



## **Policy Name: Relationship Conduct Policy**

**Department: Administration and Finance**

**This policy applies to: Campus Wide**

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**Approved/Revised By: James Donahue**

**Date Approved or Revised: May 17, 2017**

**Document #:**

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### 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](mailto:mspeltier@king.edu), 423-652-4740), the Title IX Coordinator (James P. Donahue, E.W. King Building, Room #16F, [jpd@king.edu](mailto:jpd@king.edu), 423-968-1187) or the Assistant Title IX Coordinator (Benny L. Berry, Parks Hall Room #32, [blberry@king.edu](mailto: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](mailto:mspeltier@king.edu), 423-652-4740), the Title IX Coordinator (James P. Donahue, E.W. King Building, Room #16F, [jpd@king.edu](mailto:jpd@king.edu), 423-968-1187), or the Assistant Title IX Coordinator (Benny L. Berry, Parks Hall Room #32, [blberry@king.edu](mailto: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 or 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 of 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.