



2017 Annual Security Report

King University Security Office

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Introduction

This *Annual Security Report* is published by the Director of Safety and Security pursuant to the Department of Education, Federal Student Aid Handbook, Chapter 6, Providing Consumer Information, Campus Security section, Jeanne Clery Disclosure of Campus Security Policy; the Campus Sexual Violence Elimination Act; and Tennessee Code Annotated 49-7-2203 - Reporting of crime statistics.

The King University main campus is located at 1350 King College Road Bristol, Tennessee 37620, and other off site instructional locations are listed below. The campus crime statistics are furnished and should be incorporated with previously published and distributed statistics, security policies, and procedures. A paper copy of the Annual Security Report and Crime Statistics report for each campus is available at the Security Office located in the basement of Parks Hall upon request, or by calling (423)652-4705, off campus, or extension 4705, on campus. Written requests can be made to the following address: King University, Security Department, 1350 King College Road Bristol, Tennessee 37620.

King University encourages anyone who witnesses or is a victim of crime to report the incident immediately to the Security Department and the appropriate law enforcement agency; all crimes or suspected crimes may be reported at (423)652-4333 (off-campus), (423)340-4333 (cell), extension 4333 (on campus) or call 9-911

Reporting Crime Statistics

Policies for preparing the annual disclosure of campus crime statistics: The University coordinates the collection and reporting of crime statistics as specified by federal law. The information is compiled into a report. Each year, faculty, staff, and enrolled students are notified via email of the website where this report can be accessed and reviewed. Copies of this report can also be obtained from the King University Security Department. Agencies involved in the collection of data include the King University Security Department, designated campus security authorities and various law enforcement agencies with jurisdiction over multiple King University off-site instructional locations. In addition, the King University Security Department investigates/reviews all reports of criminal activity occurring in its jurisdiction regardless of the source. Campus agencies involved in the collection of crime statistics are provided guidance annually regarding the requirements of federal law, including the categorization of criminal activities and tabulation on the locations involved in reported crimes and arrests.

Statistics on the following crimes and offenses are to be reported in the annual security report:

Criminal Homicide. Murder, non-negligent, and negligent manslaughter. Non-negligent manslaughter is the killing of a person through gross negligence.

Sex Offenses, Forcible or Non-forcible. A forcible sex offense is any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against that person's will where the victim is incapable of giving consent, e.g., intoxicated. Non-forcible sex offenses are acts of "unlawful, non-forcible sexual intercourse," e.g., incest or statutory rape.

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

Aggravated Assault. An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This offense is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Burglary. The unlawful entry (breaking and entering) into a building or other structure with the intent to commit a felony or theft.

Arson. Willful or malicious burning or an attempt to burn a dwelling house, public building, motor vehicle or aircraft, or personal property.

Motor Vehicle Theft. The theft or attempted theft of a motor vehicle.

On-campus Arrests for *Alcohol, Drug and Illegal Weapon Violations*

The number of students referred for *Campus Disciplinary Actions for alcohol, drug or illegal weapon violations.* (If included in the report as an arrest, a referral does not need to be reported under this category.)

Hate Crimes falling into the above list, involving bodily injury, or reported to the campus security office or local police. (Hate crimes are to be reported by category of prejudice: race, gender, religion, sexual orientation, ethnicity or disability.) Note that, effective August 14, 2008, the Higher Education Opportunity Act of 2008, modified the list of hate crimes that must be reported to include the following crimes: larceny-theft, simple assault, intimidation, and property destruction, damage or vandalism (20 U.S.C. Section 1092 (f)(1)(F)(ii)).

Domestic violence, dating violence, and stalking as defined within this definitions section of this report.

Policy Addressing Sex Offender Registration

In compliance with the federal Campus Sex Crime Prevention Act, the Tennessee University and University Campus Sex Crimes Prevention Act of 2002 and Tennessee Code Annotated 40- 39-102, members of the campus community may obtain the most recent information received from the Tennessee Bureau of Investigation (TBI) concerning sex offenders that may be known as employed, enrolled, or volunteering at this institution at the Security office.

Sex Offender Registry Information

Members of the King University community may obtain at the Security Office the most recent information made public by the Tennessee Bureau of Investigation (TBI) concerning adult sex offenders known to be residing, employed, physically present, or a student at this institution.

(King University may not have information about persons convicted of sex offenses as juveniles, because such information is generally kept confidential by law.)

The Family Educational Rights and Privacy Act (FERPA), at 20 U.S.C. § 1232g(b)(7), expressly allows educational institutions to disclose information about registered sex offenders, including personally identifiable, non-directory information without consent from the individual. Publication of this information does not constitute grounds for a grievance or complaint.

Sex offender registry information is also accessible online:

- Tennessee's Sex Offender Registry, maintained by the TBI, available at <https://www.tn.gov/tbi/section/tennessee-sex-offender-registry>
- Virginia's Sex Offender and Crimes Against Minors Registry, maintained by the Virginia

State Police, available at <http://sex-offender.vsp.virginia.gov/sor/>

- National Sex Offender Public Website, maintained by the United States Department of Justice, available at <https://www.nsopw.gov/>

Mandatory Disclosure of Sex Offense Arrests, Charges, Convictions, and Adjudications

King University students, staff, and volunteers must disclose all arrests, charges, convictions, and adjudications of sex offenses to the Security Department upon matriculation or while enrolled, employed, or volunteering with King University, or upon implementation of this Policy, whichever is later. For offenses that occur after a student, staff or volunteer is associated with King University, he/she must make such disclosure to the Security Office within 24 hours of each occurrence. Disclosures are confidential and will not result in any automatic consequences.

The Director of Security will evaluate each disclosure individually to determine whether further action is appropriate.

Failure to promptly disclose an arrest, charge, conviction, or adjudication of a sex offense will incur severe penalties, up to and including termination of the student, employment, or volunteer relationship with King University.

The number of students enrolled:

There are 2162 students enrolled at King University as of Fall Semester 2017.

The number of students living in student housing:

There are 334 students living in student housing at King University as of Fall Semester 2017.

The total number of non-student employees working on the campuses:

There are 711 full-time and part-time employees and 31 contract employees working on the King University campus.

Administrative office responsible for security on the campuses:

The King University Security Department is responsible for the overall security of the King University main campus, the Downtown Kingsport Instructional Location, the Knoxville Instructional Location, and the Franklin Instructional Location. Security for off campus King University instructional locations is the responsibility of the appropriate institution. Crime reporting for main campus and all instructional locations not on another University or College campus is the responsibility of King University Security.

A description of the type and number of security personnel utilized by the institution, including a description of their training:

King University officers are assigned to the main campus and the offsite instructional locations at 104 E. Main Street, Kingsport, Tennessee, 10950 Spring Bluff Way Knoxville, Tennessee, and previously at 113 Seaboard Ln #100, Franklin, Tennessee. A description and contact information of security for other off site instructional locations is listed below. The University employs a Director of Security who is an armed security officer and undergoes forty (40) hours of training, including weapons qualification every two years. King University also employs eight full-time officers and three part-time officers who are required to receive an initial 40 to 80 hours of training and at least 20 hours of annual training. All security officers employed or contracted by King University are state certified and are authorized to

carry defensive chemical weapons spray.

The enforcement authority of security personnel, including their working relationship with state and local law enforcement agencies:

No security personnel working directly for King University or contracted by the University have arrest powers and are not law enforcement personnel, unless contracted as a certified law enforcement officer according to state law. All Security Officers working for, with, or contracted by King University will obtain all pertinent information in an official and courteous manner and will respond properly and judiciously. The King University Security Department has a working relationship with the Bristol Tennessee Police Department, Kingsport Police Department, Sullivan County Sheriff's Office, other law enforcement agencies in the appropriate jurisdiction of any off site instructional locations where classes are held, the Tennessee Bureau of Investigation, and locally assigned federal agencies.

Written memoranda of understanding for the investigation of alleged criminal offenses:

The King University Security Department maintains a close working relationship with the police department's having jurisdiction over all King University campuses. The King University Security staff occasionally works with other law enforcement agencies in Tennessee and Virginia, including the Sullivan and Knox County Sheriff's Departments. Occasional meetings are held between the leaders of these agencies on both a formal and informal basis. The officers of King University Security Department and Bristol Tennessee Police Department communicate regularly on the scene of incidents that occur on and around the campus area. The security department's investigators work closely with the investigative staff at Bristol Tennessee and Virginia when incidents arise that require joint investigative efforts, resources, crime related reports and exchanges of information, as deemed necessary. There is no written memorandum of understanding between the King University Security Department and any law enforcement agency.

Reporting of criminal incidents to local law, state, federal and enforcement agencies:

All security personnel report security violations of local, state and federal law to the appropriate law enforcement agency and the Director of Security according to current law.

Security officers also report students committing or suspected of criminal activity to law enforcement according to *Tennessee Code Annotated 49-7-2207 Reporting of Students*.

In accordance with the Robert "Robbie" Nottingham Campus Crime Scene Investigation Act of 2004, King University will notify the law enforcement agency with territorial jurisdiction and request an investigation of any medically unattended death that may occur on campus. Further, any rape or attempted rape allegation reported directly to King University security officers will be reported to the appropriate law enforcement agency.

The Tennessee Bureau of Investigation and the Federal Bureau of Investigation receive monthly crime statistics from King University through the Tennessee Incident Based Reporting System (TIBRS). For the purpose of reporting crimes, King University defines its boundaries as the following: King University's main campus is located at 1350 King College Road, Bristol Tennessee, and consists of 135 acres.

Confidential reporting of criminal activity

Due to the difficulty of complying with federal and state laws concerning the reporting of

crime data and required criminal activity reporting, King University Security cannot guarantee confidentiality to those who report incidents of criminal activity except where those reports are protected by law. However, whenever permitted by law the Security Department will maintain the confidentiality of individuals reporting criminal activity.

For complete confidentiality the *Campus Conduct Hotline* system is available for your use 24 hours a day, seven days a week. Simply dial **866.943.5787** toll-free. Because the *Hotline* is operated by an independent organization, any calls made through this *Hotline* are completely confidential and anonymous, unless otherwise stated by the complainant.

Policy statement for encouraging pastoral and professional counselors, if allowed by the institution, to inform clients of voluntary, confidential crime reporting procedures:

Crimes disclosed to a pastoral or mental health counselor, serving in that capacity at the time of disclosure, are not subject to mandatory reporting. The term “pastoral counselor” is defined as a person who is associated with a religious order or denomination that recognizes him/her as someone who provides confidential counseling. The term “mental health counselor” is defined as a fully qualified and/or licensed professional whose official responsibilities include providing mental health counseling and is functioning within the scope of his/her license or certification. This exemption does not relieve counselors of the duty to exercise reasonable care to protect a foreseeable victim from danger posed by the person being counseled. When speaking to a victim or witness to a crime, counselors should inform the individual of voluntary disclosure procedures in accordance with applicable law.

Students involved in criminal activity off-campus

When a King University student is involved in an off-campus offense, security officers may assist with the investigation in cooperation with local, state, or federal law enforcement. All King University students who violate local, state, or federal law on or off campus may be subject to judicial action by the University. Students are expected to report criminal charges and/or being arrested to the Associate Dean of Students or the Director of Safety and Security within 72 hours of being arrested and/or criminally charged. The University's proceedings are separate from civil litigation or criminal arrest and prosecution; and may be carried out prior to, simultaneously with, or following civil or criminal proceedings. Rulings associated with the honor code and other campus policies are not linked to decisions related to legal matters and may differ in outcome.

Procedures and facilities for students and others to report criminal actions occurring on campus and policies concerning the institutions response to such reports:

The King University Security Main Office is open 365 days a year, 24 hours a day utilizing Security Officers to patrol the campus by automobile and foot. Emergency/Assistance telephones are located at the Freshman Parking Lot and the following residence halls: Mitchell Hall, Hyde Hall, Lower Liston Hall, and Parks Hall. Emergency/Assistance telephones can be used at any time to contact 911 or the Security Office. Criminal actions, police emergencies, fire emergencies, ambulance service, or other types of assistance can be obtained by calling the Security Office at (423)652-4333 (off campus), extension 4333 (on campus), (423)340-4333 (cell) or calling 911 for Police, Fire, and Emergency Medical Services. King University encourages students, staff, faculty, or guests to request assistance from a local law enforcement agency when reporting criminal activity. The Security Department will assist that person in any way possible to make the appropriate contact by directly contacting law

enforcement, acting as a witness, or providing information to assist in the law enforcement investigation. When a person files a complaint, all pertinent information is obtained and officially documented in an Incident Report. All Incident Reports are maintained in the office of the Security Department. King University Security offices located on the Kingsport, Knoxville, and Franklin campuses are only on campus when students are present and can be contacted by telephone at

Reporting an Emergency

In addition to suspected criminal behavior all members of the University community are encouraged to report situations that may be an emergency to the Security Department.

You can report an emergency in the following ways:

- Main Campus - Call extension 4333, 423-652-4333, or 423-340-4333 to contact Security, 24 hours a day, 365 days a year.
- Main Campus - Call 911 to report emergencies directly to the Bristol Tennessee Police, Fire and Emergency Medical Services. If calling 911 while on campus, also call Security at extension 4333 so we can expedite the emergency response.
- Kingsport Campus – Call 911 to report emergencies directly to the Kingsport Tennessee Police, Fire and Emergency Medical Services.
- Knoxville Campus – Call 911 to report emergencies directly to the Knox County Tennessee Sheriff’s Department, Fire and Emergency Medical Services.
- Report incidents directly to any Security Officer or report incident in person at the Security Office located in the Parks Hall basement on the street side of the building or on the Kingsport, Knoxville, or Franklin campus locations.

The main campus Security Office is open 24 hours a day, 365 days a year. However, the office is only staffed for varying hours. Please call 423-652-4333 if no one is in the office.

Upon receipt of a call reporting an emergency, Security officers will immediately facilitate the response of the appropriate emergency response personnel.

If a person is unable or unwilling to make a report to the Office of Public Safety, he/she may make a report to any official at the University. The Office of Public Safety will accept a report of an emergency from any member of the University community. If you do not want to report an emergency directly to the Security Office, then it is strongly recommended that this report be made to one of the following Campus Security Authorities.

- Vice President of Student Affairs 423-423-652-4740
- Dean of Students 423-652-4750
- Associate Dean for Residence Life 423-652-4743

Security Contact Information for off-site instructional and clinical study locations is as follows;

Bristol Regional Medical Center 1 Medical Park Boulevard Bristol, TN	Hospital Security 423-224-6898 or 423-224-6899	Bristol TN Police Department 423-989-5600
Clinch Valley Medical Center 2949 West Front Street Richlands, VA	Hospital Security 276-596-6000	Tazewell County Sheriff's Office 276-988-5970
Downtown Kingsport 104 East Main St. Kingsport, TN	Campus Security 423-341-4536	Kingsport Police Department 423-246-9111
Johnston Memorial Hospital 351 Court Street NE Abingdon, VA	Hospital Security 276-964-7286	Abingdon Police Department 276-628-3111 or 276-676-6277
Kingsport Higher Education Center 320 W. Market Street Kingsport, TN	Northeast Police 423-677-7927	Kingsport Police Department 423-246-9111
King University - Bristol Campus 1350 King College Road Bristol, TN	Campus Security 423-652-4333	Bristol TN Police Department 423-989-5600
King University - Kingsport Campus 104 East Main Street Kingsport, TN	Campus Security 423-340-	Kingsport Police Department 423-246-9111
King University - Knoxville Campus 10950 Spring Bluff Way Knoxville, TN	Campus Security 865-201-1338	Knoxville Police Department 865-215-7450
Mountain Empire Community College 3441 Mountain Empire Road Big Stone Gap, VA	Campus Security 276-523-7473	Big Stone Gap Police Department 276-523-0117
Northeast State Community College Blountville Campus 2425 Hwy. 75, PO Box 246 Blountville, TN	Campus Police 423-677-7927	Sullivan County Sheriff's Office 423-279-7500
Northeast State Community College Regional Center for Health Professions Building	Campus Police 423-677-7927	Kingsport Police Department 423-246-9111
Roane State Community College 276 Patton Lane Harriman, TN	Campus Police 865-882-4500	Harriman Police Department 865-882-3383
Southwest Virginia Community College 369 Colleges AC Richland's, VA	Campus Police 423-585-6752	Tazewell County Sheriff's Office 276-988-5970
Walter State Community College 500 South Davy Crocket Pkwy. Morristown, TN	Campus Police 865-744-5813	Morristown Police Department 423-585-2710
Walter State Community College 1720 Old Newport Highway Sevierville, TN	Campus Police 865-744-5813	Sevierville Police Department Phone: 865-453-5506

Immediate emergency notification communications:

If there is an immediate threat to the health or safety of students or employees occurring on campus:

Upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring "on campus" The campus community will be notified .without delay. All emergency notifications will take into account the safety of the community, determine the content of the notification and initiate the notification system. Unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The Director of Safety and Security, Vice President for Student Affairs, or the Vice President for Administration & Finance and Chief Financial Officer in the event of an emergency will:

- Confirm that there is a significant emergency or dangerous situation related to the health or safety of students or employees.
- Without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system. Unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.
- Determine the appropriate segment or segments of the campus community to receive a notification.
- Determine the content of the notification; and initiate the notification system.

Emergency notifications may include but are not limited to:

- Bomb threats or other imminent violent threats
- Fire alarms, natural gas leaks and hazardous spills
- Power outages and utility failures
- Campus closure
- Violent civil disturbances and demonstrations
- Criminal violent behavior
- Explosions on campus
- Terrorism incidents
- Weather incidents

Procedures for disseminating emergency information to the campus and larger community:

During an emergency King University for emergency notification may use one or all of the following notification systems.

- Text Messaging
- Mass email

- Telephone Trees
- Public announcements through local news media
- Posters and Flyers
- Runners
- University website postings

Emergency Procedure Drills or System Tests

Annually the University will conduct scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities that may include but not limited to the following.

- A drill is a coordinated, supervised exercise activity, normally used to test a single specific operation or function. With a drill, there is no attempt to coordinate organizations or fully activate the Emergency Operations Center (EON).
- A tabletop exercise is a facilitated analysis of an emergency situation in an informal, stress-free environment. It is designed to elicit constructive discussion as participants examine and resolve problems based on existing operational plans and identify where those plans need to be refined.
- A functional exercise is a fully simulated interactive exercise that tests the capability of an organization to respond to a simulated event. The exercise tests multiple functions of the organization's operational plan. It is a coordinated response to a situation in a time-pressured, realistic simulation.
- A full-scale exercise simulates a real event as closely as possible. It is an exercise designed to evaluate the operational capability of emergency management systems in a highly stressful environment that simulates actual response conditions. To accomplish this realism, it requires the mobilization and actual movement of emergency personnel, equipment and resources. Ideally, the full-scale exercise should test and evaluate most functions of the emergency management plan or operational plan.
- Emergency procedure tests may be announced or unannounced. All documentation related to testing of emergency procedures will be forwarded to all University Vice Presidents and kept on file in the Safety and Security office. The documentation of each test must be kept on file for seven years.

Disclosure of Emergency Response Procedures

- The University's emergency response procedures will be publicized every year in conjunction with at least one annual test that is separate from the disclosure in the annual security report.
- Disclosure of emergency response procedures may be conducted by but not limited to the following: poster campaigns, flyers, e-mails, or media releases.

Timely Warnings:

Consistent with current laws or an incident that, in the judgment of the Director of Security or the Director's designee constitutes an ongoing or current threat to the campus community a

campus wide "timely warning" will be issued. The warning will be issued through the University e-mail system to students, faculty, and staff. Depending on the particular circumstances of the crime, especially in all situations that could pose an immediate threat to the community and individuals, the Director or designee may notify the area coordinator of each residence hall and each University department head for verbal notification of students and faculty. In addition, a copy of the notice may be posted in the lobby of each residence hall and outside the Student Affairs Office in McClellan Hall. The University uses a text messaging service to notify the community in the event of an emergency. The text notification will include critical details and instructions to assist in the safety of individuals who may be affected by an emergency event. Campus community members may sign up for this service on the web at <http://security.king.edu>.

Escort Service:

Security Officers provide an escort service to anyone on campus during the late evening or night by dialing 4333 on campus, 423-652-4333 or 423-340-4333. Escort services are not offered by King University at offsite instructional location.

Access to institutional facilities and programs:

King University provides an open campus for students and the community. An open campus affords freedom of movement for the University community, but it also means anyone can traverse the campus without arousing much suspicion. It is essential that every student take some precautions to avoid unfortunate incidents with unwelcome campus visitors.

Students are urged to keep watch on each other's vehicles and to help control access their residence halls by re-securing outside doors when they have been opened and by taking notice of any strangers wandering about and reporting suspicious activity to security.

Campuses and facilities of King University are private property and are restricted by local, state, and federal laws, King University Policy, and the policies of the property owners in the cases of classes taking place other than on the main campus. King University property is restricted to students, faculty, staff, and guests of the University except when part or all of the campus, its buildings or facilities, are open to the general public for a designated time and purpose or when non-affiliated groups, organizations, or individuals have been granted approval. The E.W. King Library, located on the main campus, is open to the general public. All persons on campus including students, faculty, staff, visitors, and guests shall be subject to all rules and regulations of the University and to all applicable federal and state laws and regulations. In addition, all persons who operate motor vehicles on campus agree by such operation to be subject to King University rules, regulations, policies, and procedures on traffic and parking. All persons on campus shall provide adequate identification upon request to appropriate officials and security personnel of the University. Personnel and students of the University who refuse to provide such identification may be subject to disciplinary action. Other persons who refuse to provide such identification shall be requested to leave the campus and may be subject to lawful removal and prosecution.

The Kingsport off site instructional locations are open various hours depending on class schedules. Access to off-site instructional locations is the responsibility of the appropriate institution.

Student housing available:

King University offers housing for a maximum 493 students with four female residence halls and one male residence hall. If a change is requested because of a roommate conflict, the roommates will be expected to have exhausted all means of solving the problem prior to contacting the area coordinator (AC). The AC will seek to resolve any conflicts between roommates before permission is granted to move. If a change is approved, the resident must make an appointment with his or her RA at least one day ahead of time in order to check out. It is also important to do the same thing with a new RA before moving in order to move into a new room. The Residence Life Office reserves the right to change or alter living arrangements in the residence halls when deemed appropriate. If a space becomes available, a new roommate may be assigned unless a specific roommate is requested. If a resident refuses to accept an assigned roommate or attempts to force the roommate out of the room, that student may lose his or her housing privileges. Living together is an educational experience and through personal growth, one can look forward to increasing good personal relationships.

Housing is not offered at any off site instructional location.

Security of entrances to student housing facilities including security features used to secure doors and windows in students' rooms:

All residence halls located on the King University campus are locked twenty-four (24) hours a day, year-round with entrance to the buildings by University identification card only. Other than the lobby of Liston Hall, which is open twenty-four (24) hours a day for student use, entrances to the living areas requires identification card access. Doors and windows of student rooms are fitted with standard locks and are the responsibility of students to secure.

The number of employees, including security personnel, assigned to the student housing facilities which shall include a description of their security training:

Residence Life Personnel and Training

King University has four (2) full time live-in Residence Life professionals within its student housing facilities.

King University also employs twenty-three (23) paraprofessional students as resident assistants.

All professional staff participates in security and emergency response training, typically beginning two weeks prior to the arrival of student staff. Security training includes crisis response training, emergency protocol, and comprehensive referral training. Residence Life staff are trained extensively on how and when to contact University security and/or local law enforcement. Paraprofessional security training begins as early as ten days prior to the first day of class and includes much of the same crisis and emergency response training as the professional staff. In addition to training, which occurs at the beginning of the academic year, the entire Residence Life staff participates in refresher training sessions throughout the academic year where all aspects of the security training are revisited and updated throughout the year.

Security Personnel and Training for security Officers Assigned to Residence Halls

No security personnel are assigned to resident halls; however, security officers patrol the resident halls when appropriate.

Special security procedures for housing students during low-occupancy periods such as holidays and vacation periods:

King University maintains on-call professional staff at all times during breaks and holidays when students are residing in University residence halls. Residence Life protocol mandates that no less than one Residence Life professional be on-call at all times during any break or vacation when students are present. Professional staff members are equipped with a pager and cell phone and have these numbers well publicized throughout the residence halls. During breaks in which the residence halls remain open, each residence hall is staffed with at least one paraprofessional staff member who is required to do rounds and is trained in emergency response protocol. All residence halls will be closed during Christmas and Spring Breaks. Students are expected to vacate their rooms according to the dates and times listed in the campus calendar.

Students are responsible for arranging their own off-campus housing when the residence halls are closed. Only students who are part of an approved University group or organization may remain in residence halls past the cut-off date or come back early before residence halls officially open. This approval must be given by the Residence Life Office to the supervisor or leader of the particular group. Students may be asked to move to another residence hall, depending on the AC on duty. These decisions are left to the discretion of the Director of Residence Life.

The housing of guests and others not assigned to the student housing or not regularly associated with the institution of higher education.

In order to ensure the security of the residence hall, to protect personal belongings, and to provide a courtesy to roommates and other residents, all overnight guests should be checked in with the AC and RA on that hall by the host. Overnight guests are allowed, but they must be of the same gender as the residents, and they are expected to adhere to the Community Life Standards of the University. For guests of the opposite sex, arrangements may be made with friends in another living area. Students are responsible for the conduct of their guest(s). Normally no charge is made for guests who stay in student's rooms. Guests are not permitted to stay more than three nights except by special permission of the AC. The University reserves the right to deny any guest, including students living in another residence hall, if such action is determined to be in the best interest of the residents or the University. There are a limited number of guest rooms available on campus. These rooms are for housing parents and other family members only. Housing arrangements for guest rooms may be made through the Student Affairs Office.

Family members are always welcome to briefly visit with their son, daughter, or sibling in their room after an AC or RA on the hall has been notified.

Campus sexual assault programs to prevent sex offenses and procedures to follow when a sex offense occurs:

King University is dedicated to maintaining an environment that is safe and supportive of its students and employees, where relationships are built on honesty, integrity, and trust. Accordingly, King University prohibits sexual assault and rape as defined by state law. In reported directly to the Security Department by the victim will be reported to the proper law enforcement compliance with Tennessee State Law, any degree of rape occurring on the King University campus with or without the consent of the victim/survivor. Victims/survivors who report sexual assault or any degree of rape to a King University faculty or staff member other than security officers will be referred to the proper counseling agency. Actions that result in charges of sexual assault or rape under this policy will be subject to University disciplinary

action. A student may also be subject to criminal and/or civil liability under state law in addition to any action taken by the University.

In an effort to deal with the aftermath of sexual violence and other emotional issues, King University houses an on-campus Counseling Center staffed by trained individuals.

If you are a victim of a sexual assault at this institution, your first priority should be to get to a place of safety. You should then obtain necessary medical treatment. The King University Security Department strongly advocates that a victim of sexual assault report the incident to law enforcement in a timely manner. Time is a critical factor for evidence collection and preservation. An assault should be reported directly to local law enforcement, a security officer, and/or to a member of the residence life staff. Filing a police report with a security officer will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. However, Tennessee State law requires that any University security officer receiving a report of any type of sexual assault report the incident to law enforcement. This requirement does not require a victim to prosecute.

Filing a police report will:

- ensure that a victim of sexual assault receives the necessary medical treatment and tests;
- provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam);
- assure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

Seeking Support

Individuals are available for consultation. Any of these people may be contacted confidentially and off the record. They will listen and explain available options. *Seeking support from the individuals and services listed below does not constitute reporting the incident to the University.*

- Chaplain (423) 652-4708
- Campus Counselor (423) 652-4742
- Abuse Alternatives (423) 764-2287
- Crisis Center (276) 466-2312

University disciplinary proceedings, as well as special guidelines for cases involving sexual misconduct, are detailed in the *Student Handbook*. A student found guilty of violating the King University Relationship Conduct policy could be criminally prosecuted in the state courts and may face disciplinary action including and up to suspension or expulsion from the University. The University's proceedings are separate from civil litigation or criminal arrest and prosecution; and may be carried out prior to, simultaneously with, or following civil or criminal proceedings. Rulings associated with the honor code and other campus policies are not linked to decisions related to legal matters and may differ in outcome. Student victims have the option to change their academic and/or on-campus living situations after an alleged sexual assault, if such changes are reasonably available.

Policy Statement Addressing Disclosures to Alleged Victims of Crimes of Violence or Non-forcible Sex Offenses

King University will, disclose to the alleged victim of a crime of violence, or a non- forcible sex offense, the results of any disciplinary hearing conducted by the University against the student who is the alleged perpetrator of the crime or offense.

Policy statement addressing the institution’s programs to prevent dating violence, domestic violence, sexual assault, stalking, hazing and general conduct between members of the campus community and procedures the institution will follow when one of these crimes is reported.

GENERAL STATEMENT ON NON-DISCRIMINATION

King University does not discriminate on the basis of race, color, national origin, sex, disability or age in its programs and activities.

OVERVIEW

King University expects that all members of the university community will conduct themselves in a responsible manner that shows respect for others and for the community at large. Students, faculty, staff and all other employees are subject to King University policies (including this Relationship Conduct policy) and to various local, state, and federal laws that regulate civil conduct. King University is also bound by, and supports, all applicable laws. King University’s proceedings are separate from civil litigation or criminal arrest and prosecution, and may be carried out prior to, simultaneously with, or following civil or criminal proceedings.

King University intends to provide a safe and welcoming campus environment. In order to attain this goal, King University seeks to provide safety, privacy to the fullest extent possible, and support to victims of any crime or violation of this policy. King University will offer educational programs to promote the awareness and prevention of assault, violence, harassment, and any other type of relationship misconduct. Reports of relationship misconduct will be taken seriously and incidents will be responded to appropriately and in a timely manner.

King University is bound by federal and state laws, including but not limited to Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex, and Title VII, which prohibits discrimination on the basis of multiple categories such as race, color, national origin, ethnicity, creed, sex, or religion. Sexual harassment, including acts of sexual violence, is a form of sex discrimination. King University is committed to complying with all such laws, but moreover, to providing a safe campus environment for all.

Students may report any behavior believed to be a violation of the Relationship Conduct Policy to the Associate Vice President for Student Affairs/Dean of Students (Matthew S. Peltier, Maclellan Hall Room #11, mspeltier@king.edu, 423-652-4740), the Title IX Coordinator (James P. Donahue, E.W. King Building, Room #16F, jpd@king.edu, 423-968-1187) or the Assistant Title IX Coordinator (Benny L. Berry, Parks Hall Room #32, blberry@king.edu, 423-652-4705). All employees are expected to be knowledgeable about where and how to report a student complaint, and referral sources for students such as Counseling Services and the Chaplain.

This Relationship Conduct Policy and federal and state laws are applicable on-campus and off-campus, and affect all relationships within the King University community, including conduct by or affecting students, faculty and staff. Conduct toward persons outside the King University community may be

considered a violation of this policy if King University concludes there is a sufficient connection between the conduct and King University to warrant King University taking action.

PURPOSE

The purpose of this Relationship Conduct Policy is to provide a single reference document for students, faculty, staff, and others affected by relationship misconduct to find information regarding King University’s rules, policies, and procedures. “Relationship misconduct” can encompass many kinds of conduct, including but not limited to harassment, discrimination, assault, coercion, rape, or dating violence. By whatever name it is known, King University strives to provide an environment free from any sort of relationship misconduct.

DEFINITIONS

See Appendix A at the end of this policy.

REPORTING A VIOLATION OF THIS POLICY

If you feel you have been the victim of any violation of any section of this policy, you have several options available to you regarding reporting this violation.

What About Confidentiality?

King University encourages those who have suffered a violation of this policy, especially victims of sexual violence, to talk to someone about what happened—so victims can get the support they need and so the University can respond appropriately. Different employees on campus have different abilities to maintain a victim’s confidentiality. Counselors within the King University Counseling Center (423-652-4742), and King University’s Chaplain (423-652-4708), are on-campus resources for confidential discussions about these matters. Counselors and the Chaplain are able to maintain absolute confidentiality in all but the rarest circumstances (such as sexual abuse of a minor). Discussing a violation of this policy with a Counselor or Chaplain does not constitute “reporting” the violation and will not result in an investigation into the allegation without the victim’s consent. On the other hand, to make a “report” of a violation of this policy that will result in King University’s investigation into the incident, students should contact the Associate Vice President for Student Affairs/Dean of Students, the Title IX Coordinator, or the Assistant Title IX Coordinator. Employees wishing to make a report should contact any of the following: his/her supervisor, Title IX Coordinator, or Assistant Title IX Coordinator. There are also off-campus resources, such as The Crisis Center (276-466-2312) or Abuse Alternatives (423-764-2287), that are available for confidential discussions and which do not trigger a “report” to the University.

Report the behavior.

Students may report any behavior believed to be a violation of the Relationship Conduct Policy to the Associate Vice President for Student Affairs/Dean of Students (Matthew S. Peltier, Maclellan Hall Room #11, mspeltier@king.edu, 423-652-4740), the Title IX Coordinator (James P. Donahue, E.W. King Building, Room #16F, jpd@king.edu, 423-968-1187), or the Assistant Title IX Coordinator (Benny L. Berry, Parks Hall Room #32, blberry@king.edu,

423-652-4705). All employees are expected to be knowledgeable about where and how to report a student complaint, and referral sources for students such as Counseling Services and the Chaplain.

Employees may report any behavior believed to be a violation of the Relationship Conduct Policy to his/her supervisor, the Title IX Coordinator, or the Assistant Title IX Coordinator. All supervisors are expected to be knowledgeable about where and how to report an employee complaint. This policy does not require an employee to report an incident to their supervisor before reporting an incident to the Title IX Coordinator, or the Assistant Title IX Coordinator.

King University has developed a Relationship Conduct Policy Complaint Form for use in reporting alleged violations of this Policy. Use of the Complaint Form is encouraged, but not required. The complaint process may begin with a verbal statement, but at some point, it may become necessary to commit the complaint to writing. All complaints will be investigated.

All King University employees who receive reports or notices of allegations of a violation of the Relationship Conduct Policy, whether or not reported on the King University's Complaint Form, must forward the complaint to the Title IX Coordinator and/or Assistant Title IX Coordinator for appropriate handling. Employees other than the Title IX Coordinator or Assistant Title IX Coordinator may not, under any circumstances, conduct their own investigation into the reported violation. In instances in which the Title IX Coordinator and/or Assistant Title IX Coordinator may be implicated in the alleged violation, the employee should forward the complaint to the remaining person not implicated in the alleged violation or to the King University President.

Requests for confidentiality during the complaint process will be honored to the fullest extent possible, however, complete confidentiality may not be guaranteed, especially if maintaining the confidentiality would impede the investigation or correction of the behavior. The Assistant Title IX Coordinator in conjunction with the Title IX Coordinator will be responsible for evaluating and responding to requests for confidentiality, and will consider a wide range of factors such as the risk that the alleged perpetrator will commit additional acts, whether the victim is a minor, whether a weapon was utilized, and whether a pattern of perpetration is suspected (such as illicit use of drugs or alcohol by a particular group or at a particular location). Generally, reported information will only be shared with those persons necessary to handle King University's response to the report.

State and federal laws may require an employee to report certain behaviors, especially those constituting a crime, to a higher authority within King University, who may be required to report to off-campus officials and/or investigate the matter as warranted. King University employees should refer to the Mandatory Reporting Policy for further information. In no case should a King University employee undertake his/her own investigation into a complaint unless that employee has been designated by the Title IX Coordinator or the President to investigate the matter.

Pursuant to Tennessee State Law, faculty and staff (other than individuals whose job description includes the role of counselor or chaplain unless there is an immediate threat to any member of the campus community or a report of sexual abuse of a minor) must refer the victim of any type of rape/non-consensual sexual intercourse occurring on campus to the appropriate victim services and report the incident internally within King University. Security officers receiving a report from the victim of any type of rape/non-consensual sexual intercourse

occurring on campus must report to the Director of Security who must report the incident to the law enforcement agency having jurisdiction over the campus location.

A. Confidential and Anonymous Reporting

The Campus Conduct Hotline system is available for use 24 hours a day, seven days a week. Because the Hotline is operated by an independent organization, any calls made through this Hotline are completely confidential and anonymous.

Possible violations of this Policy can be reported anonymously by calling **866.943.5787**, the call is toll-free.

The complete policy for the **Campus Conduct Hotline, The Campus Conduct Introductory Letter and the Campus Conduct Hotline FAQ's (Frequently Asked Questions)** all may be found on the Portal:

My Documents
Policies Procedures and Forms for All Employees

Reporting and follow-up processes:

1. Once a call is received an explanation of the Campus Conduct Hotline program and how it functions will be provided. The option to file a report in another language other than English is available.
2. At the beginning of the interview, a five digit pin will be provided as a randomly generated case number for use to check back for updates and requests for additional information. This number should be kept because it is the only way to obtain updates.
3. An interview will be conducted about the question or concern.
4. Interviews are not recorded. Instead, the interviewer will maintain notes from the conversation. Because of the built-in confidentiality, it is important that specific information be provided.
5. Providing personally-identifiable information is not required. However, in some cases the absence of personally-identifiable information may inhibit King University's ability to respond effectively to the reported concern.
6. Within one business-day of receiving the call, a summary of the interview will be forwarded to King University. Typically, a basic response to the complainant is provided in five business days. Another call is required in order to receive that response. At that time, additional information may be required. Alternatively, if you would like someone to contact you directly, you can leave your name along with a phone number where and when you would prefer to be called.
7. Updates may be obtained at any time until the case is closed.

B. For criminal behavior, file a complaint with a law enforcement agency.

If the behavior is criminal in nature, the student or employee complaining may wish to contact the appropriate law enforcement agency. For crimes that occur on the Bristol campus, or

elsewhere in Bristol, Tennessee, you may contact the Bristol Tennessee Police Department at 423.989.5600 or by dialing 911. The person with the complaint may request that a King University representative assist them in reporting to the Police Department, and thereafter during the process. Law enforcement may always be contacted, regardless of any other actions the person chooses to take under this policy. It is important to preserve evidence as may be necessary to the proof of a crime.

Reporting an incident of criminal behavior to an off-campus law enforcement agency does not constitute filing a report that triggers a King University investigation into the incident and does not fulfill an employee's mandatory reporting duties, unless the report is also made to King University personnel (other than a Counselor or Chaplain).

C. Seek Support

King University maintains several individuals available for consultation and/or counseling. Any of these people may be contacted confidentially and off the record. They will listen and explain available options. **Seeking support from the individuals and services listed below does not constitute reporting the incident to King University, and will not fulfill an employee's mandatory reporting duties.**

1. Counseling Center 423.652.4742
2. Chaplain 423.652.4708
3. Abuse Alternatives 423.764.2287
4. Crisis Center 276.466.2312

PROTECTION OF RIGHTS

The procedures listed in this policy are intended to protect the rights of the aggrieved party (the Complainant) as well as the party against whom the complaint is lodged (the Respondent), as required by state and federal laws. Each complaint must be properly and promptly investigated and, when warranted, appropriate disciplinary action taken against the Respondent. Both Complainant and Respondent can expect:

- Notice of the nature of the Complaint;
- The opportunity to provide information, offer evidence, and suggest witnesses relevant to the Complaint;
- Notice regarding meetings or interviews where the party's presence is requested;
- The opportunity to have an advisor of their choice during the investigative and review process. Such advisors may provide support and advice to the parties at any meeting and/or proceeding of the investigative process, but may not speak on behalf of the parties or otherwise participate in, or in any manner disrupt, such meetings and/or proceedings. Any person not involved in the Complaint as a party or a witness may be an advisor. Advisors may be, but are not required to be, attorneys;
- Reasonable time to prepare any necessary responses;
- Privacy in accordance with this Policy and with any legal requirements;
- The opportunity to raise concerns regarding bias or conflict of interest on the part of any person representing King University in the investigative or review process;

- Written notice of the outcome of the investigation and of all decisions during the review process;
- Reasonable interim remedial measures; and
- Freedom from retaliation or intimidation.

Both Complainant and Respondent are expected to:

- Refrain from retaliation or intimidation of any person involved in the process; and
- Provide truthful and complete information during the investigative and review processes.

RETALIATION

Retaliation occurs when an individual or group suffers a negative action after filing a report, providing a witness statement, assisting someone else with a complaint, or participating in any prevention activities related to an alleged violation of the Relationship Conduct Policy.

Retaliation is a violation of policy even if the original alleged violation of the Relationship Conduct Policy was not proven. Negative actions can include, but are not limited to:

- A. Lowering a grade or evaluation;
- B. Singling out an individual in class or meetings;
- C. Providing negative information about the person in order to interfere with his or her prospects for employment or admission to an academic program;
- D. Any adverse decision or treatment that would be likely to dissuade a "reasonable student or employee" from making or supporting a charge of Relationship Misconduct, including the actions of a third party; and
- E. Even where well intentioned, attempts to insulate or protect a Complainant by changing his or her educational environment, schedule or duties, or by transferring the Complainant to another office or class may be considered retaliatory. Before taking any such action employees must consult with the Title IX Coordinator or Assistant Coordinator.

Retaliation is strictly prohibited against any Complainant, Respondent, witness, or any other person cooperating with an investigation. Any act of retaliation will be treated as a separate and distinct incident, regardless of the outcome of the complaint.

IMMEDIATE RESPONSE

Once a report is made, the following immediate actions may be taken at the direction of the Title IX Coordinator or Assistant Title IX Coordinator:

- A. The issuance of a no contact order between the Complainant, the Respondent, and others involved.
- B. Change in academic, living, and/or workplace situations of the Complainant, the Respondent, and others involved.
- C. If the Respondent is a student, interim suspension of the alleged Respondent.
- D. Referral to law enforcement.
- E. If an employee is the Respondent, the employee may be placed on administrative leave.
- F. Other actions may be taken as necessary to prevent reoccurrence and address the effects of any misconduct.

COMPLAINT RESOLUTION PROCESS

INFORMAL RESOLUTION PROCESS PRIOR TO AN INVESTIGATION

After meeting with the Complainant, the Title IX Coordinator or Assistant Title IX Coordinator will engage in an initial threat assessment. In cases that do not involve violence, hazing, sexual assault, or behavior that the University believes will have a severe impact on other members of the campus community, the Coordinator or Assistant Coordinator may determine that the most prompt and effective way to address a concern under the Relationship Conduct policy, is via an informal resolution process. This process takes place before an investigation and does not involve an investigative report or a determination as to whether a policy has been violated. (An informal resolution taking place after an investigation has begun does require a written report and a determination as to whether a policy has been violated.) The purpose of the informal resolution process prior to an investigation is to ensure that the Respondent is aware of the specific concerns raised, that the inappropriate behavior, if any, stops, and/or any miscommunication between the parties can be resolved. In these cases, the Title IX Coordinator or Title IX Assistant Coordinator may handle the informal resolution process or delegate it to an appropriate person such as the Associate Vice President for Student Affairs/Dean of Students if both parties are students.

- Interview the Complainant and document the concerns
- Meet with the Respondent to make the Respondent aware of the concerns and hear the Respondent's perspective on the matter
- Ensure that the Complainant and Respondent are aware of the Policies and their rights
- Discuss with the Respondent appropriate conduct moving forward, including avoiding conduct that could be considered retaliatory
- Follow-up with the Complainant regarding the Respondent's responses
- Document the actions taken to complete the informal resolution process

A. Appointment of Investigator

Once a complaint of has been received by or forwarded to the Title IX Coordinator and/or the Assistant Title IX Coordinator, the Coordinator and Assistant Coordinator shall consult and the Title IX Coordinator shall immediately designate an Investigator for the complaint, which will ordinarily be the Assistant Title IX Coordinator. In appropriate instances, the Title IX Coordinator may designate the Associate Vice President for Student Affairs/Dean of Students as Investigator. This investigation process may not to apply to certain complaints, for example, if the Title IX Coordinator were the Respondent in a Complaint, the Assistant Title IX Coordinator would replace the Coordinator for purposes of that Complaint.

B. Conducting the Investigation

In consultation with King University's legal counsel, as appropriate, the Investigator shall conduct an investigation of the complaint. In conducting the investigation, the Investigator shall interview, or attempt to interview, the Complainant, the Respondent, and other persons believed to have knowledge related to the investigation. It is the responsibility of the Investigator to weigh the credibility of all individuals interviewed, determine the weight to be given information received during the course of the investigation, provide an investigative determination (or "Recommended Finding"), and recommendations for the appropriate next steps, including but not limited to recommended disciplinary action or sanctions. All investigatory notes and documents shall be considered documents prepared in anticipation of litigation and/or law enforcement unit records.

All of King University's students and employees are required to cooperate fully with any investigation, except that a victim of a violation of this policy will not be forced or required to participate in any investigation or disciplinary proceeding in which he or she does not wish to participate.

C. Confidentiality (Once the Investigation Has Begun)

To the maximum extent possible, the investigation will be conducted in such a manner to protect the confidentiality of all parties. In order to conduct an effective investigation, it may be necessary to reveal certain information, including the identity of the Complainant, to the Respondent. If the Complainant requests confidentiality or asks that the complaint not be pursued, King University will take all reasonable steps to investigate and respond to the complaint that are consistent with the request for confidentiality or request not to pursue an investigation. If the Complainant insists that his or her name or other identifiable information not be disclosed to the Respondent, the investigator will inform the Complainant that the request may limit King University's ability to investigate and respond to the incident.

All requests for confidentiality will be evaluated by the Assistant Title IX Coordinator in conjunction with the Title IX Coordinator in the context of King University's responsibility to provide a nondiscriminatory environment for the campus community. A range of factors may be considered when evaluating a request for confidentiality, including but not limited to whether there is a continuing threat to the campus community, the seriousness of the alleged violation, whether violence or a weapon was involved, other complaints about the same Respondent, the age of the victim, and the existence of other available evidence. If King University cannot ensure confidentiality, it will inform the Complainant.

D. Notification of Complaint

As soon as reasonably appropriate given the nature of the complaint, the timing of the complaint, and other factors, the Investigator shall notify the Respondent in writing that a complaint has been made alleging that he/she violated the Relationship Conduct Policy. At the time a Respondent is made aware of a complaint against him or her, notification of the Respondent's rights and responsibilities under the policies must be provided to the Respondent. In most instances, the Respondent should be notified within five (5) business days of the filing of the complaint. The Respondent shall respond in writing to the complaint within five (5) working days following the date of receipt of the Investigator's notification of a requested response to the allegations.

If either the Complainant or the Respondent is a student, the Investigator should communicate the prohibition against disclosure of personally identifiable information with regard to the student, based on FERPA.

E. Protection from Retaliation for Complaint

The Complainant, the Respondent, and all individuals interviewed shall be notified that any retaliation engaged in connection with the complaint or its investigation is strictly prohibited regardless of the outcome of the investigation, and may, in itself, be grounds for disciplinary action.

F. Mediation

In cases that do not involve violence, assault or any nonconsensual sexual contact, in cases that do not impact a broader population than those persons directly involved in the complaint, or in cases that do not involve a student complaint against an employee in a position of authority over the student, mediation may be an appropriate method of reaching an informal resolution to a complaint. At any time during the course of the investigation, the Investigator may suggest mediation to both the Complainant and the Respondent individually for the purpose of resolving the complaint informally. Mediation is not required, but is only appropriate when both parties agree to mediate the complaint.

Mediation is conducted by a neutral third party who assists both the Complainant and Respondent in negotiating a resolution to the alleged harassment or other discrimination. The Mediator will be a member of the pool of persons available to serve on the Hearing Panel. Mediation is intended to be a fair and efficient process where a neutral mediator can help the Complainant and Respondent reach a mutually agreeable resolution. Mediation gives the parties the opportunity to discuss the issues in dispute, to clear up misunderstandings, to determine underlying interests or concerns, to find areas of agreement, and then to transform the areas of agreement into a workable resolution. Once begun, Mediation may be ended at any time during the process by either party.

If the parties are in agreement on resolution of the complaint, the Deciding Executive (as defined below) will review the proposed resolution. If the informal resolution is accepted by the Reviewing Executive, the incident will be considered closed and monitored by the appropriate King University officials. If the informal resolution is rejected by the Reviewing Executive, needed changes will be made and resubmitted for approval by all parties involved.

If an agreed resolution cannot be reached, the Investigator will continue with the investigation process. If at any time the terms of the agreed resolution are broken, the Title IX Coordinator of Assistant Title IX Coordinator may direct the Investigator to reopen the investigation into the complaint and/or a new complaint may be filed.

G. Investigation

The Investigator meets with the parties individually, as well as all relevant witnesses. The Investigator collects available supporting evidence. Supporting evidence may include, but is not limited to, documents, emails, video or audio surveillance, or other physical evidence. The Investigator may re-interview any witnesses or parties as needed.

H. Standard of Proof

The standard of proof for adjudicating complaints regarding violations of the Relationship Conduct Policy is a “preponderance of the evidence.” A preponderance of the evidence means that it is more likely than not that a violation of the Policy occurred. The Investigator will make a Recommended Finding in the Investigative Report as to whether there is sufficient evidence to support a finding that a violation of the Relationship Conduct Policy occurred.

I. Investigative Report and Recommended Findings

In all investigations, the Investigator shall issue an Investigative Report. The Report shall outline the basis of the Complaint, including the dates of the alleged occurrences, the response of the Respondent(s), all evidence considered during the investigation, all attempts to resolve the Complaint informally, and the Investigator’s Recommended Finding(s) as to whether there is a “preponderance of the evidence” of a violation of the Relationship Conduct Policy. The Investigator may engage King University’s legal counsel in reviewing the Investigative Report and its Recommended Findings. If the Investigator’s Recommended Finding is that a policy violation occurred, the Investigator shall set forth any recommended disciplinary actions or other remedial or corrective actions.

J. Confirmation/Rejection of Recommended Findings

The Investigative Report is forwarded to the Deciding Executive for review and confirmation or rejection of the Recommended Findings (the “Findings”) and recommended disciplinary actions or other remedial or corrective actions. The following shall serve as Deciding Executives: for staff employees, the Vice President for a Respondent’s department shall be the Deciding Executive; for faculty members, the Vice President for Academic Affairs shall be the Deciding Executive; and for students, the Associate Vice President for Student Affairs/Dean of Students shall be the Deciding Executive.

For Respondents who are students, when the Recommended Findings are referred to the Associate Vice President for Student Affairs/Dean of Students as the Deciding Executive, this shall mark the beginning of the Student Conduct Process for student violations. The Student Conduct Process will then apply to all complaints involving allegations of violation of the Relationship Conduct Policy, EXCEPT THAT the Honor Council Hearing and Appeals processes shall be replaced by the Review Panel and Reviewing Executive processes described below. All other provisions of the Student Conduct Process up to the point of an Honor Council Hearing remain intact, including options for Administrative Agreement and Administrative Action.

If the Deciding Executive confirms the Recommended Finding of the Investigative Report, the Deciding Executive shall issue its Findings, implement the proper disciplinary actions, and shall forward the Findings to the Title IX Coordinator for consideration of whether any discriminatory or hostile environment has been eliminated and whether prevention of recurrence of any violation has been adequately addressed.

If the Deciding Executive rejects the Recommended Findings of the Investigative Report, the Complaint will be considered to be in dispute, and will be reviewed by the Review Panel automatically.

K. Disputing a Finding

Either party (Respondent or Complainant) has the right to dispute the Deciding Executive’s Findings. Findings may be disputed in two ways: (1) Submission of Additional Evidence to the Investigator, and/or (2) Request an Appeal before a Review Panel.

If either party believes that the Decision did not take into account all available evidence, documents, witnesses, or aggravating/mitigating factors, the party may provide such additional information to the Investigator within ten (10) business days of issuance of the Investigative Report. If a party makes such an Additional Submission, the Investigator shall have five (5) business days to consider and act upon the Additional Submission. (If the Additional Submission results in significant investigative steps being undertaken or repeated, this time frame may be extended in the judgment of the Investigator.) After consideration of the Additional Submission, the Investigator shall issue a written Final Investigative Report confirming the original Recommended Finding(s) or revising the Recommended Finding(s) as appropriate. The Deciding Executive shall then reconsider the Findings in light of the Final Investigative Report, and shall issue a Reconsidered Finding. If the Reconsidered Finding is that a policy violation occurred, either party may request an appeal before a Review Panel within ten (10) business days of issuance of the Reconsidered Finding. If no appeal is requested, the Reconsidered Finding is final. Further, the Reconsidered Finding and Final Investigative Report will be forwarded to the Title IX Coordinator for consideration of whether any discriminatory or hostile environment has been eliminated and whether prevention of recurrence of any violation has been adequately addressed.

If either party believes that the Finding (either an original Finding or a Reconsidered Finding) is in error, that party may request an appeal before a Review Panel within ten (10) business days of issuance of the Finding by making a written request to the Title IX Coordinator. The request is not required to be in any particular form, other than to reference the Finding and to request an appeal before the Review Panel. It is not necessary to Submit Additional Evidence to the Investigator before requesting an appeal before the Review Panel, however, the Review Panel may decline to consider additional evidence during an appeal that was not submitted to the Investigator unless “good cause” exists for not making the Additional Submission. “Good cause” may include such factors as the evidence not being discoverable at the time through the exercise of due diligence, or evidence that was concealed by another person.

L. Review Panel

A Relationship Conduct Review Panel shall be constituted as a standing committee of King University. The Panel shall be appointed by the Title IX Coordinator from among a pool of senior King University administrators who are trained regarding Title IX and other relevant laws. The Panel may include external professionals with specific expertise in Title IX and other relevant laws, as determined in the discretion of the Title IX Coordinator. After a Final Determination has been issued, either party may request an appeal before the Relationship Conduct Review Panel. Such request shall be made in writing and submitted to the Title IX Coordinator no later than ten (10) business days after the Investigative Report is issued or after disciplinary action has been determined, whichever occurs later.

Upon receipt of a request for an appeal before the Review Panel, the Title IX Coordinator shall promptly appoint a Panel of three (3) voting members and one (1) non-voting Chair to conduct the Review. If the Respondent is a faculty member, the Vice President for Academic Affairs shall be a voting member of the Panel. If the Respondent is a student, in most cases the Associate Vice President for Student Affairs/Dean of Students shall be the non-voting Chair of the Panel and the Vice President for Student Affairs may not be a voting or non-voting member of the Panel. If the Respondent is a Student-Athlete or an employee member of the Athletic Department, the Athletic Director may not serve as a voting or non-voting member of the Panel.

At the time of appointment of the Review Panel, the Title IX Coordinator shall provide the Review Panel with the Investigative Report, the Investigator’s file, including written

statements and other evidence, any Additional Submissions, and the Investigator's Recommended Findings.

Within five (5) business days of appointment of the Panel, the Chair shall set a Meeting date and time and shall provide copies of all review materials to each voting member of the Panel. The Meeting shall be as soon as reasonably convenient, but within twenty (20) business days of the appointment of the Panel.

At the Review Meeting, the Chair shall preside. Each party will have an opportunity to make a statement, present witnesses and/or evidence, answer questions of the Panel, and to offer to the Panel relevant questions for the Panel to consider addressing to other parties or witnesses. Neither party will be permitted to directly address or examine any other party or witness. The Panel may ask the Investigator to present information or statements or otherwise explain any aspects of the Investigation or Report that the Panel wishes to consider. The Panel may also request the presence of any witnesses that the Panel deems relevant. The Panel has full discretion in determining which witnesses are relevant and may decline to hear from any witness that the Panel believes is unnecessary to their Review.

Both parties have a right to be present at the Meeting. Either party may request alternative methods for participating in the Meeting that do not require physical proximity to the other party. Such request must be submitted to the Chair at least two (2) business days prior to the Meeting. Neither party is required to attend the Meeting. Failure of either party to attend or participate in the Meeting shall not be cause for the Meeting to be cancelled or postponed.

Both parties have the right to be accompanied at the Meeting by an advisor of their choice. The advisor may be anyone, including legal counsel, who is not otherwise a party or a witness. The advisor may provide support, advice and counsel to the party, but may not directly participate in the Meeting. Any person whose actions are disruptive to the Meeting or the Review process may be removed from the proceedings in the discretion of the Panel.

The standard of review for the Review Panel shall be a determination of whether the preponderance of the evidence standard was appropriately applied by the Investigator and the Deciding Executive. The Review Panel shall consider whether the concerns noted by the party raise substantial doubt about the thoroughness, fairness, and/or impartiality of the investigation or the Finding, and if not, whether there is sufficient evidence to support the Finding by a preponderance of the evidence.

If the Review Panel determines that the party requesting the Review raised substantial doubt about the thoroughness, fairness, and/or impartiality of the investigation or Findings, the Review Panel will remand the matter to the Title IX Coordinator with instructions for further investigation or action.

If the Review Panel finds no cause for substantial doubt regarding the thoroughness, fairness, and/or impartiality of the investigation or Finding, but determines there is insufficient evidence to support the Finding, the Panel may: (1) remand the matter to the Title IX Coordinator for further investigation or action, or (2) issue a new Decision.

If the Review Panel finds no cause for substantial doubt regarding the thoroughness, fairness, and/or impartiality of the investigation and affirms that there is sufficient evidence to support the Finding, the Review Panel shall issue such a Decision. If the Decision is that a party is responsible for a violation of the Relationship Conduct Policy, the Review Panel will also reach a determination as to an appropriate sanction. The appropriate sanction shall be selected

based on all relevant factors, including but not limited to the severity or pervasiveness of the misconduct; prior misconduct by the Respondent; the nature of the misconduct, including whether violence or use of weapons was a factor; the impact on the Complainant; any impact on the broader campus community; maintaining a safe and welcoming environment; and any mitigating, aggravating or other compelling circumstances. If the Decision is that a party is not responsible for a violation of the Relationship Conduct Policy, the matter shall be closed. Appropriate remedial measures may remain in effect to support a Complainant.

The Review Panel shall issue its Decision, in writing, to the Complainant, Respondent and Reviewing Executive (defined below), with a copy to the Title IX Coordinator. The Chair shall also forward to the Title IX Coordinator a confidential copy of the Investigative Report and any Additional Submissions, as well as any additional materials considered by the Review Panel (the "Decision Packet").

M. Appeals

If either party believes that the Review Panel's Decision is in error, that party may request an appeal before a Reviewing Executive within ten (10) business days of issuance of the Decision by making a written request to the Title IX Coordinator. The request is not required to be in any particular form, other than to reference the Decision and to request an appeal before the Reviewing Executive. The Title IX Coordinator shall forward the Decision and Decision Packet to the Reviewing Executive within two (2) business days of receipt of the request for an appeal.

The Reviewing Executive is the senior level administrator for the Respondent's chain of command. For students, the Reviewing Executive shall be the Vice President for Student Affairs. For staff employees, the Reviewing Executive shall be the Vice President for Business Operations. For faculty members, the Reviewing Executive shall be the President of King University.

Upon receipt of the Decision and the Decision Packet, the Reviewing Executive will have five (5) business days to review the information and affirm or reject the Review Panel's Decision, and if applicable, determine appropriate sanctions in accordance with King University policies applicable to the Respondent's position as employee or student. The Reviewing Executive may consult, as appropriate, King University's human resources or legal counsel and the Title IX Coordinator, in determining the appropriate sanctions.

The Reviewing Executive shall issue a written Final Outcome, outlining the decision including any appropriate sanctions being imposed on the Respondent, and any other remedial actions to be implemented. The Reviewing Executive shall forward the decision to the Title IX Coordinator for distribution. The Title IX Coordinator shall forward the Final Outcome to the Complainant and Respondent and the Review Panel. The Final Outcome distributed to the Respondent may or may not include, as appropriate, any remedial measures being offered or continued for the Complainant. The Title IX Coordinator shall also consider whether any discriminatory or hostile environment has been eliminated and whether prevention of recurrence of any violation has been adequately addressed; if not, the Title IX Coordinator shall recommend to the President the implementation of additional remedial measures of general applicability.

The Final Outcome is final and is not subject to any further review or appeal. This Policy shall replace or supplant any other disciplinary, grievance, or conduct process of King University in all matters of Relationship Conduct, EXCEPT THAT: (1) nothing in this

Relationship Conduct Policy shall be interpreted to interfere with a faculty member's right to appeal a Final Outcome to the Executive Committee of the Board of Trustees pursuant to the Faculty Handbook procedure governing "Faculty Appeals of Other Matters of Significance" and (2) this Policy is designed to work within the existing Student Conduct Process, but to the extent that there is any conflict between the Student Conduct Process and this Policy, this Policy shall prevail.

RECORD-KEEPING

After completion of the investigation, the investigation report and all documentation reviewed in support of the investigation shall be maintained by the investigator. No other office will maintain a copy of the investigative file. Investigative reports will not be placed in an employee's personnel file.

PROTECTION FROM BAD FAITH COMPLAINTS

A complaint found to have been intentionally dishonest or maliciously made will subject the Complainant to King University's disciplinary process for students or employees.

OTHER IMPORTANT ITEMS TO REMEMBER

Use of alcohol or other drugs by the respondent will never function as a defense to a violation of this policy.

The sexual orientation and/or gender identity of individuals engaging in sexual activity is not relevant to allegations under this policy.

For reference to the pertinent state laws on sex offenses, please visit <http://www.michie.com>.

A formal complaint is not required to begin an investigation into behavior that may constitute a violation of this policy. Such behavior that may trigger an investigation includes, but is not limited to, a student's identifiable lack of motivation in the classroom or athletic environment, possible violations observed by a King University employee, or other reasonable suspicion of a violation of this policy.

APPENDIX FOLLOWS ON THE NEXT PAGE

APPENDIX A - DEFINITIONS

A. ABUSE

Abuse is the inflicting or attempting to inflict, physical injury on a person (adult or minor) by other than accidental means; placing a person in fear of physical harm or physical restraint; malicious damage to the personal property of the abused party, including inflicting, or attempting to inflict, physical injury on any animal owned, possessed, kept, or held by the person; or placing the person in fear of physical injury to the person's animal(s).

B. ASSAULT

A person commits an offense of assault by intentionally, knowingly or recklessly causing bodily injury to another, or intentionally or knowingly causing another to reasonably fear imminent bodily injury.

C. BULLYING

Any gesture or written, verbal, graphic, or physical act (including electronically transmitted acts) that may be reasonably perceived as being harmful or embarrassing and motivated by any actual or perceived characteristic, including but not limited to race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, mental, physical or sensory disabilities or impairments, or by any other distinguishing characteristic.

Bullying is an act directed at one or more individual(s), which is intended to harm or embarrass, is repeated over time, and involves an imbalance of physical, emotional, or social power. Such behavior may be considered bullying whether it takes place on or off King University property, or through electronic media.

D. SEXUAL COERCION

Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive. Examples include:

1. An attempt to coerce an unwilling person into a sexual relationship;
2. To repeatedly subject a person to egregious, unwelcome sexual attention;
3. To punish a refusal to comply with a sexual based request; to condition a benefit on submitting;
4. To sexual advances; sexual violence; intimate partner violence, stalking; gender-based bullying.

E. WORKPLACE OR EDUCATIONAL ENVIRONMENT COERCION

Workplace or educational environment coercion involves using or threatening to use power or perceived power to force employees or students to behave in a certain way. For example, to

threaten or imply threats in an attempt to coerce a subordinate to comply with non-sexual inappropriate demands or behavior is workplace or educational coercion. Not all threats or demands are workplace or educational environment coercion; for example explaining to an employee or student their failure to comply with assigned tasks will result in a bad evaluation or lower grade is not workplace or education environment coercion. Inappropriate demands or behavior are determined on a case by case basis.

F. CONSENT

Consent is clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.

Consent to any one form of sexual activity does not automatically imply consent to any other forms of sexual activity.

Previous relationships or prior consent does not imply consent to future sexual acts.

In order to give effective consent, one must be of legal age.

NOTE: There is no requirement that a party physically resists the sexual advance or request, but such resistance demonstrates non-consent. The presence of force is not proven by the absence of physical resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced. For example, sexual activity while a person is under the influence of drugs or alcohol may be non-consensual, but that does not mean it is necessarily “forced.”

G. DATING RELATIONSHIP

A dating relationship is the frequent, intimate association primarily characterized by the expectation of affection or romantic involvement. As used herein, “dating” does not include a merely social or business relationship between two individuals.

H. DATING VIOLENCE

Dating violence is physical, sexual, or psychological/emotional violence within a dating relationship, as well as stalking. It may occur in person, on or off King University property, or through electronic media. It may involve current or former dating partners.

I. DOMESTIC ABUSE VICTIM

A domestic abuse victim is a victim of abuse in a relationship that includes adults or minors who are current or former spouses, who live together or have lived together, who are dating or have dated, who have or have had a consensual sexual relationship, who are related by blood or adoption, who are related or were formerly related by marriage, or adult or minor children of a person in a relationship that is described within this definition.

J. DOMESTIC VIOLENCE

Domestic violence is committing abuse against a “domestic abuse victim.”

K. DISCRIMINATION

Discrimination against another person or group because of race, color, religion, national or ethnic origin, sex, sexual orientation, age or disability is not tolerated. Discrimination can include verbal or physical conduct that denigrates or shows hostility or aversion toward an individual or group and: (1) has the purpose or effect of creating an intimidating, hostile, or offensive environment; (2) has the purpose or effect of unreasonably interfering with an individual's academic or job performance; or (3) otherwise adversely affects an individual's educational or employment opportunities.

King University seeks to reasonably accommodate students with disabilities. Students who believe they have experienced discrimination related to a disability should contact the Director of Learning and Disability Services and/or the Associate Vice President for Student Affairs/Dean of Students and/or the Assistant Title IX Coordinator.

L. FORCE

Force is the use of physical violence, imposing on someone physically, and/or the use of a chemical substance (including alcohol) to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent ("Have sex with me or I'll hit you." "Okay, don't hit me; I'll do what you want.").

M. FRATERNIZATION

Fraternization is any personal relationship between individuals outside the scope of their professional relationship, including but not limited to dating, romantic, or sexual relationships. In the King University setting, such relationships may undermine the atmosphere of trust on which the King University community is built and may disrupt the King University environment. The faculty and staff of King University should always endeavor to build relationships with students and with other faculty and staff based on the highest ethical standards of the profession and of King University's Christian environment.

1. **It is unacceptable for any employee of King University, whether faculty or staff, to fraternize with a student in any manner, even when the relationship is a consensual one (except in cases where the relationship precedes the student's matriculation or the employee's employment, and such relationship is made known at the time of employment/matriculation to the Vice President responsible for the employee's department.)**
 - a. Examples of acceptable conduct:
 - i. A professor invites all the students in his/her class to a dinner at the professor's home.
 - ii. A staff member walks across campus with a student.
 - b. Examples of unacceptable fraternization:
 - i. A professor invites one student to his/her home for a private dinner.
 - ii. A staff member asks a student for a date.
2. **Violations of this policy will result in disciplinary action, up to and including termination of employment.**

Employees of King University are not prohibited from socializing or "fraternizing" with other King University employees. However, dating/romantic/sexual relationships between employees in which one employee has supervisory authority over the other are prohibited. In

cases in which the relationship precedes the employment, the employee should make his/her supervisor aware of the pre-existing relationship at the time of employment. The employment may be permitted if the relationship will not adversely affect work performance or the work environment.

N. HARASSMENT

Acts of harassment include but are not limited to: threat, intimidation, coercion, assault, acts of violence, physical abuse, verbal abuse (e.g. written or graphic material, slurs, epithets, etc.), or conduct which threatens or endangers the health or safety of any person. Other acts of harassment also include:

- a. Actions which cause one to reasonably believe they are endangered;
- b. Reporting an offense or incident knowing the offense or incident did not occur or knowing that information relating to the matter is false;
- c. Intentionally initiating or circulating a report of a bombing, fire or other emergency knowing that the report is false;
- d. Acting to prevent or interrupt the use of any building or other facility or the activities of King University;
- e. Threats by telephone, text, in writing, social media, or by any electronic means which knowingly annoys or alarms the recipient;
- f. One or more telephone calls, or calls at an hour or hours known to be inconvenient to the victim, or calls in an offensively repetitious manner, or without a legitimate purpose of communication.

Students who have a complaint regarding harassment should contact the Associate Vice President for Student Affairs/Dean of Students, Title IX Coordinator, or Assistant Title IX Coordinator. All King University employees should be knowledgeable regarding where and how to report a student complaint.

King University employees who have a complaint regarding harassment should contact their supervisor, the Title IX Coordinator, or Assistant Title IX Coordinator. All supervisors should be knowledgeable regarding where and how to report an employee complaint.

O. HARM TO PERSON

Harm to person is the physical harm or threat to cause physical harm to a person and/or self. No student shall take any action, which creates a danger to any person's health, safety, or personal wellbeing (including one's self).

P. HAZING

Hazing is both illegal and a violation of King University policy. The Tennessee Hazing Law states:

“Hazing means any intentional or reckless act in Tennessee on or off the property of any higher education institution by one (1) student acting alone or with others which is directed against any other student, that endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger such student's mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or

affiliation with any organization. Higher education institution means a public or private college, community college or university.” [Hazing Prohibited. Tennessee Code Annotated Section 49-7-123.

Thus, at King University, all members of the King University community are prohibited, in any context and anywhere, from engaging in any act, whether the act be physical, mental, emotional or psychological, which subjects another, voluntarily or involuntarily, to anything which may abuse, embarrass, mistreat, degrade, humiliate, discomfort, ridicule, harm, or intimidate.

Such activities may include, but are not limited to: forcing or encouraging the use of alcohol or drugs; paddling in any form; creation of excessive fatigue; physical and psychological shocks; unapproved quests, treasure hunts, scavenger hunts, road trips or any other such activities; wearing of public apparel which is conspicuous and not normally in good taste; engaging in public stunts; morally degrading or humiliating games; sleep deprivation; or other actions taken or situations created that produce or have the potential to produce mental or physical discomfort, harm, stress, embarrassment, or ridicule.

Presence: being present while others violate the hazing policy constitutes a violation of the hazing policy. Incidents involving hazing will be addressed through King University’s conduct process. Individual faculty, staff, students and/or student organizations guilty of hazing may be disciplined individually and as an organization. Recognition or registration by King University of an organization which engages in, allows, or condones hazing may be withdrawn or denied. Furthermore, violations of local, state, and federal laws will be referred to the appropriate law enforcement agencies. All sanctions related to hazing will be in accordance with local, state, and federal law.

Q. INCAPACITY

Incapacity is a state where someone lacks capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction). Often, a person who is incapacitated cannot make rational, reasonable decisions. This policy also covers a person whose incapacity results from mental disability, sleep deprivation, involuntary physical restraint, alcohol consumption, or from the taking of drugs. For example: sexual activity with someone known to be -- or based on the circumstances should reasonably have been known to be -- mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout, etc.), constitutes a violation of this policy.

Additionally, possession, use and/or distribution of any “date rape” drug, including, but not limited to Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another person is a violation of this policy. More information on these drugs can be found at <http://www.911rape.org>.

R. NON-CONSENSUAL SEXUAL CONTACT

Non-consensual sexual contact includes the unwelcome and without consent intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice. Such as, forcibly rubbing groin against another person’s leg.

S. NON-CONSENSUAL SEXUAL INTERCOURSE (Rape)

Non-consensual sexual intercourse is defined as the unwelcome and without consent vaginal and/or anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital and/or anal contact or genital and/or anal to mouth contact), no matter how slight the penetration or contact, even if the person touched is fully clothed.

T. NON-CONSENSUAL RECORDING OR DISTRIBUTION OF INTIMATE IMAGES OR VOICE CONVERSATIONS

The non-consensual recording of intimate parts and/or intimate conversations is prohibited. The non-consensual distribution or exposure of intimate images, intimate voice recordings, or intimate video recordings is prohibited.

Non-consensual recording occurs when one person has not been granted permission, licensed, or privileged to photograph, film, videotape, record, reproduce or otherwise capture an image or record or in any manner, an image or recording of another person's intimate conversation or parts.

Non-consensual distribution or exposure of intimate images or voice recordings occurs when one person has not been granted permission, licensed, or privileged to photograph, film, videotape, record, or otherwise exposes in any manner, the image of another person's intimate conversation or parts.

"Intimate conversation" means the discussion of intimate parts or voice recordings, photographs, or videos of consensual or non-consensual sexual contact or intercourse.

"Intimate part" means any portion of the primary genital area, any portion of the buttock or butt crack, or any portion of the female breast either uncovered or visible through less than fully opaque clothing.

The exposure of another's intimate part may also be a violation of state law and will be referred to the appropriate law enforcement agency. It is not a violation of policy when a law enforcement officer or security officer is acting in the course of their official duty for a lawful purpose.

U. SEXUAL EXPLOITATION

Sexual Exploitation is purposely or knowingly doing any of the following:

- a. Causing the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give or deny Consent to sexual activity;
- b. Allowing third parties to observe private sexual activity from a hidden location (e.g., closet) or through electronic means (e.g., Skype or live-streaming of images);
- c. Engaging in voyeurism (e.g., watching private sexual activity without the consent of the participants or viewing another person's intimate parts (including genitalia, groin, breasts or buttocks) in a place where that person would have a reasonable expectation of privacy);

- d. Recording or photographing private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts or buttocks) without consent;
- e. Disseminating or posting images of private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts or buttocks) without consent;
- f. Prostituting another person; or
- g. Exposing another person to a sexually transmitted infection or virus without the other's knowledge.

V. SEXUAL HARASSMENT

King University recognizes sexual harassment as inconsistent with Biblical teachings and as illegal sex discrimination under Title VII of the 1964 Civil Rights Act and Title IX of the 1972 Education Act. Sexual harassment will not be tolerated at King University.

Sexual Harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

- a. Submission to such conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment or educational services; or
- b. Submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or educational services; or
- c. Such conduct or communication substantially or unreasonably interferes with an individual's employment, or creates an intimidating, hostile or offensive employment (i.e. the conduct is sufficiently serious to limit an employee's ability to participate in or benefit from the work environment); or
- d. Such conduct or communication substantially or unreasonably interferes with an individual's education, or creates an intimidating, hostile or offensive educational environment (i.e. the conduct is sufficiently serious to limit a student's ability to participate in or benefit from the educational environment).

Examples of conduct which may constitute sexual harassment if it meets the immediately preceding definition include, but are not limited to:

- a. A professor insists that a student have sex with him/her in exchange for a good grade. This is harassment regardless of whether the student accedes to the request.
- b. A student repeatedly sends sexually oriented jokes around on an email list s/he created, even when asked to stop, causing one recipient to avoid the sender on campus and in the residence hall in which they both live.
- c. Explicit sexual pictures are displayed in a professor's office, on the exterior of a residence hall door or on a computer monitor in a public space.

- d. Two supervisors frequently ‘rate’ several employees’ bodies and sex appeal, commenting suggestively about their clothing and appearance.
- e. Two employees engage in flirting with each other
- f. A professor engages students in discussions in class about their past sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. She probes for explicit details, and demands that students answer her, though they are clearly uncomfortable and hesitant.
- g. An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to the clear discomfort of the boyfriend, turning him into a campus outcast.
- h. A student grabbed another student by the hair, then grabbed her breast and put his mouth on it.
- i. Rape and sexual assault are extreme forms of sexual harassment.

Note: Not all workplace or educational conduct that may be described as “harassment” affects the terms, conditions or privileges of employment or education. For example, a single utterance of a gender-based epithet which creates offensive feelings in an employee or student would not normally affect the terms and conditions of their employment or education.

Any person enrolled or employed by King University who believes that he/she has been a victim of some form of sexual harassment has the right and the responsibility to report the incident. A student should report immediately to the Associate Vice President for Student Affairs/Dean of Students, Title IX Coordinator, or Assistant Title IX Coordinator. (All employees are expected to be knowledgeable regarding where and how to report a student complaint.) A faculty or staff member should report immediately to his/her supervisor, the Title IX Coordinator, or Assistant Title IX Coordinator. The employee is not required to initiate the report with his/her supervisor.

W. STALKING

Stalking occurs when another person repeatedly and purposefully engages in such a course of conduct directed at a specific person or group of people, which is unwelcome and has the reasonable effect of threatening a person’s physical or mental well-being. Examples include but are not limited to: unwelcome communication (e.g. face-to face communicating through a third party, written letters, through electronic means such as email or social media, gifts, etc.), threatening or obscene gestures, and following the person.

X. THREATS

A threat is considered any communication which a reasonable person would regard as intimidating, coercive, extremely offensive, provocative, or intentionally or knowingly causes fear of imminent or potential bodily injury. Threats include, but are not limited to: (a) actions which cause one to reasonably believe they are endangered; (b) reporting an offense or incident knowing the offense or incident did not occur or knowing that information relating to the matter is false; (c) intentionally initiating or circulating a report of a bombing, fire or other emergency knowing that the report is false. Threats can be communicated by, but not limited to, the following means: verbally, in writing, electronically, or by telephone. Threats include

but are not limited to communicating the following actions: assault, death, kidnapping and false imprisonment, robbery, or rape. A threat may also be considered a violation of local, state, and federal laws. As an example, intentionally or knowingly causing another to reasonably fear imminent bodily injury would be considered assault under Tennessee State Law.

Y. VIOLENCE

King University uses a broader definition of violence than might be the case under criminal or civil law. Repeated unwelcome touching whether or not sexually based, hair pulling, pinching, and hazing are examples of violence and harassment. The definition also includes violence toward a person's property.

Policy regarding the possession, use, and sale of alcoholic beverages and illegal drugs:

Drug and alcohol abuse greatly reduces the effectiveness of the academic environment. The abuse not only endangers the abuser, but also jeopardizes the health and safety of others. Pursuant to the United States Drug-Free Schools and Communities Act of 1989 (Public Law 101-226), King University's statement on Drug-Free Campus prohibits the unlawful manufacture, distribution, dispensation, possession, or use of alcohol and illicit drugs on the King University campus, in the workplace (on or off campus), on property owned or controlled by King University, or as part of any activity of King University.

State Law prohibits persons under the age of 21 from drinking alcoholic beverages. Any student under the age of 21 observed on King University property in possession of, under the influence of, or consuming alcoholic beverages will be reported to the appropriate law enforcement agency according to *Tennessee Code Annotated 49-7-2207 Reporting of students*. Alcohol and drug abuse counseling is available on campus, for students, faculty and staff through the King University Counseling Center. Resources for counseling off campus are also available in the Counseling Center and the Student Affairs Office.

A statement on an applicant or employee with a criminal history:

All new King University employees undergo a criminal background check. An employee with a conviction for a criminal offense will be subject to review by the Director of Safety and Security and the Vice President for Administration & Finance and Chief Financial Officer. When such conviction affects the performance of an employee or poses a threat to the campus community, the employee may be subject to termination or reassignment at the direction of the Vice President for Administration & Finance and Chief Financial Officer. These standards also apply to criminal convictions after achievement of employee status.

A statement of policy regarding firearms and other dangerous weapons on campus:

Felony: State Law prescribes a maximum penalty of six (6) years imprisonment and a fine not to exceed three thousand dollars (\$3,000) for carrying weapons on school property.

Unless otherwise permitted under applicable local, state, or federal law, the possession and/or use of weapons is strictly prohibited:

- On University property, unless otherwise permitted under Tennessee Code Annotated 39-17-1313.
- In any University building unless otherwise permitted by this policy.
- In a University owned, rented, or leased vehicle.
- While participating in any King University sponsored activities.

A weapon is defined as, but not limited to: firearms, ammunition, knives with a blade length exceeding four inches (4”), air rifles, BB guns, or any weapon which is a reproduction of a firearm; razors and razor blades, except those used solely for personal shaving; and any sharp pointed instrument, except unaltered nail files, clips and tools used solely for preparation of food, instruction and maintenance.

It is an offense for any person to possess or carry, whether openly or concealed, with the intent to go armed, any firearm, explosive, explosive weapon, bowie knife, hawk bill knife, ice pick, dagger, slingshot, switchblade knife, blackjack, knuckles or any other weapon of like kind not included, but are not limited to, martial arts equipment; stun guns, paintball guns, slingshots, crossbows, bow and arrows; and items manufactured, altered, or used to cause another item to become a projectile or item used in a manner that caused the threat of or actual bodily harm. (i.e.) potato gun, etc.).

Note: Under Tennessee Code Annotated 39-17-1309(c)(1), students who are members of the reserve officers training corps or students enrolled in a course of instruction of members of a club or team who are required to carry arms or weapons in the discharge of their official class or team duties or exempted from this rule.

Note: Under Tennessee Code Annotated 39-17-1313, the holder of a valid handgun permit recognized in Tennessee may transport and store a firearm or firearm ammunition in the permit holder’s privately owned motor vehicle while on or utilizing any public or private parking area if: (1) The permit holder’s vehicle is parked in a location where it is permitted to be, and (2) The firearm or ammunition being transported or stored in the vehicle, (A) Is kept from ordinary observation if the permit holder is in the motor vehicle; or (B) Is kept from ordinary observation and locked within the trunk, glove box, or interior of the person’s privately owned motor vehicle or a container securely affixed to such vehicle if the permit holder is not in the vehicle. **This only applies to the legal carrying of a handgun; it does not permit the carrying of a rifle or shotgun on University property.**

The carrying of a weapon on the institution’s property is a violation of King’s policy and state and federal law. Carrying a weapon on campus will result in campus discipline and the offender may be referred to local law enforcement for criminal charges.

For the purpose of personal self-defense, the carrying of one pocket-sized chemical device containing less than one ounce of chemical that is not ordinarily capable of lethal use or causing serious bodily injury but is intended to produce temporary physical discomfort through being vaporized or otherwise dispensed in the air is not prohibited. However, a chemical device that is carried or used in any manner other than personal self-defense is considered a violation of the institution’s weapon policy. All members of the campus community should immediately report any weapons violation to Campus Security. “Chemical

Device” means any aerosol container or other device that is capable of emitting chloroacetophenone(CN), orthochlorobenzalmalononitrile(CS), or oleo resin capsicum(OC), or any combination or derivative thereof, in a vapor or liquid form. Common names for such devices include, but are not limited to: pepper spray, mace, tear gas, OC, CS and CN.

Weapons used for educational purposes must be approved by the Director of Security, VP for Academic and Vice President for Administration & Finance and Chief Financial Officer. King students are responsible for guests who accompany them to campus. Nothing in this section shall apply to law enforcement officers and/or security officers approved by the institution in compliance with state and federal law. Any weapon used for instruction purposes must be checked in the Security Office before use in the classroom.

Description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be aware of their own security and the security of others:

Programming through the Security Department, the Residence Life Office, and new student orientation helps students to be aware of the need for each person to be responsible for their own security and the security of others. Students and employees of King University are reminded that they are ultimately responsible for their own security and are encouraged to immediately report any criminal activity observed.

Further, the Director of Security or his representative provides safety information at various times and locations each year, including but not limited to the following topics: sexual assault, dating violence, and general safety.

Security considerations used in the maintenance of campus facilities, including landscaping, grounds keeping, and outdoor lighting:

The Security Department continuously monitors outdoor lighting, door locks, windows and any maintenance problems that might affect the safety and security of the campus community. Fire extinguisher and fire alarm inspections are periodically performed in all buildings owned or operated by the University.

Policy for Response to a Missing Student

The investigation and resolution of missing person cases are the responsibility of the law enforcement community. When a student is reported to a King University official the University has the responsibility to ensure the privacy of members of the campus community is protected and will immediately confirm by all available means that a reported missing person is actually missing before reporting to police. *This policy does not in any way deter anyone from reporting a person missing directly to the police.*

The difficult problems surrounding missing person’s cases demand from the King University community a prompt, informed and uniform response. It is imperative that missing persons reports be given a high degree of priority and treatment. All available University resources must be utilized in an appropriate fashion to ensure that all necessary steps are taken to protect our persons who may be reported missing. To better accomplish this objective the following policy outlines the basic steps members of the King University staff should take when a student is reported missing. The purpose of this policy is to insure the health and safety of the campus community as a whole.

This policy is influenced by state and federal law “37-10-201. Short title - Part definitions (b) (1) "Child" means any person under twenty-one (21) years of age / 37-10-202. Initial missing child report - Statement of identification information / Suzanne's Law" *Section 3701(a) of the Crime Control Act of 1990 (42 U.S.C. 5779(a))*” / Higher Education Opportunity Act, *Public Law 110-315*, 2008 amendments. Upon receipt of a report of a missing person, the Campus Security Department and the Student Affairs office will conduct a thorough and timely investigation to determine the safety and current location of the person. If the missing person is a student, the investigating officer will contact and help coordinate the investigation with the Bristol Tennessee Police Department. The University will utilize this same policy in the event other campus community members such as faculty, staff, prospective students or other visitors to campus who are reported missing.

Policy Notification

Within Annual Security Report the University will publish a policy and procedures for missing student notification. In addition to the Annual Security report via the internet the University will:

- Provide students with a list of titles of the persons or organizations to which individuals should report that a student is missing.
- A statement that each student has the option to register a confidential contact person to be notified in the case that the student is determined to be missing and that only authorized campus officials and law enforcement officers in furtherance of a missing person investigation may have access to this information.
- A statement of procedures for registering a confidential contact person
- A statement that advises all students, even if they have not registered a contact person, that the local law enforcement will be notified that the student is missing.
- A statement that advises students less than 18 years of age and not emancipated that their parent or guardian must be notified if the student is reported missing.
- A statement that requires that official missing student reports be referred immediately to an institutional police or campus security department or local law enforcement.
- A statement of specific procedures that the institution must follow when a student is determined to have been missing.

Procedure for Response to a Missing Person

Reporting

An individual will be considered missing, if a roommate, classmate, faculty member, family member or other campus person has not seen the person in a reasonable amount of time. A reasonable amount of time may vary with the time of day and information available regarding

the missing person's daily schedule, habits, punctuality, and reliability. Individuals will also be considered missing immediately, if their absence has occurred under circumstances that are suspicious or cause concerns for their safety. If the initial report that a person is missing is made to a department other than the Campus Safety Department, the staff member receiving the report will ensure that the Campus Safety Department and/or the Student Affairs office is contacted immediately.

- Any member who of campus community who has reason to believe a person is missing may notify one of the following individuals:
 - Campus Security
 - Director of Safety and Security
 - Area Coordinator
 - Assistant Dean of Residence Life
 - Dean of Students

- Any faculty , staff member, or resident assistant who receives a report of a missing person must immediately notify one of the following individuals:
 - Campus Security
 - Director of Safety and Security
 - Dean of Students
 - Vice President for Student Affairs

Investigation

- The Director of Security and/or Dean of Students and/or the Vice President for Student Affairs will immediately obtain the following information for a campus missing person report:
 - Missing person
 - Name
 - Date of birth
 - Photograph
 - Campus address and telephone number, Off campus address and telephone number if student is a commuter
 - Home address and telephone
 - Class schedule
 - Vehicle information

 - Person reporting person missing
 - Name
 - Date of birth
 - Campus address and telephone number, Off campus address and telephone number if student is a commuter
 - Home address and telephone

- The Director of Security and/or the Dean of Students and/or the Vice President for Student Affairs will immediately conduct a search of the campus consisting of but not limited to the following:
 - Contact with all professors of classes within the last time the person was seen, if the missing person is a student
 - Contact of roommates and residential assistants within the persons residence hall, if the missing person is a student
 - Contact with roommates if the person lives off campus
 - Contact with faculty advisors and/or coaching staff, if the missing person is a student
 - Contact with supervisor and or coworkers
 - If immediate campus search confirms the person is missing contact the parents and/or family members of the person reported missing to confirm that the person's location is unknown.

- If immediate campus search is negative, the person's parents and/or family members confirm that the person's location is unknown, no contact is made with the missing person: The Director of Security and/or the Dean of Students and/or the Vice President for Student Affairs will immediately contact:
 - The Bristol Tennessee Police Department.
 - Notify the office of Marketing and Development who will make the appropriate contacts on and off campus, including all media contacts.