



# Tennessee Wesleyan University

Sexual Misconduct and Relationship  
Violence Policy

Annual Fire, Safety, and Disclosure  
Report

2023 Reporting Year  
Published October 2024



**MESSAGE FROM VICE PRESIDENT OF STUDENT LIFE  
AND CHIEF TITLE IX OFFICER**

Safety is a concern throughout our society. The annual fire, safety, and disclosure report is designed to keep members of the TWU community—faculty, staff, students, and guests informed of the university’s efforts to create a safe learning and living environment.

Through programming efforts of the Student Life Office, the University provides proactive, educational programs to improve the safety and welfare of the campus community. Programs provided include escort service by the Campus Safety Officers, self-defense workshops, personal property security, and drug and alcohol risk awareness. The university also utilizes the resources of local law enforcement and fire department in the training of students in fire and personal safety.

This report provides information on how our campus community members can utilize services related to general crime prevention and support to reporting violations of campus policy and crimes on our campus. The information within this report complies with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (or Clery Act). The report also supports compliance with the “Campus Sex Crimes Prevention Act”, the Tennessee College and University Campus Sex Crimes Prevention Act (Tennessee Code Annotated 40-39-9102), the Family Education Rights and Privacy Act (FERPA), the Wetterling Act, VAWA (Section 304), the Tennessee Bureau of Investigation reporting guidelines, and other important annual disclosures.

Additional copies of this report are available in the Student Life Office, Colloms Campus Center. Written requests can be made to: Student Life, Tennessee Wesleyan University, 204 E. College St., Athens, TN 37303. Individuals can also call the Student Life Office at 423-746-5216 to request a copy of this report.

Please feel free to contact the Student Life Office in Townsend Hall, or the administrative office at our Knoxville campus if you have further questions about campus safety or if you need additional assistance.

Sincerely,



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## TENNESSEE WESLEYAN UNIVERSITY CAMPUS SAFETY OVERVIEW

### Campus Safety Personnel

Tennessee Wesleyan University Campus Safety Officers are managed by Synergy Security with on-campus oversight by the Vice President of Student Life. TWU provides full-time and part-time officers to operate the Campus Safety Office 24 hours per day, 365 days per year. Officers receive initial and periodic training by Synergy Security and TWU. At the publication of this report, the Campus Safety Office employs three full-time officers and two part-time officers to provide coverage for the campus.

### Campus Security Authorities

The Clery Act mandates that institutions must disclose statistics both for crimes reported to local police agencies and crimes reported to Campus Security Authorities (CSA's). The intent of including non-law enforcement personnel as CSA's is to acknowledge that many individuals, and students, are hesitant about reporting crimes to the police, but may be more inclined to report incidents to other campus-affiliated individuals. The Clery Act regulations define a campus security authority (CSA) as:

- A member of a campus police department or a campus security department of an institution.
- 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).
- 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.
- 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 act or respond to particular issues on behalf of an institution.

At Tennessee Wesleyan University, Campus Security Authorities include, but are not limited to:

- Vice President for Student Life and Chief Title IX Officer
- Vice President for Academic Affairs
- Vice President for Financial Affairs
- Athletic Director
- Head/Assistant Athletic Coaches
- Head/Assistant Athletic Trainer
- Director of Human Resources
- Director of Student Involvement
- Director of Student Success
- Director of Career Development
- Campus Safety Officers
- Resident Assistants

### Campus Safety Authority and Law Enforcement

Tennessee Wesleyan University Campus Safety Officers do not have authority, under applicable Tennessee laws, to arrest any person. However, these personnel do have the authority to require identification, determine whether individuals have lawful business at Tennessee Wesleyan University, and represent the university in having local law enforcement effect an arrest as appropriate while using the minimum amount of force consistent with the accomplishment of their duties to protect themselves and others. TWU Campus Safety Officers also have authority to issue campus parking tickets, which are billed to student accounts.

The Campus Safety Office has a working relationship with the Athens Police Department and the McMinn County Sheriff's Department, as well as the Athens Fire Department, Athens/McMinn Emergency Management, and the Tennessee Homeland Security Council.

Major offenses such as murder, aggravated assault, robbery, and motor vehicle theft are reported to local police who have jurisdiction on campus. All victims of crime and witnesses are strongly encouraged to immediately report the crime to Campus Safety or Student Life and/or the appropriate policy agency. Prompt reporting assures timely warning notices on-campus and disclosure of crime statistics.

### **Criminal and Other Behavioral Activity Off-Campus**

When a Tennessee Wesleyan University student is involved in an off-campus incident, campus officials may assist with the investigation in cooperation with law enforcement. Tennessee Wesleyan University retains disciplinary jurisdiction for student or corporate conduct on university premises (whether owned, leased, or managed, and student organization off-campus housing should it develop, as well as at university events. Behaviors occurring off-campus may also be addressed if they present a risk to the health or safety of others, or otherwise adversely affect the educational mission of the university. Although the university is not responsible or liable for student non-university activities, it does reserve the right to act in response to non-university events or behavior that would violate university expectations and policies and call into question an individuals' suitability as a member of the university community. Tennessee Wesleyan University operates no facilities off-campus for student organizations.

### **Criminal History Investigation**

Certain university roles have been designated security sensitive positions and require applicants for employment to comply with criminal history investigation requirements. Any person who discloses a criminal conviction history on an application for employment will be subject to an eligibility for employment review by the Director of Human Resources who will make recommendations to the Vice President for Financial Affairs and/or President for final determination as to eligibility. Should such conviction be deemed to pose a threat to the campus community in any way, the employee may be subject to being ineligible for hire, or position reassignment or terminations at the discretion of the university. These standards also apply to felony convictions after achievement of employee status.

Any student who discloses a criminal conviction history on an application for admission will be subject to an eligibility for admission review by the Enrollment and Academic Status Committee, the Vice President for Student Life will make a recommendation to the Vice President for Enrollment Services to submit to the Committee for final determination as to eligibility. Should such conviction be deemed to pose a threat to the campus community in any way, the student may be subject to being ineligible for admission or having his/her privileges limited at the discretion of the university. These standards also apply to felony convictions after achievement of student status.

## **REPORTING A CRIME, EMERGENCY OR SUSPICIOUS ACTIVITY**

### **Reporting of Criminal Offenses**

To report a crime on the Athens campus, contact Campus Safety at 423-887-3976 (cell), 423-746-5223 (office) or dial 911 for emergency services. Individuals can also contact the Student Life Office, during normal business hours, at 423-746-5216. Any suspicious activity or individual(s) seen on campus—parking lots, loitering around vehicles, inside buildings, or around residence halls—should be reported to Campus Safety or to the administrative office on the Knoxville campus.

Campus Safety is in Townsend Hall near the auditorium. The department is open 365 days per year and officers patrol campus on foot or by vehicle 24 hours per day.

In addition to Campus Safety, individuals can report crimes or suspicious behavior to:

Vice President for Student Life and Chief Title IX Officer, Colloms Campus Center, 423-746-5216

Director of Student Success, Colloms Campus Center, 423-746-5244

Director of Student Involvement, Colloms Campus Center, 423-746-5206

### **Voluntary Confidential Reporting**

If you are the victim of a crime and do not want to pursue action within the university's conduct process or the criminal justice system, you may still want to consider making a confidential report. With your permission, the Vice President of Student Life (423-746-5216) or a designee can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the university can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime regarding a specific location, method, assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the university.

### **Confidentiality of Pastors and Counselors**

The University Chaplain, when acting as such, is not considered to be a Campus Security Authority, and is not required to report crimes for inclusion into the annual disclosure of crime statistics. Additionally, Fast Past Health and TELUS (contracted counseling services for the university) and their providers may not be required to report crimes. As a matter of policy, the University Chaplain, Fast Pace Health, and TELUS inform their clients of the procedures to report crimes on a voluntary basis, should they feel it is in the best interest of the client, so that the information can be included in the annual crime statistics.

### **Reporting of Incidents and Criminal Reporting to Law Enforcement**

Members of the TWU campus community and guests are encouraged to report all crimes and public safety related incidents to the Campus Safety Office in a timely manner; however, individuals are encouraged to contact law enforcement (911) if they are a victim and feel it is appropriate. Campus Safety and the Student Life Office will initiate this contact upon receiving such a request from an individual. In situations where the university and its community may be deemed the victim, the Vice President for Student Life or his/her designee may choose to report the behavior while reserving the right to internally process the behavior as well. Monthly and annual reporting is maintained by the Student Life Office.

In response to a call, Campus Safety will take the necessary action, dispatch an officer, or ask the victim to file an incident report. All Campus Safety incident reports are forwarded to the Student Life Office for review and potential action. Local law enforcement may be utilized to investigate reports as deemed appropriate.

To make a report, contact the Campus Safety Office at 423-887-3976 or the Student Life Office at 423-746-5216.

In circumstances indicating sexual misconduct, the staff on scene will offer the victim a wide variety of services. This publication contains information about on-campus and off-campus resources. The information about "resources" is not provided to infer that those resources are crime "reporting entities" for the university. For example, a crime reported to a local/regional rape crisis center would not be included in the TWU annual crime statistics. Crimes should be reported to Campus Safety or Student Life to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community.

### **Retaliation**

No university 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 university's policy on sexual misconduct prohibits retaliation relating to the opposition to, reporting of, or participation in a university investigation, hearing, proceeding, or other measure relating to sexual misconduct or relationship violence. University policy protects employees from retaliatory discharge if in good faith they report or attempt to report illegal activities.

## **TIMELY REPORTS, CAMPUS ALERT BULLETINS AND OTHER COMMUNICATIONS**

In an effort to maintain awareness and encourage safety, the Student Life Office utilizes “Timely Warning” reports to share any information on patterns and campus “Crime Alert” bulletins to notify the community of any perceived imminent risk.

In the event that a situation arises, either on- or off-campus, that, in the judgment of the Vice President for Student Life or President, constitutes an ongoing or continuing threat, a campus wide “Timely Warning” will be issued. The warning will be issued through the university’s alert notification system, known as CampusCast, to students, faculty, and staff. The Student Life Office, Campus Safety, and the Marketing and Communications Office will coordinate and, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of first responders (including, but not limited to: Athens Police Department, McMinn Sherriff’s Department, or Emergency Medical Services) , compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Depending on the circumstances of the crime, especially in all situations that could pose an immediate threat to the community and individuals, the Vice President or his/her designee may authorize a “Crime Alert” to be issued. The university has various systems in place for communicating information quickly, including network emails, emergency text messages and the campus alert system. The Student Life Office may also post copies of the warning notice on each residence hall entrance and the entrances of academic/administrative buildings. Anyone with information warranting a timely warning should report the circumstances to Campus Safety in Townsend Hall or by calling 423-887-3976.

Tennessee Wesleyan University’s alert notification system is used to notify faculty, staff, and students of emergencies on campus. The alert system is tested at least once per semester, notification of the test is sent to faculty, staff, and students via the university’s email system. The test is conducted via voice, email, and text message to all users.

## **MISSING STUDENT NOTIFICATION PROCEDURES**

In compliance with the Missing Student Notification Policy (20 USC 1092 C-Section 488 of the Higher Education Opportunity Act of 2008), it is the policy of the Student Life Office to actively investigate any report of a missing student currently enrolled at the University.

### **Identification of Emergency Contacts**

Students have the option to provide an emergency person/number to be contacted if they are believed to be (a) missing for more than 24 hours and/or (b) in potential danger. This information will be entered in the “Emergency Contact” section of the student’s electronic records. This information will only be available to authorized campus officials and law enforcement officers in furtherance of resolving the missing student’s investigation/emergency.

### **How to Report a Missing Student**

Anyone who believes that a student has gone missing should report his/her concern to a member of the Residence Life staff, Student Life (423-746-5216) or Campus Safety (423-887-3976) staff. The official receiving the report should:

- Collect and document the name, campus address, physical description (including last known clothing), vehicle information, and any contact information relative to the student,
- The last time and location the missing student was seen,
- The circumstances leading to the belief the student has gone missing,
- Any friends, other locations, or changes in routine involving the missing student,
- The name and contact information of the individual filing the report.

### **Investigation of a Missing Student Report**

The official receiving the report will contact the appropriate member of the Student Life Office and/or Campus Safety. An investigation will be initiated surrounding the circumstances that lead to the concern to determine the threat level to the involved missing student to include as necessary:

- Initiating a search on campus for the missing student,
- Attempting to contact the involved missing student directly through cell phones, room phones, or email/social networking venues,
- Contacting known associates of the missing student,
- Checking the involved missing student's room for information that might lead to his/her location,
- Checking the involved missing student's campus email and phone for recent usage. Class schedules and instructors should also be consulted to determine the latest attendance,
- Making contact with the involved missing student's emergency contact number if the threat level determines it to be necessary and/or if the student has been missing for more than 24 hours. If the student is under the age of 18 and is not emancipated, the student's parents/guardians must be notified,
- Local law enforcement will be notified if the threat level determines it necessary.

## **SECURITY AND ACCESS TO CAMPUS FACILITIES**

### **Campus Facilities Access**

During business hours, the university (excluding residential housing) will be open to students, employees, contractors, and guests. During non-business hours, access to all university facilities is accessed by card or key, if issued, or by admittance via the Campus Safety Office. In case of extended closing, the university will admit only those with prior approval. Residence halls are secured, via card or key access, 24 hours a day. Emergencies may necessitate changes or alterations to any posted schedules.

All persons on university property or university-sponsored events, including faculty, staff, and guests, shall be subject to all policies and procedures of the university, and to all applicable federal and state laws and regulations. Additionally, all persons who operate motor vehicles on campus agree to be subject to the university's policies and procedures on traffic and parking.

All persons on campus shall provide identification upon request by university personnel. Students who refuse to provide such identification may be subject to disciplinary action, and other individuals who refuse to provide such identification shall be requested to leave the campus, and if they refuse, may be subject to lawful removal and prosecution.

### **Campus Residential Facilities**

Tennessee Wesleyan University offers on-campus housing facilities that include traditional halls, suite-style housing, and apartments for undergraduate students. Co-ed and single sex halls are included in the housing selection process. Students returning to TWU can retain their current rooms for the next year while unclaimed rooms become a part of the housing process. New students are placed in housing based on application date and deposit status. Access to residential facilities, except Nocatula apartments, is secured 24 hours a day and a keycard/programmed key is required. All guests to the residence halls must be accompanied by his/her host who resides in the hall. Student rooms/suites are equipped with a key lock to every door and locking windows. Tennessee Wesleyan University employs 11 para-professional Resident Assistants (RAs) in the residence halls.

### **Campus Facilities Security**

While campus safety and security are the responsibility of each member of the university community, Campus Safety serves as the central point of contact. All members of the community are expected to report any suspicious behavior or observed damage to security hardware, lighting, or other facilities maintenance security problems. Other facility security items include, but are not limited to:

- Keys are the property of the university and may not be duplicated. Each student, faculty, and staff member are responsible for always carrying his/her key. Lost or missing keys should be reported as quickly as possible.
- Propping open residence halls, or other secured doors, is a violation of university policy.
- The university's Safety Committee will conduct a survey of grounds and outdoor lighting each semester. Areas of concern will be addressed accordingly.
- The Facilities staff will perform monthly fire extinguisher inspections in all buildings to ensure equipment is properly maintained, tested, and serviced.
- RAs and/or Campus Safety will conduct nightly checks of residence halls for lighting outages or other areas of need.

## **CRIME PREVENTION AND SECURITY AWARENESS PROGRAMS**

The Student Life Office offers programs throughout the year for students, faculty, student organizations, in addition to programs for Resident Assistants and residents, regarding personal safety and security. Programs offered multiple times, each semester, through convocations, Orientation, Student Activities, and Residence Life focus on self-defense, personal property protection, theft, vandalism, and sexual misconduct. The focus of these programs is to provide participants tips and safety measures that will help them identify risks while informing them how to personally reduce risks.

## **ALCOHOL AND DRUG POLICIES**

### **Alcohol Policy**

Tennessee Wesleyan University recognizes that students may need education and assistance due to issues involving chemical dependency. Tennessee Wesleyan University provides education and assistance to any student displaying signs of such harmful involvement. Chemical dependency is a serious illness which can be treated successfully if identified early, if appropriate referral to community agencies is made, and if adequate support is afforded to those in the recovery process.

Tennessee Wesleyan University adheres to the laws of the state of Tennessee regarding the consumption of alcohol, thereby recognizing that individuals under the age of 21 are not of legal drinking age. Given that most of the student body at Tennessee Wesleyan University is under the legal age for purposes of the possession or consumption of alcohol, the university policy is designed to accommodate that majority.

Inappropriate public displays of signs, posters, or other objects with references to alcohol, drugs, and accumulations of containers (i.e., bottles, cans, kegs, and boxes) are prohibited.

All violations of Tennessee Wesleyan University policies or state and federal laws will be prosecuted by university officials. State and federal officials also have the prerogative to prosecute, separate from the university's actions, in accordance with their procedures. The students' rights and responsibilities outlined herein will be adhered to as the standard administrative practice regarding student discipline and students' rights.

The entire campus community must assume the role of promoting and enforcing a sense of personal responsibility and exhibiting responsible behavior toward the consumption of alcohol. Tennessee Wesleyan University shall be considered an alcohol- and drug-free zone at all times except for events approved by the university to be hosted on campus.

The possession or manufacture, sale, use, consumption, or delivery of alcoholic beverages or other controlled substances, or paraphernalia associated with the use of alcohol or other controlled substances by students on Tennessee Wesleyan University's campus, is prohibited. This paraphernalia includes, but is not limited to bottles and cans, either empty or full, bongos for drinking or smoking, "bar-like" structures, tappers, kegs, waste containers more than 5 gallons, rolling papers, or scales. This rule will be strictly enforced. The university reserves the right to inspect all parcels brought onto campus, to confiscate alcoholic beverages or other controlled substances and to initiate



disciplinary procedures. Tennessee Wesleyan University respects each student's right to privacy but reserves the right to inspect students' rooms and packages as outline in the "Room Entry/Room Search" section of the Student Handbook.

Use or possession of alcoholic beverages or controlled substances by students off campus is governed and controlled by the laws of the state and or local law enforcement agencies. Tennessee Wesleyan University will cooperate with state and or local law enforcement agencies and owners or proprietors of bars, taverns, restaurants, or other establishments to counteract known violations of university policy and state and local laws by students or student groups associated with the university. Students are not allowed to transport or consume alcoholic beverages on university sponsored trips.

Students not using alcohol or other drugs themselves, but knowingly associating with other students or student groups who are violating the university AODA policy, will be subject to the same disciplinary actions as those students who are violating the university policy.

Undesirable conduct stemming from off-campus usage of AODA is subject to disciplinary action by the university, as outlined herein. Any group organization which permits undesirable conduct stemming from off-campus AODA usage is subject to disciplinary action by the university, as outlined herein.

The use or possession of alcoholic beverages on the university campus or on the premises of a sanctioned function of an organization of the university is not allowed. The first offense will result in a sanction of one year probation and a fine of \$100. The second offense may result in a minimum of immediate suspension for not less than one full semester. The third offense may result in expulsion. The first offense of the drug policy will result in suspension for a minimum of one semester suspension from the university with the possibility of expulsion. The second offense will result in immediate expulsion.

### **Drug Free Workplace**

As part of Public Law 100-690, the United States Congress passed the Drug Free Workplace Act of 1988 which became effective on March 18, 1989, as well as the Drug-Free Schools and Communities Act Amendment of 1989 (Public Law 101-226).

In accordance with the Law, the university hereby notifies all its students and employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the workplace and on the campus of Tennessee Wesleyan University. Any violation of the above will be grounds for immediate dismissal from employment or a minimum of suspension from enrollment.

Appropriate disciplinary action shall be taken in all cases in which university employees or students are found guilty of controlled substance use or abuse. The circumstances surrounding the offense and the facts as determined by appropriate investigation will be fully reviewed prior to a decision on the action to be taken. Sanctions may include any one or a combination of the following:

1. Recommended professional counseling.
2. Letter of warning/admonition.
3. Letter of probation.
4. Mandatory participation in an organized drug treatment/rehabilitation program.
5. Suspension from duty without pay.
6. Termination from employment or enrollment.
7. Other appropriate disciplinary action.

The university will provide reasonable assistance, within the framework of existing policies, to employees or students who elect to report an addiction to controlled substances and enter an approved treatment program. This offer of assistance is extended to all employees and students on a one-time basis. Repeated instances of addiction or abuse will be dealt with appropriately.

Drug abuse prevention programs are available at the following:

- Cedar Recovery, 17 W. Madison Ave, Athens, TN 37303, 423-717-2240
- Hiwassee Mental Health, 1805 Ingleside Ave, Athens, TN 37303, 423-745-8802
- Pine Ridge Treatment Center, 2800 Westside Dr. NW, Cleveland, TN 37311, 423-479-4673
- CADAS in Chattanooga, 207 Spears Ave, Chattanooga, TN 37405, 423-756-7644
- Springview Recovery, 1314 Bailey Ave, Chattanooga, TN 37404, 423-265-1186
- Johnson Mental Health Center, 100 Moccasin Bend Rd., Chattanooga, TN, 423-634-8884

### **Alcohol and Substance Abuse Information**

Potential Legal Sanctions—The State of Tennessee sets 21 as the minimum age to purchase or possess any alcoholic beverage. Specific ordinances regarding violations of alcohol laws, including driving while intoxicated, are available in the Student Life Office.

Alcohol and Drug Policy Enforcement—It is the responsibility of each member of the Tennessee Wesleyan University community to uphold the standards of the university. Each individual is responsible for creating and keeping an academic and social environment which encourages goodwill and trust among all members of the campus community.

### **Alcohol and Drug Risks**

Even though it is illegal for most university students to purchase alcoholic beverages, experience with and consumption of alcohol is common among this group. Statistics show that 83% of university students have tried alcohol at least once and 69% report they have been drunk. Additionally, 36% of university students report having consumed five or more drinks in a row, at least once in the two-weeks prior to completing the survey, in an act known as binge drinking.

The safety risks due to the abuse of alcohol and other drugs are significant, especially for university age students. The leading cause of death for university age students is alcohol-related automobile accidents. The number one reason for hospital admissions is alcohol-related injury and overdose.

Some physical effects include damage to the liver, heart and pancreas; malnutrition, sexual problems, brain damage and mental impairments (including information processing, judgment, reaction time, and vision impairment); and infections in general.

A major consequence of alcohol or other drug abuse may cause the development of an addiction. Some students are more vulnerable due to inherited biological factors, in particular, students whose parents or grandparents had an alcohol or drug problem.

## **FIREARM AND WEAPONS**

Tennessee Wesleyan is a weapon-free campus. Carrying and possessing weapons of any kind is strictly prohibited on university property. A weapon includes any device, defined by statute or the University, which in the manner used or intended is capable of producing death, harm, or bodily injury. Such devices include but are not limited to guns (including starter pistols, paintball guns, those that shoot projectiles including pellets, BBs, airsoft beads, potatoes, etc.), explosives, ammunition, knives with blades longer than three inches, slingshots, martial arts weapons, and bow and arrow combinations (including crossbows).

- In the interest of public safety, the weapon-free campus policy includes items resembling weapons including but not limited to replica, non-firing, rubber, and plastic and/or toy guns. Stage props are excluded from this prohibition when in use for a production or rehearsal.

- Although Tennessee allows handgun carry in many public areas, Tennessee Wesleyan University policy prohibits anyone other than certified law enforcement and security officials from carrying / possessing weapons on university property and at university events.
- Weapons may not be kept or stored in any residential, academic, administrative, or other building.
- Weapons may not be transported or stored in any vehicle on campus other than as prescribed under TCA 39-17-1313 and related statutes. Carrying any weapon on school property for the purpose of going armed is both a violation of university and state law. Violation of the Weapons on School Property statute is a Class E felony and subject to criminal prosecution.
- Pepper and propellant sprays used for personal protection and self-defense are permitted on campus. Misuse or unauthorized use of these items will be assertively addressed via university conduct processes and/or state and federal statutes. However, electronic devices intended to stun or incapacitate (e.g. Tasers) are considered weapons and are not permitted on campus.

### **TENNESSEE SEX OFFENDER REGISTRATION**

In accordance with the Campus Sex Crimes Prevention Act of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, Tennessee Wesleyan University is providing a link to the Tennessee State Sex Offender Registry. All sex offenders are required to register in the state of Tennessee and to provide notice of each institution of higher education in Tennessee at which the person is employed, carries a vocation or is a student. The Tennessee State Sex Offender Registry can be found on the Tennessee Bureau of Investigation's website, <https://www.tn.gov/tbi/section/tennessee-sex-offender-registry>.

In addition to the above notice to the State of Tennessee, all sex offenders are required to deliver written notice of their status as a sex offender to Tennessee Wesleyan University's Vice President for Student Life no later than three (3) business days prior to their enrollment in, employment with, volunteering at or residence in Tennessee Wesleyan University. Such notification may be disseminated by Tennessee Wesleyan University to, and for the safety and well-being of, the Tennessee Wesleyan University community, and may be considered by Tennessee Wesleyan University for enrollment and discipline purposes.

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

The university 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 the university 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 university also notifies victims in accordance with its policy on sexual misconduct.

### **THE ANNUAL DISCLOSURE OF CRIME STATISTICS**

This report is created in part to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act) and VAWA (Section 304). The Student Life Office, along with local law enforcement, gathers campus crime, arrest, and referral statistics, including those reported to Campus Safety officers and designated campus officials. The University Chaplain and Counselors retained by the university inform their clients of the procedures to report crime to Campus Safety on a voluntary basis.

Tennessee Wesleyan's Annual Fire, Safety, and Disclosure Report is prepared annually by the Vice President for Student Life based on statistics received from the Campus Safety Office, Student Life Office, and local law enforcement. The Student Life Office collects and maintains data from campus security authorities.

Each year, email notification is made to all enrolled students and current faculty and staff, which provides the website to access this report. Copies of the report may also be obtained through the Student Life Office located in Townsend Hall or by calling 423-746-5216. All prospective students and employees are provided with information on how to access this report.

## **Tennessee Wesleyan University Annual Housing Fire Safety Report**

### **Fire Log and Reporting Non-Emergency Fires**

The university's Student Life Office maintains a log of all fires that occur in on-campus student housing facilities. The fire log is available for review in the Student Life Office, Monday-Friday from 8:30 a.m. until 5:00 p.m. In addition, the university 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 non-emergency numbers to call to report fires that have already been extinguished in on-campus student housing facilities. If you find evidence of such a fire or if you hear about such a fire, please contact one of the following:

**Campus Safety 423-887-3976**

**Student Life 423-746-5216**

**Campus Facilities Office 423-746-5292**

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 this report.

### **Fire Safety Systems**

This report contains a description of each on-campus student housing facility's fire safety system, including the number of fire drills held during the year.

### **Policies and Rules for Appliances, Smoking and Open Flames**

#### **Smoking**

Tennessee Wesleyan University's policy on smoking can be found in the Student Handbook, <https://www.tnwesleyan.edu/wp-content/uploads/2024/09/TWU-student-handbook-24-25.pdf>. 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, bong, and hookahs, are not permitted in residence halls. Smokers are responsible for ensuring that all smoking activity, including lighting and discarding cigarettes, takes place a sufficient distance from doorways, windows, and ventilation systems of university buildings to avoid infiltration of smoke into the building.

#### **Open Flames**

Items that require an open flame to operate or which produce heat are not permitted in resident's rooms. No materials, liquid or otherwise, of an explosive or combustible nature shall be kept on premises. Examples of prohibited items include, but are not limited to candles, incense, lit cigarettes, open heating coils, halogen lamps and gasoline.

#### **Portable Electric Appliances**

UL approved appliances with fully enclosed heating elements and/or electrical wiring are permitted. Appliances prohibited in residence halls include, but are not limited to toasters, toaster ovens, electric fryers, and all similar appliances with exposed heating elements and appliances that could cause a fire if left unattended. Refrigerators and microwave ovens are permitted in student residence hall rooms. Multi-outlet cords with surge protectors must be UL-approved, 16-gauge and not exceed a length of six feet with a polarized plug; it may not be placed under floor coverings or furnishing, and it may not be secured by penetrating the insulation of the cord. Extension cords may not be used. Ironing is permitted in student rooms. Irons must always be used on ironing boards that have a fire-resistant cover. Irons

with automatic cut-off, mechanisms are required. Irons are not permitted to be left plugged into a socket when not in use.

Students who are found to have violated the policies or rules described above will be subject to discipline in accordance with the procedures outlined in the Student Handbook, <https://www.tnwesleyan.edu/wp-content/uploads/2024/09/TWU-student-handbook-24-25.pdf>.

### **False Reports and Interference with Fire Safety Systems**

The university's Standards of Conduct for students prohibits: Any act of arson; falsely reporting a fire, the presence of an explosive or incendiary device, or other emergency; setting off a false fire alarm; or tampering with, removing, or damaging fire alarms, fire extinguishers or any other safety or emergency equipment from its proper location except when removed in a situation in which there is a reasonable belief of the need for such equipment. Students who are found to have violated that Standard of Conduct will be subject to discipline in accordance with the procedures outlined in *the Student Handbook*, <https://www.tnwesleyan.edu/wp-content/uploads/2024/09/TWU-student-handbook-24-25.pdf>.

### **Evacuation Procedures for Student Housing in Case of a Fire**

Evacuation procedures are both general and specific for the university's on-campus student housing facilities. In case of a fire, all students are directed to leave their room, close the door, and proceed to the nearest exit upon fire alarm activation. Elevators are not to be used during evacuation. Once outside the building students assemble at a designated location.

### **Procedures that Students and Staff Should Follow in Case of a Fire**

The Athens Fire Department is the community organization that responds to fires on campus.

The following are general procedures for university's staff in the event of a fire or other emergency that requires evacuation:

**R— Rescue** anyone in danger if it is safe to do so.

**A— Alarm** If you are inside a building, sound the alarm by activating the building's fire alarm system or use another method to alert occupants of the building. Fire alarm pull stations are typically located near an interior stairway entrance or near an exterior door. Pulling a fire alarm will send a signal to the campus monitoring service. The monitoring service will dispatch the Athens Fire Department and Campus Safety officer to the building. If you are outside a building and can't readily access a fire alarm pull station, call 911. This number connects you with the 911 Center, which will dispatch the Athens Fire Department.

**C— Close** all doors.

**E — Extinguish** the fire if safe to do so or evacuate the building to a defined assembly point for a head count and do not to re-enter the building until approval is given by police or fire officials. Designated university staff should check the area to ensure everyone hears the alarm and evacuates.

The following are general procedures for university students in the event of a fire or other emergency that requires evacuation:

1. Activate the nearest fire alarm pull station.
2. Students are not encouraged to use portable fire extinguishers.
3. Upon hearing the alarm, leave the building using the nearest exit stairway.
4. Close doors while exiting the building
5. Meet at the designated assembly point for a head count.
6. Do not re-enter the building until approval is given by police or fire officials or university officials.

## **TENNESSEE WESLEYAN UNIVERSITY NON-DISCRIMINATION EEO/AA STATEMENT**

All qualified applicants will receive equal consideration for employment and admissions without regard to race, color, national origin, religion, gender, pregnancy, marital status, sexual orientation, gender identity, age, physical or mental disability, or covered veteran status.

Eligibility and other terms and conditions of employment benefits at Tennessee Wesleyan University are governed by laws and regulations of the State of Tennessee, and this nondiscrimination statement is intended to be consistent with those laws and regulations.

In accordance with the requirements of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, Tennessee Wesleyan University affirmatively states that it does not discriminate on the basis of race, sex, or disability in its education programs and activities, and this policy extends to employment by the university.

Inquiries and charges of violation of Title VI (race, color, and national origin), Title IX (gender), Section 504 (disability), ADA (disability), Age Discrimination in Employment Act (age), sexual orientation, or veteran status should be directed to the Human Resources Office, 204 E. College St., Athens, TN 37303 or telephone (423) 746- 746-5327. Requests for accommodation of a disability should be directed to the Disabilities Service Coordinator for students or Human Resources for employees.

### **SAFETY TIPS**

#### **On Campus:**

- Never walk alone at night. Call a friend or Campus Safety (423-887-3976) for an escort.
- Always be aware of your surroundings.
- In parking lots, have your keys ready when you approach your car.
- After dark, try to park in a well-lit area and close to your destination.
- Always lock doors, roll up windows and keep valuables out of sight.
- Never leave personal items unattended or unlocked.

#### **Home/Residence Hall:**

- Always lock doors even if you are just stepping down the hall.
- Don't let strangers enter the building without proper ID and card access. This protects you and others in the building.
- Keep windows locked.
- Don't loan out your keys or keep them lying around.
- Don't advertise that you are going to be away, including social media (Facebook, Twitter, etc.)

#### **Social:**

- Socialize in groups.
- Drive yourself and carry extra money, so you don't have to depend on others.
- If you feel uncomfortable, trust your "gut instinct".
- Always keep your drink with you. When accepting a drink, make sure you open the container yourself or that you watched it being made.
- Remember that alcohol impairs your decision making and ability to communicate.

# SEXUAL MISCONDUCT AND RELATIONSHIP VIOLENCE POLICY

## A. Policy and Procedures for Title IX Sexual Harassment

### Section 1: Introduction

- 1.1 Policy Statement:** Tennessee Wesleyan University (TWU) is committed to creating and maintaining a learning and working environment that is free from unlawful discrimination based on sex in accordance with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in education programs or activities; Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits sex discrimination in employment; and the Campus Sexual Violence Elimination Act, Clery Act, and the Violence Against Women Act (VAWA). Sexual Harassment and Retaliation under this Policy will not be tolerated by TWU and is grounds for disciplinary action, up to and including, permanent dismissal from TWU and/or termination of employment.
- 1.2 Purpose:** TWU takes all reported sexual misconduct and harassment seriously. TWU will promptly discipline any individuals within its control who are found responsible for violating this Policy. Additionally, reported sexual misconduct and harassment that does not meet the definitions and jurisdiction of this Policy will be referred for review to the Vice President for Student Life if allegedly committed by a student or the Director of Human Resources if allegedly committed by an employee under the respective Code of Conduct in compliance with VAWA and Clery Act as listed in the Student Handbook and the TWU Employee Handbook.
- 1.3 Applicability:** This Policy applies to students and employees as follows:
- To Students:** Where the Respondent is a student at TWU at the time of the alleged conduct, the alleged conduct includes Sexual Harassment under this Policy, the alleged conduct occurs in TWU's Education Program and Activity, the alleged conduct occurs against a person in the United States, and the Complainant is participating in or attempting to participate in TWU's Education Program or Activity.
  - To Employees:** Where the Respondent is an employee at TWU at the time of the alleged conduct, where the alleged conduct includes Sexual Harassment under this Policy, the alleged conduct occurs in TWU's Education Program and Activity, the alleged conduct occurs against a person in the United States, and the Complainant is participating in or attempting to participate in TWU's Education Program or Activity.
- 1.4 Chief Title IX Officer and Key Title IX Officials:** The Chief Title IX Officer is the TWU administrator who oversees TWU's compliance with Title IX. The Chief Title IX Officer is responsible for administrative response to reports and Formal Complaints of Sexual Harassment. The Chief Title IX Officer is available to discuss the grievance process, coordinate supportive measures, explain TWU policies and procedures, and provide education on relevant issues. The Chief Title IX Officer may designate one or more Deputy Chief Title IX Officers to facilitate these responsibilities.

Any member of the TWU community may contact the Chief Title IX Officer with questions. Chief Title IX Officer and Deputy Chief Title IX Officer contact information is as follows:

Chief Title IX Officer, Dr. Scott Mashburn, 423-746-5216, [smashburn@tnwesleyan.edu](mailto:smashburn@tnwesleyan.edu)

In addition to the Chief Title IX Officer, TWU appoints investigators, decision makers and informal resolution facilitators who have roles in the formal grievance process more fully explained in Sections 6, 7, and 8 of this policy.

The Chief Title IX Officer, Deputy Chief Title IX Officers, investigators, decision-makers, and informal resolution facilitators will receive annual training in compliance with Title IX. All administrators in these roles will not rely on sex stereotypes and will provide impartial investigations and adjudications of Formal Complaints of Sexual Harassment. All materials used to train these administrators will be publicly made available on TWU's website in accordance with Title IX requirements.

The Chief Title IX Officer, Deputy Chief Title IX Officers, investigators, decision-makers, and informal resolution facilitators shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

- 1.5 Notification:** TWU will use University electronic mail (email) for purposes of communication and notification under this Policy.
- 1.6 Free Speech:** Freedom of speech and principles of academic freedom are central to the mission of institutions of higher education. Constitutionally protected expression cannot be considered Sexual Harassment under this Policy.
- 1.7 Dissemination of Policy:** This Policy will be made available to all TWU administrators, faculty, staff, and students online at [https://www.tnwesleyan.edu/student-life/campus\\_safety.php](https://www.tnwesleyan.edu/student-life/campus_safety.php) and in TWU student handbook and any employee handbook of operating procedures.
- 1.8 Effective Date:** The effective date of this Policy is August 14, 2020.
- 1.9 Retaliation and False Statements Prohibited:** Neither TWU nor any other 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 this Policy 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 under this Policy.
- Alleged violations of Retaliation will be referred to the Chief Title IX Officer to be investigated and resolved under the respective Code of Conduct.
  - The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this Policy.

- c. 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 Policy does not constitute Retaliation prohibited under Policy. However, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

**1.10 Amnesty:** Reporting Sexual Harassment is encouraged at TWU. Thus, it is imperative that Complainants and witnesses share information without fear of potential consequences for minor policy violations including, but not limited to, underage consumption of alcohol or the use of illicit drugs. TWU offers parties and witnesses amnesty from such minor violations but may include educational opportunities for individuals in lieu of a finding of responsibility or punitive sanctions.

**1.11 Other University Policies:** This Policy takes precedence over other University policies and procedures concerning Sexual Harassment under Title IX in the event of a conflict.

**1.12 Fraternalization Policy (Employee Handbook):** As an educational institution Tennessee Wesleyan University is committed to maintaining an environment in which its faculty members, students, administrators, and staff members are safe, can be trusted and count on others to be trustworthy, and receive and extend to others respect as human persons. Indeed, mutual respect among faculty members, students, and administrators is an essential ingredient in the educational process, and the greatest care must be taken that it not in any way be eroded.

Virtually all faculty members, administrators, and staff members are, or can appear to be, in a position to exercise power or authority, directly or indirectly, over students, whether or not an individual student is enrolled in their classes, are subject to their direct supervision, or have some form of business to transact with offices at the University. Many students are at a stage in their development when they may be particularly vulnerable to the influence of faculty members, administrators, and staff members who are in positions where they can affect the terms and conditions of a student's standing at the University.

If a student consents to a romantic relationship with a faculty member, administrator, or staff member, the existence of such a relationship could have unintended adverse effects on the educational environment of the University. In some cases, such a relationship can end unhappily or become problematic, resulting in charges of sexual harassment, and even physical or psychological abuse.

There are some circumstances in which faculty members, administrators, staff members work with students that can have the potential for the exploitation of students. For example, a work-study student might be asked to perform services that go beyond the terms and conditions of the work study assignment, e.g. child care or personal business transactions. In such cases, it must be clear that the student may decline such personal invitations without any adverse consequences. It may be that a work-study student will respond to an invitation to provide personal assistance, but this relationship must be one in which the student volunteers, is offered and accepts a fair wage for services, and one which bears no relationship to the continuation of or the evaluation of the work study assignment.

Because of the commitment to maintaining an environment that supports our educational goals, Tennessee Wesleyan University prohibits romantic, sexual, and exploitative relationships between University employees and students. In the event that any such relationship is reported and confirmed the University employee is subject to employee disciplinary procedures up to and including termination in the case of administrators and staff members, or dismissal for cause in the case of faculty members.

There are exceptional circumstances in which the spouse or partner of a University employee is a student at the University. This fraternization policy does not apply in such circumstances. The Vice President for Academic Affairs, in consultation with the senior administration, is the administrative officer who determines whether an exceptional circumstance applies.

**1.13** Alleged violations of the student or employee Code of Conduct that rise from the same events as alleged Sexual Misconduct under this Policy will be investigated and resolved under the grievance process in this Policy unless the Sexual Harassment has been dismissed under Section 5.2 of this Policy.

## Section 2: Definitions

### 2.1 Definitions of Prohibited Conduct Under this Policy<sup>1</sup>

**2.1.1 Sexual Harassment** means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct (Quid Pro Quo);
- (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<sup>2</sup>; or
- (3) Sexual Assault, Dating Violence, Domestic Violence or Stalking as defined in this Policy.

<sup>1</sup> See Section 12 for Tennessee State Laws related to Tennessee State law definitions.

<sup>2</sup> A severe, pervasive, and objectively offensive assessment includes, but is not limited to, a consideration of the frequency of the offensive conduct, the nature of the unwelcome sexual acts or words, such as whether the harassment was physical, verbal or both; whether the harassment was merely an offensive utterance; and the number of victims involved and the relationship between the parties including, but not limited to, the ages of the harasser and the victim. In evaluating whether conduct is severe, pervasive, and objectively offensive, TWU will look at the totality of the circumstances, expectations and relationships.



- 2.1.2 Sexual Assault** means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, including Rape, Fondling, Incest, and Statutory Rape as defined in this Policy.
- 2.1.3 Rape<sup>3</sup>** means 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.
- 2.1.4 Fondling<sup>4</sup>** means 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.
- 2.1.5 Incest<sup>5</sup>** means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- 2.1.6 Statutory Rape<sup>6</sup>** means sexual intercourse with a person who is under the statutory age of Consent.
- 2.1.7 Dating Violence** means violence committed by a person—  
 (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and  
 (B) where the existence of such a relationship shall be determined based on a consideration of the following factors:
- The length of the relationship,
  - The type of relationship,
  - The frequency of interaction between the persons involved in the relationship.
- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- 2.1.8 Domestic Violence** includes felony or misdemeanor crimes of violence committed by:
- a current or former spouse or intimate partner of the victim,
  - a person with whom the victim shares a child in common,
  - a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
  - a person similarly situated to a spouse of the victim under the domestic or family violence laws of Tennessee or
  - any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Tennessee.
- 2.1.9 Stalking** means engaging in a Course of Conduct directed at a specific person that would cause a Reasonable Person to—
- fear for his or her safety or the safety of others; or
  - suffer Substantial Emotional Distress.

**2.2 Definitions Related to Sexual Harassment: Consent, Course of Conduct, Incapacitation, Reasonable Person, Substantial Emotional Distress**

- 2.2.1 Consent** is affirmative, conscious, voluntary, and revocable. Consent to sexual activity requires of each person an affirmative, conscious, and voluntary agreement to engage in sexual activity.

It is the responsibility of each person to ensure they have the affirmative Consent of the other to engage in the sexual activity. Lack of protest, lack of resistance, or silence do not, alone, constitute consent. Affirmative consent must be ongoing and can be revoked at any time during sexual activity.

The existence of a dating relationship or past sexual relations between the Complainant and Respondent will never by itself be assumed to be an indicator of consent (nor will subsequent sexual relations or dating relationship alone suffice as evidence of Consent to prior conduct).

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<sup>3</sup> Rape as defined in the Uniform Crime Reporting Program (UCR) includes:

**Forcible Rape:** The carnal knowledge of a person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity.

**Forcible Sodomy:** Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

**Sexual Assault with and Object:** —To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

<sup>4</sup> Fondling is referred to as Forcible Fondling in the UCR.

<sup>5</sup> Incest is a Nonforcible Offense in the UCR.

<sup>6</sup> Statutory Rape is a Nonforcible Offense in the UCR.

The Respondent's belief that the Complainant consented will not provide a valid defense unless the belief was actual and reasonable. In making this determination, the decision-maker will consider all of the facts and circumstances the Respondent knew, or reasonably should have known, at the time. In particular, the Respondent's belief is not a valid defense where:

- (1) The Respondent's belief arose from the Respondent's own intoxication or recklessness;
- (2) The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented; or
- (3) The Respondent knew or a reasonable person should have known that the Complainant was unable to consent because the Complainant was incapacitated, in that the Complainant was:
  - asleep or unconscious
  - unable to understand the fact, nature, or extent of the sexual activity due to the influence of drugs, alcohol, or medication
  - unable to communicate due to a mental or physical condition.

**2.2.2 Course of Conduct** means two or more acts, including, but not limited to, acts in which the individual 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.

**2.2.3 Incapacitation** means that a 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. Incapacitated is a state beyond drunkenness or intoxication. A person is not necessarily incapacitated merely as a result of drinking, using drugs, or taking medication.

A person violates this policy when they engage in sexual activity with another person who is Incapacitated and a Reasonable Person in the same situation would have known that the person is Incapacitated. Incapacitation can be voluntary or involuntary. Signs of Incapacitation may include, without limitation: sleep; total or intermittent unconsciousness; lack of control over physical movements (e.g., inability to dress/undress without assistance; inability to walk without assistance); lack of awareness of circumstances or surroundings; emotional volatility; combativeness; vomiting; incontinence; unresponsiveness; and inability to communicate coherently. Incapacitation is an individualized determination based on the totality of the circumstances.

**2.2.4 Reasonable Person** means a reasonable person under similar circumstances and with similar identities to the victim.

**2.2.5 Substantial Emotional Distress** means significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling.

## 2.3 Other Defined Terms

**2.3.1 Actual Knowledge** means Notice of Sexual Harassment allegations to the Chief Title IX Officer or any Official with Authority, except that actual knowledge is not met when the only individual with actual knowledge is the Respondent.

**2.3.2 Business Day** means any weekday not designated by TWU as a holiday or administrative closure day. When calculating a time period of Business Days specified in this Policy, the Business Day of the event that triggers a time period is excluded.

**2.3.3 Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment. Complainants and Respondents are referred to collectively as "parties" throughout this Policy.

**2.3.4 Confidential Employee** means an individual who will not report any information about an incident to the Chief Title IX Officer without the Complainant's permission.

**2.3.5 Disciplinary Sanctions** are imposed only after a finding of responsibility through the grievance process or an agreement through the informal resolution process.

**2.3.6 Education Program or Activity** includes locations, events, or circumstances over which TWU exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurs. This includes conduct that occurs on TWU property, during any TWU activity, or in any building owned or controlled by a student organization that is officially recognized by TWU.

**2.3.7 Formal Complaint** means a document filed by a Complainant or signed by the Chief Title IX Officer alleging Sexual Harassment against a Respondent and requesting that TWU investigate the allegation of Sexual Harassment.

**2.3.8 Official with Authority** means an individual who has the authority to institute corrective measures and is required to report Sexual Harassment to the Chief Title IX Officer to initiate TWU's response to the Sexual Harassment allegations. Officials with Authority are limited to the following positions at TWU, Chief Title IX Officer and Deputy Chief Title IX Officers and responsible employees as listed in 2.3.11.

- 2.3.9 Remedies** are designed to restore or preserve equal access to TWU's Education Program or Activity. Remedies may include, but are not limited to the same individualized services as Supportive Measures; however, Remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.
- 2.3.10 Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. Complainants and Respondents are referred to collectively as "parties" throughout this Policy.
- 2.3.11 Responsible Employee** means any individual who is employed by TWU and not deemed to be a Confidential Employee. Responsible Employees are required by TWU to report Sexual Harassment to the Chief Title IX Officer promptly upon receiving a report of a Sexual Harassment.
- 2.3.12 Retaliation** means intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or Sexual Harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX or this Policy.
- 2.3.13 Supportive Measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed.

Such measures are designed to restore or preserve equal access to TWU's Education Programs or Activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or TWU's educational environment, or deter sexual harassment.

Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

### Section 3: Reporting Sexual Harassment and Preservation of Evidence

#### 3.1 Reporting to TWU

- 3.1.1 Reporting to Chief Title IX Officer:** Reports of Sexual Harassment may be made to the Chief Title IX Officer in any of the following ways, by anyone, at any time: email, phone, online form or mail. Reports may be made to the Chief Title IX Officer in person in the Colloms Campus Center, Student Life Suite, during normal business hours. After Title IX Sexual Harassment has been reported to the Chief Title IX Officer, the Chief Title IX Officer will promptly offer supportive measures to the Complainant, regardless of whether the Complainant was the reporter of the Sexual Harassment.
- 3.1.2 Reporting to Officials with Authority:** The following positions are Officials with Authority: Chief Title IX Officer and Deputy Chief Title IX Officers. If they are notified of Sexual Harassment, they will promptly report such Sexual Harassment to the Chief Title IX Officer.
- 3.1.3 Reporting to Confidential Employees:** The University Chaplain and the Campus Nurse at the TWU Health Clinic are Confidential Employees. Reports made to Confidential Employees are considered confidential reports and will not be reported to the Chief Title IX Officer without the Complainant's permission and will not constitute actual notice to TWU.

University Chaplain, Trinity United Methodist Church  
[swhite@tnwesleyan.edu](mailto:swhite@tnwesleyan.edu): 423-252-1110

- 3.1.4 Notification to all other TWU Employees:** Employees who are not defined as Officials with Authority or Confidential Employees may but are not required to report Sexual Harassment to the Chief Title IX Officer.
- 3.1.5 Anonymous Reporting:** Anonymous reports may be made by telephone, in writing or electronically with Chief Title IX Officer. A decision to remain anonymous, however, may greatly limit TWU's ability to stop the alleged conduct, collect evidence, or take action against parties accused of violating this Policy.

- 3.2 Reporting to Law Enforcement:** Reports may be filed with local law enforcement agencies. The Chief Title IX Officer can assist with contacting law enforcement agencies. Law enforcement investigations are separate and distinct from TWU investigations.

Athens Police Department, 815 N. Jackson St., Athens, TN, 9-1-1  
 TWU Campus Safety, Townsend Hall, 423-887-3976

- 3.3.1 Reporting to Outside Agencies:** Students and employees may report to external agencies:

- **Students**

Office for Civil Rights  
U.S. Department of Education  
61 Forsyth Street S.W. Suite 19T10  
Atlanta, GA 30303-8927  
Telephone: 404-974-9406  
Fax: 404-974-9417  
Email: [ocr.atlanta@ed.gov](mailto:ocr.atlanta@ed.gov)

Office for Civil Rights  
U.S. Department of Health and Human Services  
Sam Nunn Atlanta Federal Center, Suite 16T70  
61 Forsyth Street S.W.  
Atlanta, GA 30303-8927  
Telephone: 1-800-368-1019  
Fax 202-619-3818  
Email: [ocrmail@hhs.gov](mailto:ocrmail@hhs.gov)

- **Employees**

U.S. Equal Employment Opportunity Commission  
220 Athens Way Suite 350  
Nashville, TN 37228-9940  
Telephone: 1-800-669-4000  
Fax 615-736-2107  
Email: [info@eeoc.gov](mailto:info@eeoc.gov)

### 3.4 Outside Agency Support and Resources:

H.O.P.E Center, 423-745-5289  
National Domestic Violence Hotline, 800-799-7233  
Sexual Assault Center of Tennessee, 865-522-7273  
TN Domestic Violence Hotline, 800-356-6767

### 3.5 Local Emergency Facilities

Starr Regional Medical Center, 1114 W. Madison Ave., Athens, TN

**3.6 Time Limits on Reporting.** There are no time limits on reporting Sexual Harassment to the Chief Title IX Officer or TWU. If the Respondent is no longer subject to TWU's Education Program or Activity or significant time has passed, TWU will have limited ability to investigate, respond and/or provide disciplinary remedies and sanctions.

### 3.7 TWU Federal Reporting Obligations:

Certain TWU employees, called Campus Security Authorities, have a duty to report certain incidents of misconduct to comply with the Clery Act. Campus Security Authorities are not required to report personally identifiable information for Clery Act purposes, but statistical information must be sent regarding the type of incident that occurred and its general location (e.g., on or off-campus) for publication in an annual report of crime statistics, called the Annual Security Report. Statistics published in the Annual Security Report help to provide the campus community with a clearer picture of the extent and nature of campus crime, but the statistics do not personally identify Complainants or Respondents. Reports by Campus Security Authorities are not official police reports and do not initiate criminal investigations.

When Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking are reported under the Clery Act, TWU must issue timely warnings for such incidents that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

TWU will not disclose a Complainant's name and other identifying information in a timely warning but will provide sufficient information for TWU community members to make informed safety decisions in response to potential danger.

**3.8 Preservation of Evidence:** TWU recognizes that a Complainant may need time to decide whether to report an incident of Sexual Harassment to the police and/or TWU. The purpose of this section is to provide Complainants with suggestions on preserving evidence while they decide whether to report an incident.

TWU encourages Complainants, as soon as possible after experiencing Sexual Assault to take steps to preserve evidence such as:

- Have a forensic sexual assault nurse examination performed as soon as possible after the incident, but no later than 72-96 hours after the incident
- When possible, prior to having a forensic sexual assault nurse examination performed, avoid: changing clothing, bathing, showering, using a douche, using the bathroom, brushing one's teeth, drinking liquids, washing one's hands or face, or combing one's hair;
- Preserve any clothing, sheets, or other materials (items containing bodily fluids should be stored in cardboard boxes or paper bags);

- Preserve or capture electronic communications such as text messages, e-mails, social media posts or exchanges (e.g., Snapchat, Facebook, Twitter);
- Preserve or capture video, audio (e.g., voice mail messages), or photographs, including those stored on smartphones or other devices; and Preserve any other physical, documentary, and/or electronic data that might be helpful to an investigator.

**Section 4: Initial Response to Reported Sexual Harassment:** Upon receipt of a report of Sexual Harassment, the Chief Title IX Officer will promptly contact the Complainant, regardless of whether the Complainant was the individual who initiated the report. During the initial contact with the Complainant, the Chief Title IX Officer will:

- Provide the Complainant with notice of their rights and options
- Explain the process for filing a Formal Complaint;
- Explain the Grievance Process;
- Discuss the availability of Supportive Measures regardless of whether a Formal Complaint is filed;
- Consider the Complainant's wishes with respect to Supportive Measures.

**Section 5: Formal Complaint:** TWU will investigate all allegations of Sexual Harassment in a Formal Complaint.

**5.1 Filing a Formal Complaint:** A Formal Complaint must:

- (1) Contain an allegation of Sexual Harassment against a Respondent;
- (2) Request that TWU investigate the allegation; and
- (3) Be signed by the Complainant or Chief Title IX Officer.

In limited circumstances, if a Complainant does not sign a Formal Complaint, the Chief Title IX Officer may sign a Formal Complaint. In determining whether to sign a Formal Complaint, the Chief Title IX Officer will consider factors that include but are not limited to:

- Whether there have been other reports of Sexual Harassment or other relevant misconduct concerning the same Respondent whether or not the incidents occurred while the Respondent was an TWU student or employee;
- Whether the Respondent threatened further Sexual Harassment or other misconduct against the Complainant or others;
- Whether the alleged Sexual Harassment was committed by multiple perpetrators;
- The nature and scope of the alleged Sexual Harassment including whether the Sexual Harassment was perpetrated with a weapon;
- The ages and roles of the Complainant and the Respondent;
- Whether TWU can pursue the investigation without the participation of the Complainant (e.g., whether there are other available means to obtain relevant evidence of the alleged Sexual Harassment such as security cameras or physical evidence);
- Whether the report reveals a pattern of perpetration (e.g., perpetration involving illicit use of drugs or alcohol) at a given location or by a particular group.

## 5.2 Dismissal of a Formal Complaint.

**5.2.1 Required Dismissal:** The Chief Title IX Officer will dismiss a Formal Complaint for purposes of Sexual Harassment if:

- (1) The conduct alleged in the Formal Complaint would not constitute Sexual Harassment as defined in this Policy even if proved;
- (2) The conduct alleged did not occur in TWU's Education Program or Activity; or
- (3) The Conduct alleged in the Formal Complaint did not occur against a person in the United States.

Dismissal of a Formal Complaint does not preclude action under other provisions of the TWU's policies and procedures. If a Formal Complaint is dismissed under this section and the Respondent is a student, the matter will be sent to the Vice President for Student Life for review. Vice President for Student Life will decide whether the matter will be pursued under the TWU Code of Conduct.

If a Formal Complaint is dismissed under this section and the Respondent is an employee, the matter will be sent to the Director for Human Resources for review. The Director of Human Resources will decide whether the matter will be pursued under the TWU Code of Conduct.

**5.2.2 Permissive Dismissal:** The Chief Title IX Officer may dismiss a Formal Complaint or any allegations within the Formal Complaint, if at any time during the investigation or hearing:

- (1) A Complainant notifies the Chief Title IX Officer in writing that the Complainant would like to withdraw the Formal Complaint or any allegations within the Formal Complaint,
- (2) The Respondent is no longer enrolled or employed by TWU, or
- (3) Specific circumstances prevent TWU from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations within the Formal Complaint.

**5.2.3 Appeal of Dismissal:** Either party may appeal the dismissal of a Formal Complaint or any allegations therein. See Section 7 for bases and process for appeals.

**5.3 Consolidation of Formal Complaints:** The Chief Title IX Officer may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent or by more than one Complainant against one or more Respondents where the allegations arise out of the same facts or circumstances.

**Section 6: Grievance Process** The grievance process within this Policy is designed to treat Complainants and Respondents equitably. Remedies are provided to a Complainant where a determination of responsibility for Sexual Harassment has been made against the Respondent and Disciplinary Sanctions are not imposed against a Respondent prior to the completion of the grievance process.

**6.1: General Grievance Process Information:**

**6.1.1 Burden of Proof and Burden of Gathering Evidence:** All investigations and proceedings, including hearings, relating to Sexual Harassment will be conducted using a “preponderance of the evidence” (more likely than not) standard. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on TWU, not the parties.

**6.1.2 Presumption of Not Responsible:** The Respondent is presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the end of the grievance process.

**6.1.3 Time Frames for Grievance Process:** TWU strives to complete the grievance process within one hundred and twenty (120) Business Days. Temporary delays and/or extensions of the time frames within this Policy may occur for good cause. Written notice will be provided to the parties of the delay and/or extension of the time frames with explanation of the reasons for such action. Examples of good cause for delay/extensions include but are not limited to considerations such as the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

**6.1.4 Medical Records:** TWU will not access, consider, disclose, or otherwise use party’s records that are 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 TWU obtains that party’s voluntary, written permission to do so for the grievance process within the Policy.

**6.1.5 Privileged Information:** TWU will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding the privilege has waived the privilege.

**6.1.6 Range of Disciplinary Sanctions and Remedies:** A range of disciplinary sanctions for student respondents can be found in the TWU Student Handbook published on the TWU webpage and available on the TWU app. Sanctions for respondents who are employees can be found in the TWU Employee Handbook.

**6.1.7 Notice of Meetings, Interviews, and Hearings:** Parties and witnesses will be provided notice of any meeting, interview, and/or hearing with sufficient time (approximately three (3) days) to prepare to participate. This notice will include the date, time, location, participants and purposes of the meeting, interview and/or hearing.

**6.2 Notice of Allegations:** Upon receipt of a Formal Complaint, the investigator will provide Notice of Allegations to the parties who are known. The Notice of Allegations will include:

- (1) Notice of the party’s rights and options
- (2) Notice of TWU’s grievance process
- (3) Notice of TWU’s informal resolution process and options
- (4) Notice of the allegations of Sexual Harassment including:
  - The identities of the parties involved in the incident, if known,
  - The conduct allegedly constituting Sexual Harassment, and
  - The date and location of the incident, if known.
- (5) Notice that the Respondent is presumed not responsible of the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- (6) Notice that the parties may have an advisor of their choice, who may be, but is not required to be an attorney, and that the advisor may inspect and review evidence as explained in section 6 of this Policy.
- (7) Notice of the TWU Code of Conduct provision that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

The Notice of Allegations will be updated and written notice provided to the parties if at any time during the investigation, TWU decides to investigate allegations about the Complainant or Respondent that are not included in the initial Notice of Allegations.

**6.3 Investigation of Formal Complaint.** TWU will conduct an investigation following a Formal Complaint and Notice of Allegations. During all meetings

and interviews the parties may be accompanied by an advisor of their choice, which can be, but is not required to be an attorney. During the investigation stage of the grievance process, the advisor's role is limited to assisting, advising, and/ or supporting a Complainant or Respondent. An advisor is not permitted to speak for or on behalf of a Complainant or Respondent or appear in lieu of a Complainant or Respondent during the investigation phase of the grievance process.

**6.3.1 Opportunity to Provide Information and Present Witnesses:** Each party will be provided an equal opportunity to provide information to the investigator and present witnesses for the investigator to interview. The information provided by the parties can include inculpatory (evidence that may support a finding or conclusion that Respondent engaged in Sexual Harassment) and exculpatory evidence (evidence that may support a finding or conclusion that a Respondent did not engage in Sexual Harassment). The witnesses can include both fact witnesses and expert witnesses.

**6.3.2 Opportunity to Inspect and Review Evidence:** Each party will be provided an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including evidence upon which TWU does not intend to rely upon in reaching a determination regarding responsibility. This review includes inculpatory and exculpatory evidence that is obtained by a party, witness, or other source. Each party and their advisor (if any) will be provided an electronic copy of the evidence for inspection and review. The parties will have ten (10) business days to review submit a written response to the investigator. The investigator will consider the written responses prior to completing an investigative report. All evidence provided during the inspection and review phase will be available at any hearing for the parties to use during the hearing, including for purposes of cross examination.

**6.3.3 Investigative Report:** Following the opportunity to inspect and review evidence directly related to the allegations raised in the Formal Complaint, the investigator(s) will create an investigative report that fairly summarizes relevant evidence obtained during the investigation.

**6.3.4 Review of the Investigative Report:** At least ten (10) Business Days prior to a hearing, the investigator(s) will provide each party and the party's advisor (if any) an electronic copy of the investigative report for their review and written response.

**6.3.5 Investigation Timeframe:** The investigation of a Formal Complaint will be concluded within 90 Business Days of the filing of a Formal Complaint. The parties will be provided updates on the progress of the investigation, as needed.

**6.4 Live Hearing:** After the investigation, TWU will provide for a live hearing for all Formal Complaints of Sexual Harassment that have not been dismissed per Section 5.2 or resolved by informal resolution under Section 8. At the request of either party, or at the discretion of the Chief Title IX Officer, TWU will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker and parties to simultaneously see and hear the other party or witness answering questions.

**6.4.1 Information at the Hearing:** The following information/evidence will be available in electronic form at the hearing:

- (1) Evidence from the investigation, including the evidence directly related to the allegations that was reviewed by the parties, regardless of whether it was incorporated into the report.
- (2) The investigation report and any attachments/appendices.

**6.4.2 Decision-maker:** The decision-maker will be appointed by TWU and will not be the Chief Title IX Officer or investigator. The decision-maker will be trained, impartial, and without a conflict of interest. The decision-maker will be an TWU employee or external individual designated by TWU.

**6.4.3 Challenge to the decision maker:** Either party may challenge the appointment of a decision-maker, based on conflict of interest or bias, in writing to the Chief Title IX Officer, no less than five (5) Business Days prior to the scheduled hearing.

**6.4.4 Advisor's Role at the Hearing:** Each party must have an advisor present at the hearing. The advisor's role is limited to supporting, advising, and assisting the party during the hearing and conducting questioning (cross-examination) of participants. Advisors are required to follow rules of decorum enforced by the decision-maker. Failure to follow the rules of decorum by an advisor may result in removal of an advisor from the hearing. If a party does not have an advisor present at the live hearing, TWU will appoint the party with an advisor without fee or charge.

**6.4.5 Recording of the Hearing:** TWU will create an audio or audiovisual recording of all live hearings and make the recording available to the parties for inspection or review.

**6.4.6 Hearing Process Facilitator:** TWU may designate a hearing process facilitator to coordinate the hearing, including, but not limited to, coordination and scheduling of the hearing; the logistics of physical or virtual rooms for parties and/or witnesses, including separation of the parties; ensuring all technology is working appropriately; ensuring the parties have access to electronic documents during the hearing; distributing materials; etc. The facilitator may also be the Chief Title IX Officer. The facilitator may invite the parties and their advisors, separately, to a meeting prior to the hearing to review the hearing process for the purpose of ensuring a smooth hearing. This meeting is separate from the pre-hearing conference discussed below.

**6.4.7 Pre-Hearing Matters:** In order to streamline the hearing process, the decision-maker may request the submission of questions prior to the hearing through electronic submission and/or a pre-hearing conference.

**(1) Pre-Hearing Submission of Questions:** The decision-maker may request the parties submit questions, in writing, prior to the hearing. This submission does not preclude the advisor from asking additional questions live during the hearing. The decision-maker may allow for the pre-hearing submission of questions regardless of whether a pre-hearing conference occurs.

**(2) Pre-Hearing Conference:** The decision-maker may hold a pre-hearing conference to further streamline the live hearing, especially in complex cases involving multiple Complainants, Respondents and/or a significant number of witnesses. During the pre-hearing conference, parties and their Advisors will meet with the decision-maker separately to review written questions previously submitted and/or to submit, in writing, any questions they wish to ask during the live hearing so that the decision-maker can be prepared to respond to the relevancy of said questions during the live hearing. The decision-maker may discuss any preliminary relevancy determinations regarding submitted questions and/or discuss alternative ways in which to ask questions; however, the decision-maker will make any final relevancy determinations in real-time, orally, during the live hearing. This conference does not preclude the advisor from asking additional questions live during the hearing.

At the pre-hearing conference, the decision-maker may also hear arguments regarding the relevance of the evidence identified in the investigation report as relevant or not relevant, and/or directly related to the allegations.

**(3) Hearing Documents:** The decision-maker or hearing facilitator will provide parties with a copy of all materials provided to the decision-maker about the matter.

**(4) Accommodation Requests:** Participants in need of disability related accommodations and/or interpretation services during the hearing must contact the Chief Title IX Officer with said requests five (5) days prior to the hearing.

**6.4.7 Participants in the Hearing.** Participants at the hearing include the decision-maker, the investigator(s) who conducted the investigations, the parties, advisors to the parties, witnesses and anyone providing authorized accommodations. In addition, TWU may have a hearing facilitator present. Any witnesses scheduled to participate in the hearing must have been first interviewed by the investigator (s) or have provided a written statement or answered questions from the investigator in writing.

**The decision-maker will provide the names of all persons participating in the hearing to the parties at least seven (7) days prior to the live hearing.**

**6.4.8 Hearing Process and Phases:** The live hearing will include the following phases:

**(1) Notice of Hearing:** After the investigative report has been completed and at least ten (10) business days prior to the date set for the hearing, the parties and their Advisors (if any) will be provided with a Notice of the Hearing. The Notice will include the date, time, location, name of the decision-maker, names of all participants in the hearing, and the location (virtual or in person) of the hearing.

**(2) Opening Statements:** Each party will have the opportunity to present an opening statement to the decision-maker.

**(3) Questioning of Hearing Participants:** The investigator will be the first witness to provide information. The investigator will submit their investigation report and describe the evidence and information gathered in their investigation. The parties and witnesses will then be called in an order determined by the decision-maker. Questioning of parties and witnesses will occur in the following manner:

i. **By the Decision-maker:** The decision-maker will ask initial questions of the participants at the hearing.

ii. **By the Advisors:** After the decision-maker asks questions of a participant, each party's advisor will be permitted to ask relevant questions and follow up questions orally, directly, and in real time of the participant. The parties are never permitted to ask questions of participants directly. The questioning of participants by advisors will be conducted in the following manner:

- A question is asked by an advisor
- Before participant answers the questions, the decision-maker determines whether the question is relevant
- If the question is determined relevant by the decision-maker, the participant answers the question
- If the question is determined not to be relevant by the decision-maker, the decision-maker must explain the decision to exclude a question as not relevant.

iii. **Evidence and Questions Excluded:**

- **Sexual Predisposition or Prior Sexual Behavior of the Complainant:** Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent.
- **Privileged Information:** No person will be required to disclose information protected under a legally recognized privilege. The decision-maker must not allow into evidence or rely upon any questions or



evidence that may require or seek disclosure of such information, unless the person holding the privilege has waived the privilege. This includes information protected by the attorney-client privilege.

- **Medical Records:** Evidence or 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, are not permitted to be used during a hearing unless the party provides voluntary, written permission to do so for the grievance process within this Policy.

iv. **Party or Witness Does Not Submit to Cross-examination:** If a party or witness does not submit to cross-examination by an advisor at the live hearing, the decision-maker will not rely on any statement of that party or witness in reaching a determination regarding responsibility. The decision-maker, however, will not 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.

**(4) Closing Statements:** Each party will have the opportunity to present a closing statement to the decision-maker.

**(5) Determination Regarding Responsibility:** After the live hearing, the decision-maker will issue a written determination regarding responsibility using the preponderance of the evidence standard. The decision-maker will provide the Complainant and the Respondent with the written determination simultaneously. The determination regarding responsibility becomes final either on the date that TWU provides the parties with the written determination of the result of the appeal, if an appeal is filed, or, if an appeal is not filed, the date on which an appeal would no longer be considered timely. The written notice will include:

- Identification of the allegations potentially constituting Sexual Harassment;
- A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of this Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions that TWU imposes on the Respondent, and whether remedies designed to restore or preserve equal access to TWU's education program or activity will be provided by TWU to the Complainant<sup>7</sup>; and
- The procedures and permissible bases for the Complainant and Respondent to appeal.

**Section 7: Appeals:** Either party may appeal the determination regarding responsibility, or the dismissal of a Formal Complaint or any allegations therein within three (3) Business Days of the receipt of the determination regarding responsibility or dismissal. The appeals must be made in writing and delivered to the Chief Title IX Officer.

- 7.1 **Bases for Appeal:** Appeals of the determination of responsibility or the dismissal of a Formal Complaint may be made on the following bases:
- Procedural irregularity that affected the outcome of the matter;
  - 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; or
  - The Chief Title IX Officer, investigator, or decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

- 7.2 **Appeal Procedures:** If an appeal is submitted, TWU will
- (1) Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.
  - (2) Ensure that the decision-maker for the appeal is not the same person as the decision-maker that reached the determination regarding responsibility or dismissal, the investigator or the Chief Title IX Officer.
  - (3) Provide the non-appealing party with five (5) Business Days from receipt of the notification of appeal to submit a written statement in support of the outcome of the determination or dismissal.
  - (4) Issue a written decision describing the result of the appeal and the rationale for the result which can be one of the following:
    - Affirm the decision-maker's determination regarding the Respondent's responsibility and affirm the disciplinary sanctions and remedies, if applicable;
    - Affirm the decision-maker's determination regarding the Respondent's responsibility and amend the disciplinary sanctions and remedies, if applicable;
    - Remand the process back to the hearing stage for the decision-maker to remedy any procedural irregularity or consider any new evidence;
    - Reverse the decision-maker's determination of the Respondent's responsibility and amend the disciplinary sanctions and remedies, if applicable; or
    - Affirm or amend the sanctions and/or remedies outlined in the determination issued under this Policy.
  - (5) Provide the written decision simultaneously to both parties.

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<sup>7</sup> The Title IX Coordinator is responsible for the implementation of any remedies.

**7.3 Appeal Timeframe:** The appellate decision-maker will release the written decision within twenty (20) Business Days of receiving the appeal.

**Section 8: Informal Resolution Process.** At any time after a Formal Complaint has been signed and before a determination regarding responsibility has been reached, the parties may voluntarily agree to participate in an informal resolution facilitated by TWU, that does not involve a full investigation and adjudication. Types of informal resolution include, but are not limited to, mediation, facilitated dialogue, conflict coaching, and restorative justice and resolution by agreement of the parties.

**8.1 Informal Resolution Notice:** Prior to entering the informal resolution process, TWU will provide the parties a written notice disclosing:

- (1) The allegations;
- (2) The requirements of the informal resolution process, including the right of any party to withdraw from the informal resolution process and resume the grievance process and the circumstances which preclude parties from resuming a Formal Complaint arising from the same allegations;
- (3) Consequences resulting from the informal resolution process, including that the records will be maintained for a period of seven (7) years but will not be used by investigators or decision-makers if the formal grievance process resumes.

**8.2 Informal Resolution Agreement:** Prior to entering the informal resolution process, the parties must voluntarily agree, in writing to the use of the informal resolution process.

**8.3 Informal Resolution Availability:** The informal resolution process is not permitted to resolve allegations that an employee committed Sexual Harassment against a student.

**8.4 Informal Resolution Timeframe:** Informal resolutions of a Formal Complaint will be concluded within 45 days of notice to TWU that both parties wish to proceed with the informal resolution process. Such notice that the parties wish to proceed with an informal resolution process will “pause” the counting of the timeframe to conclude the Grievance Process of this Policy, should the informal resolution process fail, and the parties continue with the Grievance Process.

**8.5 Informal Resolution Documentation.** Any final resolution pursuant to the Informal Resolution process will be documented and kept for seven (7) years. However, no recording of the informal resolution process will be made, and all statements made during the informal resolution process will not be used for or against either party (and the decision-maker and/or appellate decision-maker may not consider any such statement made during informal resolution) should the parties resume the grievance process. Failure to comply with an informal resolution agreement may result in disciplinary action.

### **Section 9: Emergency Removal and Administrative Leave.**

**9.1 Emergency Removal** At any time after the Chief Title IX Officer is on notice of Sexual Harassment, TWU may remove a Respondent on an emergency basis. TWU will only conduct an emergency removal after:

- (1) Undertaking and individualized safety and risk analysis,
- (2) Determining that an immediate threat the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal, and
- (3) Providing the Respondent with notice and an opportunity to challenge the decision to the Chief Title IX Officer, within two (2) Business Days following the removal.

**9.2 Administrative Leave:** TWU may place a non-student employee Respondent on administrative leave during the pendency of the grievance process in this Policy.

**Section 10: Recordkeeping:** TWU will maintain all of the documentation related to reports of Sexual Harassment, Formal Complaints, the grievance process, and information resolution process for seven years in accordance with state and federal records laws and requirements. The documentation of all records are private and confidential to the extent possible under law. Student records of the grievance process are disciplinary records under Family Education Rights and Privacy Act (FERPA). Employee records of the grievance process are subject to the Freedom of Information Act (FOIA) and applicable state laws, and included in the employee’s official employment record.

**Section 11: Additional Conduct Violations Related to This Policy:** Alleged violations of the terms in this section will be sent to the Vice President for Student Life for student Respondents or to the Vice President for Human Resources for employee Respondents for investigation and adjudication under the University Standards of Conduct as listed in the TWU Student Handbook.

### **Section 12: Applicable State Laws**

**12.1 Domestic Assault:** TCA § 39-13-111 A person commits domestic assault who commits an assault as defined in TCA § 39-13-101 against a domestic abuse victim.

Domestic abuse victim is defined as:

- (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 (2) 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 (a)(1)-(5)

**Assault:** TCA § 39-13-101(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.

**12.2 Incest:** TCA § 39-15-302 A person commits incest who engages in sexual penetration as defined in § 39-13-501, with a person, knowing the person to be, without regard to legitimacy:

- (1) The person's natural parent, child, grandparent, grandchild, uncle, aunt, nephew, niece, stepparent, stepchild, adoptive parent, adoptive child; or
- (2) The person's brother or sister of the whole or half-blood or by adoption.

“Sexual penetration” means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of the victim's, the defendant's, or any other person's body, but emission of semen is not required

**12.3 Statutory Rape:** TCA § 39-13-506

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

(b) Statutory rape is the unlawful sexual penetration of a victim by the defendant or of the defendant by the victim when:

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

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

**12.4 Fondling/Sexual Contact:** TCA § 39-13-509

(a) It is an offense for a defendant to engage in unlawful sexual contact with a minor when:

- (1) The minor is at least thirteen (13) but less than eighteen (18) years of age;
- (2) The defendant is at least four (4) years older than the victim; and
- (3) The defendant was, at the time of the offense, in a position of trust, or had supervisory or disciplinary power over the minor by virtue of the defendant's legal, professional, or occupational status and used the position of trust or power to accomplish the sexual contact; or
- (4) The defendant had, at the time of the offense, parental or custodial authority over the minor and used the authority to accomplish the sexual contact.

(b) As used in this section, “sexual contact” means the defendant intentionally touches or kisses the minor's lips with the defendant's lips if such touching can be reasonably construed as being for the purpose of sexual arousal or gratification.

## 12.5 Rape: TCA § 39-13-503

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

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

“Coercion” means:

- (A) Causing or threatening to cause bodily harm to any person, physically restraining or confining any person or threatening to physically restrain or confine any person;
- (B) Exposing or threatening to expose any fact or information that, if revealed, would tend to subject a person to criminal or immigration proceedings, hatred, contempt or ridicule;
- (C) Destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of any person; or
- (D) Providing a controlled substance, as defined in § 39-17-402 , or a controlled substance analogue, as defined in § 39-17-454 , to a person.

## **B. Procedures for Resolution of Non-Harassment Title IX Discrimination Complaints**

### **Section 1: Applicability**

The procedures in this section shall be used to investigate and resolve reported Title IX matters that allege discrimination that falls outside of Section A of this Policy (“Non-Harassment Title IX Discrimination”). These procedures shall be used in conjunction with Section A of this Policy for purposes of identification of key Title IX officials (A. Section 1.0) definitions (A. Section 2.0) and reporting options (A. Section 3.0)

Discrimination prohibited under this policy includes the exclusion from participation in, denial of the benefits from, or subjection to unfavorable treatment in any University Education Program or Activity on the basis of sex, including sexual orientation or gender identity and pregnancy status.

### **Section 2: Advisors**

Complainants and Respondents may be accompanied by an advisor of their choice throughout the investigation. An advisor’s role is limited to assisting, advising, and/or supporting a Complainant or Respondent. An advisor is not permitted to speak for or on behalf of a Complainant or Respondent or appear in lieu of a Complainant or Respondent

### **Section 3: Investigation Procedures**

If the allegations fall within the scope of this policy and the matter does not resolve using the informal resolution process, the College will conduct a prompt, thorough, and impartial investigation of the reported discrimination. The Title IX Coordinator or their designee will appoint one or more investigators who will conduct investigative meetings, gather information and evidence, and make an independent determination as to whether a violation of the policy occurred using a preponderance of the evidence standard.

The Respondent is presumed not responsible until a determination has been reached by the investigator.

**Section 3.1: Notice of Allegations:** A written Notice of Allegations will be sent to the Complainant and Respondent, constituting the initiation of the investigation. The Notice of Allegations will contain a summary of the allegation(s) or conduct at issue. This will include the identities of the parties involved, the date and location of the incident (if known), and a link to the appropriate policies. Once the Notice of Allegations has been sent to the parties, the investigation begins.

**Section 3.2: Investigation Process:** The Complainant and Respondent will have an equal opportunity to be heard, identify witnesses, and provide information and evidence. The investigator will gather additional information and evidence as appropriate, including, but not limited to, social media information, text messages, email messages, videos, and other records. The investigator has the discretion to determine the relevance of information and witnesses and decide whether information or evidence should be excluded as irrelevant.

**Section 3.3: Timing of the Investigation:** The College strives to complete the investigation within sixty (60) business days from the issuance of the Notice of Allegations. All extensions of this time frame will be communicated with the parties in writing.

**Section 3.4: Report:** At the conclusion of the investigation, the investigator will draft a report with a finding regarding responsibility based on a preponderance of the evidence standard. The report will include the applicable sanctions if there is a finding of "responsible." Sanction determinations will be made in collaboration with the Director of Human Resources if the Respondent is a faculty or staff member, or the Dean of Students if the Respondent is a student. A copy of the report will be provided simultaneously to the Complainant and Respondent.

**Section 4: Appeals:** The Complainant or Respondent may appeal the decision of the investigator based only on the following grounds:

- The existence of a procedural irregularity that materially affected the outcome;
- The existence of new evidence that was not reasonably available at the time the determination regarding responsibility that could have affected the outcome;
- The Title IX Coordinator and/or investigator(s) had a conflict of interest or bias that affected the outcome;

Appeals must be made in writing and submitted to (Decide Where) within (INSERT NUMBER OF DAYS) of the receipt of the final decision. The appellate decision maker will notify the other non-appealing party of the appeal and allow for written response from the non-appealing party. A determination regarding the appeal will be made by the appellate decision maker within (insert number of days).

**Section 5: Acceptance of Responsibility:** The Respondent may, at any time, request to resolve the investigation process or resolve specific allegation(s) by accepting responsibility for the alleged misconduct. The Title IX Coordinator will complete a summary report of the information gathered. The Title IX Coordinator will consider the request; if the request is granted, the Title IX Coordinator, in consultation with the Director of Human Resources if the Respondent is a faculty or staff member, or the Dean of Students if the Respondent is a student will determine the appropriate sanction.

**Section 6: Informal Resolution:** The Complainant and Respondent may agree to Informal Resolution at any time prior to a determination regarding responsibility if the Title IX Coordinator deems the matter appropriate for Informal Resolution.<sup>8</sup> The Title IX Coordinator will consider the following when determining whether to permit a matter to move to Informal Resolution:

- The nature of the allegations;
- The dynamics of power or control associated with the alleged offense or the parties involved;
- The Respondent's prior known conduct;
- Whether there would be a continuing safety threat to the University community after resolution of allegations;
- Whether multiple parties are involved;
- Any other factor deemed relevant by the Title IX Coordinator in the interest of overall University safety or safety of the parties involved.

Participation in Informal Resolution is a choice, and either party can request to end Informal Resolution process and pursue an investigation at any time, including if Informal Resolution is unsuccessful at resolving the matter. Similarly, either party can request to end an investigation and pursue Informal Resolution at any time, though entering Informal Resolution must be agreed to in writing by the parties.

If an agreement is reached through Informal Resolution, the parties will be provided simultaneously with a Notice of Outcome. An appeal of the Informal Resolution process or result is not permitted.

### **Section 8: Allegations Related to Culture**

Allegations related to a culture of Sexual Harassment or Non-Harassment Title IX Discrimination by a group, organization, department, division, or the University as a whole will be investigated and resolved as closely as possible to this policy. Resolutions for a group, organization, division or the University will be communicated with the highest-ranking member of the group, organization, department, division or the University.

### **Section 7: Intersection of Policies**

The procedures in this policy are the exclusive means of resolving complaints of alleged violations of Title IX involving complaints of Non-Harassment Title IX Discrimination brought against University faculty, staff, or students. To the extent there are any inconsistencies between these procedures and other University

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<sup>8</sup> The Title IX Coordinator may, at any time, withdraw approval for the Informal Resolution and return the matter to investigation.

grievance, complaint, or discipline procedures, these complaint resolution procedures will control the resolution of complaints alleging Non-Harassment Title IX Discrimination.

Tennessee Wesleyan University – 2021-23 (Athens Campus)

	Year	Campus Housing Sub	Non-Campus Housing Sub	Institutional Non-Campus Building or Property	Public Property Occurrence
		On-Campus Property Occurrence			
Murder/Non-Negligent-Manslaughter	2021	0	0		
		0			
	2022	0	0		
		0			
Negligent Manslaughter	2021	0	0		
		0			
	2022	0	0		
		0			
Sex Offense, Forcible	2021	0	0		
		0			
	2022	0	0		
		0			
Sex Offense, Non-Forcible	2021	0	0		
		0			
	2022	0	0		
		0			
Robbery	2021	0	0		
		0			
	2022	0	0		
		0			
Aggravated Assault	2021	0	0		
		0			
	2022	0	0		
		0			
Burglary	2021	0	0		
		0			
	2022	1	0		
		1			
Motor Vehicle Theft	2021	0	2		
		2			
	2022	0	1		
		1			
Arson	2021	0	0		
		0			
	2022	0	0		
		0			
Domestic Violence	2021	0	0		
		0			
	2022	0	0		
		0			
Dating Violence	2021	0	0		
		0			
	2022	0	0		
		0			
Stalking	2021	0	0		
		0			

Arrests	Year	Campus Housing Sub	Non-Campus Housing Sub	Institutional Non-Campus Building or Property
		On-Campus Property Occurrence		
Liquor Laws	2021	0	0	
		0		
	2022	0	0	
		0		
Drug Laws	2021	0	0	
		0		
	2022	0	0	
		0		
Weapons Law	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	Year	Campus Housing Sub	Non-Campus Housing Sub	Institutional Non-Campus Building or Property
	On-Campus Property Occurrences			
Liquor Laws	2021	2	0	
		2		
	2022	0	0	
		0		
Drug Laws	2021	1	0	
		1		
	2022	2	0	
		2		
Weapons Laws	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
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	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
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	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
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	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
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	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
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	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	
		0		
Disciplinary Referrals	2021	0	0	
		0		
	2022	0	0	

2022	0	0		
	0			
2023	0	0		
	0			

**Tennessee Wesleyan University – 2021-23 (West Knoxville Campus)**

	Year	Campus Housing Sub	Non-Campus Housing Sub	Institutional Non-Campus Building or Property	Public Property Occurrence
		On-Campus Property Occurrence			
Murder/Non-Negligent-Manslaughter	2021	0	0	0	
	0				
	2022	0	0		
		0			
Negligent Manslaughter	2021	0	0		
	0				
	2022	0	0		
		0			
Sex Offense, Forcible	2021	0	0		
	0				
	2022	0	0		
		0			
Sex Offense, Non-Forcible	2021	0	0		
	0				
	2022	0	0		
		0			
Robbery	2021	0	0		
	0				
	2022	0	0		
		0			
Aggravated Assault	2021	0	0		
	0				
	2022	0	0		
		0			
Burglary	2021	0	0		
	0				
	2022	0	0		
		0			
Motor Vehicle Theft	2021	0	0		
	0				
	2022	0	0		
		0			
Arson	2021	0	0		
	0				
	2022	0	0		
		0			
Domestic Violence	2021	0	0		
	0				
	2022	0	0		
		0			
Dating Violence	2021	0	0		
	0				
	2022	0	0		
		0			

Arrests	Year	Campus Housing Sub	Non-Campus Housing Sub	Institutional Non-Campus Building or Property
		On-Campus Property Occurrence		
Liquor Laws	2021	0	0	
	0			
	2022	0	0	
		0		
Drug Laws	2021	0	0	
	0			
	2022	0	0	
		0		
Weapons Law	2021	0	0	
	0			
	2022	0	0	
		0		
Disciplinary Referrals	Year	Campus Housing Sub	Non-Campus Housing Sub	Institutional Non-Campus Building or Property
			On-Campus Property Occurrences	
	2021	0	0	
		0		
Liquor Laws	2021	0	0	
	0			
	2022	0	0	
		0		
Drug Laws	2021	0	0	
	0			
	2022	0	0	
		0		
Weapons Laws	2021	0	0	
	0			
	2022	0	0	
		0		

Hate crime information is provided in the context of the data above with notation: Race=RA, Gender=G, Religion=RE, Sexual Orientation = SO, Ethnicity/Nat'l Origin=EN, Disability=D. There were no hate crimes reported for 2021, 2022, or 2023.

On public property-all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to any campus property.

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, or of a manner related to the institution's education purposes, including residence halls; and any building or property that is within or reasonably contiguous to said property of this definition that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as retail vendor). "Dormitories or other residential facilities for students on campus" are a subset of the on-campus category.



	2023	0	0		
		0			
Stalking	2021	0	0		
		0			
	2022	0	0		
		0			
2023	0	0			
		0			

**Tennessee Wesleyan University – 2021-23 (Downtown Knoxville Site)**

	Year	Campus Housing Sub	Non-Campus Housing Sub	Institutional Non-Campus Building or Property	Public Property Occurrence
		On-Campus Property Occurrence			
Murder/Non-Negligent-Manslaughter	2021	0	0	0	
		0			
	2022	0	0		
		0			
2023	0	0			
		0			
Negligent Manslaughter	2021	0	0		
		0			
	2022	0	0		
		0			
2023	0	0			
		0			
Sex Offense, Forcible	2021	0	0		
		0			
	2022	0	0		
		0			
2023	0	0			
		0			
Sex Offense, Non-Forcible	2021	0	0		
		0			
	2022	0	0		
		0			
2023	0	0			
		0			
Robbery	2021	0	0		
		0			
	2022	0	0		
		0			
2023	0	0			
		0			
Aggravated Assault	2021	0	0		
		0			
	2022	0	0		
		0			
2023	0	0			
		0			
Burglary	2021	0	0		
		0			
	2022	0	0		
		0			
2023	0	0			
		0			
Motor Vehicle Theft	2021	0	0		
		0			
	2022	0	0		
		0			
2023	0	0			
		0			
Arson	2021	0	0		
		0			
	2022	0	0		
		0			
2023	0	0			
		0			
Domestic Violence	2021	0	0		
		0			
	2022	0	0		
		0			
2023	0	0			
		0			

Arrests	Year	Campus Housing Sub	Non-Campus Housing Sub	Institutional Non-Campus Building or Property
		On-Campus Property Occurrence		
Liquor Laws	2021	0	0	
		0		
	2022	0	0	
		0		
2023	0	0		
		0		
Drug Laws	2021	0	0	
		0		
	2022	0	0	
		0		
2023	0	0		
		0		
Weapons Law	2021	0	0	
		0		
	2022	0	0	
		0		
2023	0	0		
		0		
Disciplinary Referrals	Year	Campus Housing Sub	Non-Campus Housing Sub	Institutional Non-Campus Building or Property
		On-Campus Property Occurrences		
Liquor Laws	2021	0	0	
		0		
	2022	0	0	
		0		
2023	0	0		
		0		
Drug Laws	2021	0	0	
		0		
	2022	0	0	
		0		
2023	0	0		
		0		
Weapons Laws	2021	0	0	
		0		
	2022	0	0	
		0		
2023	0	0		
		0		

Hate crime information is provided in the context of the data above with notation: Race=RA, Gender=G, Religion=RE, Sexual Orientation = SO, Ethnicity/Nat'l Origin=EN, Disability=D. There were no hate crimes reported for 2021, 2022, or 2023.

On public property-all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to any campus property.

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, or of a manner related to the institution's education purposes, including residence halls; and any building or property that is within or reasonably contiguous to said property of this definition that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as retail vendor). "Dormitories or other residential facilities for students on campus" are a subset of the on-campus category.

Dating Violence	2021	0	0		
		0			
	2022	0	0		
		0			
	2023	0	0		
		0			
Stalking	2021	0	0		
		0			
	2022	0	0		
		0			
	2023	0	0		
		0			

Facility	FIRE SYSTEMS			FIRE RELATED INCIDENTS IN RESIDENTIAL FACILITIES					
	Alarm Systems	Sprinkler Systems	Evacuation Placards & Plans	Number	Fire Cause	Injuries requiring medical facility treatment	Deaths	Property Loss Value	No. of evacuations (fire) drills each calendar year
Fowler Hall	Hard Wired and tied to central reporting system	Yes	Yes	0	0	0	0	0	2
Keith Hall	Hard Wired and tied to central reporting system	Yes	Yes	0	0	0	0	0	2
Miller Hall	Hard Wired and tied to central reporting system	Yes	Yes	0	0	0	0	0	2
Nocatula	Battery Alarms in each apartment; central pull station tied to central reporting system	No	Yes	0	0	0	0	0	2
Wesley Commons	Hard Wired and tied to central reporting system	Yes	Yes	0	0	0	0	0	2