



## **2021 Annual Security Report**

**King University Security Office**

**Parks Hall**

**1350 King College Road**

**Bristol, Tennessee 37620**

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## **Introduction**

This *Annual Security Report* is published by the Director of Safety and Security pursuant to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act; 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 Office, 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 Office 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 Office. Agencies involved in the collection of data include the King University Security Office, 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 Office 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/general-information/tennessee-sex-offender-registry.html>
- Virginia's Sex Offender and Crimes Against Minors Registry, maintained by the Virginia

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

- National Sex Offender Public Website, maintained by the United States Department of Justice, available at <http://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 Office 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.

Additional sexual offender information is available on the TBI's website listing of sex offenders located on the internet at <https://www.tn.gov/tbi.html> under "Sexual Offender Registry", the Virginia State Police website at <https://www.vsp.virginia.gov/>, and the Department of Justice Dru Sjodin National Sex Offender website at <https://www.nsopw.gov/>.

#### **The number of students enrolled:**

There are 1660 students enrolled at King University.

#### **The number of students living in student housing:**

There are 321 students living in student housing at King University.

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

There are 315 full-time and part-time employees and 36 contract employees working for King University.

#### **Administrative office responsible for security on the campuses:**

The King University Security Office is responsible for the overall security of the King University main campus, the Downtown Kingsport Instructional Location, and the Knoxville Instructional Location. Security response 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:**

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 7 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 Office 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 Office 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 Office and Bristol Tennessee Police Department communicate regularly on the scene of incidents that occur on and around the campus area. The security office'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 Office 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 125 acres.
- Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence

halls; and

- Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

### **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 Office 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 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. Assistance telephones are

located at the Freshman Parking Lot and the following residence halls: Mitchell Hall, Hyde Hall, Lower Liston Hall, and Parks Hall. 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 Office 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 Office. Persons wishing to report a crime Kingsport or Knoxville campuses should contact the appropriate law enforcement agency and notify the main campus security office.

### **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 Office.

You can report an emergency in the following ways:

- 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.
- Main Campus - Call extension 4333, 423.652.4333, or 423.340.4333 to contact Security, 24 hours a day, 365 days a year.
- Kingsport Campus – Call 911 to report emergencies directly to the Kingsport Tennessee Police, Fire and Emergency Medical Services. Call extension 4333, 423.652.4333, or 423.340.4333 to contact Security, 24 hours a day, 365 days a year.
- Knoxville Campus – Call 911 to report emergencies directly to the Knox County Tennessee Sheriff’s Department, Fire and Emergency Medical Services. Call extension 4333, 423.652.4333, or 423.340.4333 to contact Security, 24 hours a day, 365 days a year.
- 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.

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 Safety and Security, he/she may make a report to any official at the University. The Office of Safety and Security 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/Dean of Students 423.652.4740

- Coordinator for Residence Life 423.652.4743
- Other Campus Security authorities include, but are not limited to:
  - Athletic Director
  - Associate Athletic Directors
  - Athletic Coaching Staff
  - Student Organization Faculty Leaders



**Security and law enforcement contact information for off-site instructional, clinical study locations, and surrounding areas. This list does not include all agencies where clinical instruction occurs and students should make themselves familiar with local agencies.**

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
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	No onsite security	Kingsport Police Department 423.246.9111
King University - Knoxville Campus 10950 Spring Bluff Way Knoxville, TN	No onsite security	Knox County Sheriff's Department 865-215-2243
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
Roane State Community College 276 Patton Lane Harriman, TN	Campus Police 865.882.4500	Harriman Police Department 865.882.3383
Southwest Virginia Community College 724 Community college Rd. Cedar Bluff, Va. 24212	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 <https://www.king.edu/about/offices/security-and-safety/>.

### **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 443 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 two (2) full time and one (1) live-in Residence Life professionals within its student housing facilities.

King University also employs twenty-two (22) 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 Office 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 Office 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.**

#### **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.

#### **PURPOSE AND OVERVIEW**

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. Pursuant to its obligations under Title IX, King University adopts and publishes the grievance procedures contained herein to provide prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by Title IX following a process that complies with 34 CFR § 106.45 for formal complaints.

King University expects that all members of its campus communities to 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 follows 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 after civil or criminal proceedings.

King University intends to provide a safe and welcoming campus environment. In accomplishing this, 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 and providing a safe campus environment for all.

This Relationship Conduct Policy is applicable on campus and off campus, and affects 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 the University taking action.

Definitions of key terms referenced throughout this document are provided as an appendix.

## **UNIVERSITY CONTACTS FOR REPORTING**

Students and employees may report any behavior believed to be a violation of the Relationship Conduct Policy to any of the following:

Dr. Robert Littleton  
Vice President for Student Affairs and Dean of Students  
1350 King College Road, Bristol, TN 37620  
Maclellan Hall Room 11  
[ralittle@king.edu](mailto:ralittle@king.edu)  
423-652-4740

Mr. James Donahue  
Title IX Coordinator  
Vice President for Administration and Finance, Chief Financial Officer  
1350 King College Road, Bristol, TN 37620  
E.W. King Building Room 16F  
[jpd@king.edu](mailto:jpd@king.edu)  
423-968-1187

Mr. Benny Berry  
Assistant Title IX Coordinator  
Director of Safety and Security  
1350 King College Road, Bristol, TN 37620  
Parks Hall Room 32  
[blberry@king.edu](mailto:blberry@king.edu)  
423-652-4705

Additionally, a report can be filed at any time by contacting the Office of Safety and Security at 423-652-4333. The security officer receiving the report will notify the Title IX Coordinator.

### **REPORTING A VIOLATION OF THIS POLICY**

Persons who feel they have been victims of any violation of any section of this policy have several options for reporting a violation.

Students may report any behavior believed to be a violation of the Relationship Conduct Policy to the Vice President for Student Affairs and Dean of Students; the Title IX Coordinator; or the Assistant Title IX Coordinator. Note: See contact information above. All employees are expected to be knowledgeable about the process for reporting complaints as well as referral sources for students, such as those provided by the Counseling Center and the Chaplain's Office.

Employees may report any behavior believed to be a violation of the Relationship Conduct Policy to direct supervisors, the Title IX Coordinator, or the Assistant Title IX Coordinator. Supervisors are expected to be knowledgeable about where and how to report an employee complaint. This policy does not require employees to report an incident to direct supervisors 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 an oral statement, but at some point, it may become necessary to commit the complaint to writing. In instances where the Title IX Coordinator 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. All complaints will be investigated with due consideration of a complainant's wishes.

**Title IX requires that King University must respond when it has actual knowledge of sexual harassment that occurred within the University's educational programs or activities against a person in the United States. King University must investigate the allegations in a formal complaint.**

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 used, and whether a pattern of violence 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 disclosed with those persons necessary to handle King University's response to the report.

State and federal laws may require employees 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 for additional investigation, as warranted. King University employees should refer to the Mandatory Reporters Policy for further information. In no case should King University employees undertake their own investigations into a complaint unless designated by the Title IX Coordinator or the President to do so. This does not prohibit an employee or student identified as the complainant or respondent in a Title IX or sexual harassment investigation from gathering their own evidence. Employees gathering their own evidence must abide by FERPA.

Pursuant to Tennessee State Law, faculty and staff (other than those whose job descriptions include the role of counselor or chaplain—unless there is an immediate threat to any member of the University community or a report of sexual abuse of a minor) must refer a victim of any type of rape or 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 a victim of any type of rape or non-consensual sexual intercourse occurring on a University campus must report to the Director of Safety and Security, who then must report the incident to the law enforcement agency having jurisdiction over the campus location.

### **Confidential and Anonymous Reporting**

King University encourages those who have suffered from a violation of this policy—especially victims of sexual violence—to talk to someone about what happened so that victims can get the support they need and that the University can respond appropriately.

Certain employees on campus are able to maintain victims' confidentiality. Counselors employed with the King University Counseling Center (423-652-4742) and the University Chaplain (423-652-4708) are available 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 the Chaplain does not constitute reporting the violation and will not result in an investigation into the allegation without a victim's consent.

However, to make a report of a violation of this policy that will result in the University investigating the incident, students should contact the Vice President for Student Affairs and Dean of Students; the Title IX Coordinator; or the Assistant Title IX Coordinator.

Employees wishing to make a report of a violation of this policy should contact direct supervisors, the Title IX Coordinator, or the Assistant Title IX Coordinator.

Additionally, for confidential discussions that do not result in a report to King University, students and employees may contact off-campus resources such as The Crisis Center (276-466-2312) or Abuse Alternatives (423-764-2287).

The Campus Conduct Hotline is available 24 hours a day, seven days a week to report possible violations of this policy. Because the hotline is operated by an independent organization, any calls made through this hotline are completely confidential and anonymous. The toll-free number for this hotline is **866-943-5787**.

These related policies—*Campus Conduct Hotline*, *Campus Conduct Introductory Letter*, and *Campus Conduct Hotline FAQs (Frequently Asked Questions)*—can be found by employees on the Portal in the 'My Documents' section in the Policies, Procedures, and Forms for All Employees folder. Students should refer to the Campus Conduct Hotline section of the Student Handbook.

### **Reporting and Follow-Up Processes**

The following steps will occur as part of the process for reporting a violation of this policy:

1. Once a call is received, an explanation of the Campus Conduct Hotline program 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 to obtain updates and request additional information. This PIN should be retained because it is the only way to obtain updates and additional information. Updates may be obtained at any time until the case is closed.
3. An interview will be conducted about the question or concern.
4. Interviews are not recorded, but the interviewer will maintain notes from the conversation. Because of the confidentiality of the process, it is important that specific information be provided by the person making the report.

5. The person making the report is not required to provide personally identifiable information. 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 the call being made to the hotline, a summary of the interview will be forwarded to King University. Typically, an initial response to the complainant is provided within five business days; the complainant contacts the hotline to obtain the response. At that time, additional information may be required. Alternatively, those reporting can provide their names and telephone numbers if they want someone to contact them directly.

### **Reporting Criminal Behavior**

To report criminal behavior, students and employees may wish to contact the appropriate law enforcement agency. For crimes that occur on the Bristol campus or elsewhere in Bristol, Tennessee, students and employees can contact the Bristol Tennessee Police Department at 423-989-5600 or by dialing 911.

Persons reporting complaints may request that a King University representative assist them in reporting to the police department and throughout the remaining process. Law enforcement may always be contacted, regardless of any other actions reporting persons choose 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 results in 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 the Chaplain).**

### **Seeking Support**

There are King University representatives and local service agencies available for consultation or counseling. Any of these persons or services may be contacted confidentially and 'off the record' and are able to explain available options. Seeking support from the persons and services listed below does not constitute reporting an incident to King University and will not fulfill an employee's mandatory reporting duties.

- King University Counseling Center 423-652-4742
- King University Chaplain 423-652-4708
- Abuse Alternatives 423-764-2287
- 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 is taken against the respondent. Both the complainant and respondent can expect:

- Notice of the nature of the complaint
- The burden of gathering evidence and burden of proof remains on King University, not on these parties
- The opportunity to provide information, offer inculpatory and exculpatory evidence, and present fact and expert witnesses relevant to the complaint
- Written notice regarding meetings, interviews, or hearings where the party's presence is requested
- The opportunity to have an advisor of their choice during the investigative and review process (Note: See below for additional information about advisors)
- Reasonable time to prepare any necessary responses
- Written notice of dismissal and the reasons for dismissal when mandatory or discretionary
- Privacy in accordance with this policy and with any legal requirements
- The opportunity to restrict access and records of the party's medical, psychological, and similar treatment records unless the party provides written consent to the University
- 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
- Freedom from retaliation or intimidation (Note: See below for additional information about retaliation)
- Reasonable interim supportive measures (Note: See below for additional information about supportive measures)

Both the complainant and respondent are expected to:

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

### **Advisors**

Complainants and respondents who participate in a relationship conduct investigation and hearing process each have the right to have one person of their choosing to serve as an advisor throughout the investigation and hearing process. The right to an advisor is extended so that the complainant or respondent can identify someone to assist them with navigating and understanding the investigation process. This assistance includes providing support during each portion of the process, including meetings and interviews, and conducting cross examination during the hearing that is associated with the investigation and hearing process.

It is recommended that an advisor not be someone who is a witness in the matter being investigated. King University recommends that parties obtain their own advisors; however, for complainants and respondents who do not have an advisor, the University will provide one. King University relationship conduct advisors have received training in Title IX, the King University Relationship Conduct Policy, and related investigation and hearing procedures, including the scope of permissible cross-examination. However, an advisor's opinion based on his or her training may not be definitive in the complainant's and the respondent's current

situation. Additionally, complainants and respondents are encouraged to contact legal counsel if legal advice is needed.

### **Retaliation**

Retaliation in response to matters related to this policy or Title IX is prohibited. Neither King University or any other person may intimidate, threaten, coerce, or discriminate against someone for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the person has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.

What constitutes retaliation for purposes of this policy are: intimidation, threats, coercion, or discrimination, including charges against a person for code-of-conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by title IX or this policy.

King University must keep confidential the identity of any person who has made a report or complaint of sex discrimination, including any person who has made a report or filed a formal complaint of sexual harassment, any complainant, any person who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. Complaints alleging retaliation may be filed according to the grievance procedures set forth in this policy.

The following identifies specific circumstances related to retaliation:

1. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited in the above section titled Retaliation.
2. The charging of a person with a code-of-conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy does not constitute retaliation as described in the above section titled Retaliation provided, however, that a determination regarding responsibility alone is not sufficient to conclude that any party made a materially false statement in bad faith.

### **Supportive and Protective Measures**

In response to a disclosure from a student or employee, the Title IX Coordinator works in conjunction with other University representatives to provide supportive measures or protective measures based on the wishes of the involved person and the circumstances.

**Supportive measures** are types of assistance that the University can provide to a student or employee, measures that are entirely focused on protecting the person's ability to access his or her education or employment. Supportive measures are more fully defined in the appendix of this policy. Because these measures are purely supportive in nature, there is no formal conduct

or grievance process required. Persons often access these resources without disclosing further information about the incident or the identity of the person causing the harm.

Supportive measures can include, but are not limited to:

- Academic support
- Counseling and healthcare assistance
- Employment assistance
- Financial aid assistance
- Housing changes for disclosing students
- No-contact directives or agreements
- Letters of trespass
- Referrals to free legal services
- Transportation assistance
- Visas or immigration assistance

**Protective measures** are those types of interventions that require the University to affect someone else's ability to access their education, campus, or employment. That means that once a protective measure is put in place, another person may be removed from the campus, or may otherwise be placed on restriction. These types of measures *do* require a formal complaint or grievance process because they affect someone else's rights.

These can include, but are not limited to:

- Emergency removal or interim suspension
  - Nothing in this policy precludes King University from removing a respondent from a King University education program or activity on an emergency basis, provided that King University a) undertakes an individualized safety and risk analysis, b) determines that an immediate threat to the physical health or safety of another person arising from the allegations of sexual harassment justifies removal, and c) provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.
  - This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.
- Paid or unpaid administrative leave
  - Nothing in this policy precludes King University from placing a non-student employee respondent on administrative leave during the pendency of a grievance process under this policy.
  - This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.
- Moving an alleged wrongdoer out of residence hall housing or to another part of residence hall housing
- Restrictions of movement on campus
- Termination of employment (as discipline)



## **COMPLAINT RESOLUTION PROCESS**

The information in this section provides details regarding an information resolution process prior to an investigation, as well as information regarding a formal resolution process to an investigation.

### **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 a complaint of sexual harassment, sexual abuse by an employee, extreme 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 through 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 and there has been not request for a hearing under Title IX. (Note: 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 any miscommunication between the parties can be resolved. In these cases, the Title IX Coordinator or Assistant Title IX Coordinator may handle the informal resolution process or delegate it to an appropriate person such as the Vice President for Student Affairs and Dean of Students if both parties are students.

The steps taken for an informal resolution process before an investigation are as follows:

1. Interview the complainant and document the concerns
2. Meet with the respondent to make him or her aware of the concerns and hear the respondent's perspective on the matter
3. Ensure that the complainant and respondent are aware of the policies and their rights
4. Discuss with the respondent appropriate conduct moving forward, including avoiding conduct that could be considered retaliatory
5. Follow-up with the complainant regarding the respondent's responses
6. Document the actions taken to complete the informal resolution process

### **Formal resolution process of an investigation**

The steps taken for a formal resolution process of an investigation are as follows:

1. Appointment of investigator

Once a complaint has been received by or forwarded to the Title IX Coordinator 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 most

cases, the Assistant Title IX Coordinator will supervise all investigations. In appropriate instances, the Title IX Coordinator may designate the Vice President for Student Affairs and Dean of Students as the investigator. This investigation process may not 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.

2. Notification of complaint in cases not involving allegations of sexual harassment

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 or 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 relevant policies must be provided to the respondent. In most instances, the respondent should be notified within five business days of the filing of the complaint. The respondent shall respond in writing to the complaint within five business 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.

3. Dismissal of formal complaint of sexual harassment under Title IX

If the conduct alleged in the formal complaint would not constitute sexual harassment even if proved, did not occur in King University's education program or activity, or did not occur against a person in the United States, then King University must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX. Such dismissal does not preclude action under the non-Title IX provisions of this policy, the *Student Conduct Policy*, or other King University employment policies.

King University may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: a) a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any of its allegations, b) the respondent is no longer enrolled or employed by King University, 3) or specific circumstances prevent King University from gathering evidence sufficient to reach a determination as to the formal complaint or its allegations.

Upon a dismissal required or permitted pursuant to the above, King University shall promptly simultaneously send the reason for dismissal and written notice of the dismissal to the parties.

4. Notice of allegations in complaints of sexual harassment

Upon receipt of a complaint of sexual harassment, King University will provide the following written notice to the parties who are known:

- Notice of King University’s grievance process contained in this policy, including any informal resolution process
- Notice of the allegations of sexual harassment potentially constituting sexual harassment as defined herein, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview
  - Sufficient details include the identities of the parties involved in the incident, if known; the conduct allegedly constituting sexual harassment; and the date and location of the alleged incident, if known.
  - The written notice will include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
  - The written notice will inform the parties that they may have an advisor of their choice—who may be, but is not required to be, an attorney—and may inspect and review the evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint.
  - The written notice will inform the parties of the prohibition against knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, King University decides to investigate allegations about the complainant or respondent that are not included in the notice provided pursuant to the preceding paragraph of this section, King University will provide notice of the additional allegations to the parties whose identities are known.

## 5. Consolidation of formal complaints under Title IX

King University may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a grievance process involves more than one complainant or more than one respondent, references in this policy to the singular “party,” “complainant,” or “respondent” would include the plural, as applicable.

## 6. Conducting the investigation

### *General information*

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 matter being investigated. The investigator collects available supporting evidence, which 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.

It is the responsibility of the investigator to weigh the credibility of all persons interviewed, and determine the weight to be given to information received during the course of the investigation. In nonsexual harassment matters, the investigator shall 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 or law enforcement unit records. At least 10 business days before a hearing, the University shall send all evidence it has gathered to involved parties and their advisors in an electronic format or a hard copy, including evidence the University does not intend to present or does not believe is relevant. Evidence not disclosed to the involved parties may not be used by the University in any disciplinary proceeding.

**All King University students and employees are expected 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. Regardless of a victim's willingness to participate in any investigation or disciplinary process, King University will offer supportive measures. Furthermore, in implementing the grievance process contained in this policy, King University will not require, allow, rely upon, or otherwise use questions or evidence that constitute or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.**

*Investigation of a complaint of sexual harassment*

When investigating a complaint of sexual harassment and throughout the grievance process, King University will:

- i. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on King University and not on the parties, provided that King University cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless King University obtains that party's voluntary, written consent to do so for a grievance process under this policy (if a party is not an "eligible student," as defined in 34 CFR 99.3, then King University must obtain the voluntary, written consent of a "parent," as defined in 34 CFR 99.3).
- ii. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
- iii. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

- iv. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, King University may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
- v. Provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
- vi. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which King University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence (whether obtained from a party or other source) so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, King University will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report. King University will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.
- vii. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing (if a hearing is required under this policy or otherwise provided) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

7. Maintaining confidentiality (once the investigation has begun)

To the maximum extent possible, the investigation into nonsexual harassment matters 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.

Notwithstanding the foregoing, Title IX requires King University to notify the parties in a sexual harassment complaint of the identities of the parties involved in the incident, if known.

#### 8. Mediation in nonsexual harassment matters

Mediation or informal resolution is not permitted when the respondent is an employee and the complainant is a student.

Mediation may be an appropriate method of reaching an informal resolution to a complaint: in cases that do not involve sexual harassment, 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. 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 can be 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 deciding executive, the incident will be considered closed and monitored by the appropriate King University officials. If the informal resolution is rejected by the deciding 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 or a new complaint may be filed.

#### 9. Informal resolution of formal complaints of sexual harassment

King University may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this policy. Similarly, King University may not require the parties to participate in an informal resolution process under this policy and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility, King University may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that King University:

- i. Provides to the parties a written notice disclosing: a) the allegations; b) the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and c) any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared
- ii. Obtains the parties' voluntary, written consent to the informal resolution process
- iii. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student

#### 10. Application of the 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.

#### 11. Issuing the 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, and all attempts to resolve the Complaint informally.

In matters that do not involve a complaint of sexual harassment, the investigative report shall contain the investigator's recommended findings as to whether there is a

preponderance of the evidence of a violation of the Relationship Conduct Policy. 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.

The investigator may engage King University's legal counsel in reviewing the investigative report and its recommended findings.

12. Confirmation or rejection of recommended findings in matters that do not involve complaints of sexual harassment

The investigative report is forwarded to the deciding executive for review and confirmation or rejection of the recommended 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 in consultation with the Vice President for Administration and Finance, Chief Financial Officer
- For faculty members, the Vice President for Academic Affairs
- For students, the Vice President for Student Affairs and Dean of Students

For respondents who are students, when the recommended findings are referred to the Vice President for Student Affairs and 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.

Before issuing the findings, the deciding executive may consult with King University's legal counsel for consideration of whether the findings may reasonably eliminate the discrimination or hostile environment and prevent recurrence of the violation. If the deciding executive confirms the recommended findings of the investigative report, the deciding executive shall issue the findings, implement the proper disciplinary actions, and 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.

13. Disputing a finding in matters that do not involve a complaint of sexual harassment



The respondent or the complainant has the right to dispute the deciding executive's findings. Findings may be disputed by submission of additional evidence to the investigator or by request of a hearing before a Review Panel.

If either party believes that the decision did not take into account all available evidence, documents, witnesses, or aggravating and mitigating factors, the party may provide such additional information to the investigator within 10 business days of issuance of the investigative report. If a party makes such an additional submission, the investigator shall have five business days to consider and act upon the additional submission. (Note: If the additional submission results in significant investigative steps being undertaken or repeated, this timeframe 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 findings or revising the recommended findings as appropriate. The deciding executive shall then reconsider the findings in light of the final investigative report and shall issue a reconsidered finding.

If either party believes that the findings (either the original findings or a reconsidered finding) is in error, that party may request an appeal before a Review Panel within 10 business days of issuance of the findings 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. The Review Panel can 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. If the finding is not disputed, the finding (either an original finding or a reconsidered finding) is final.

#### 14. Review panel hearing

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.

Upon conclusion of a Title IX investigation, the Title IX Coordinator shall appoint a hearing panel of four members, one of which shall serve as the Chair, to conduct the hearing. The Chair shall preside at the hearing. Cases shall be adjudicated by persons distinct from those who conducted the investigation and free of conflicts of interest. For example, if the respondent is a student-athlete or an employee member of the Athletics Department, no athletic administrator may serve as a voting or non-voting member of the panel. Furthermore, neither the Title IX Coordinator nor the investigator of the matter shall be on the hearing panel.

Within five business days of appointment of the hearing panel, the Chair shall set a hearing date and time. The hearing shall be as soon as reasonably convenient, but within 20 business days of the appointment of the hearing panel. A live hearing is the proceeding at which the complainant and the respondent (and any of their advisors) may present witnesses, evidence, and arguments to the Review Panel in real-time pursuant to the provision of this policy.

At the live hearing, the hearing panel shall permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally, notwithstanding the discretion of King University to otherwise restrict the extent to which advisors may participate in the proceedings.

At the request of either party, King University will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the hearing panel and parties to simultaneously see and hear the party or the witness answering questions.

Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the Chair must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

If a party does not have an advisor present at the live hearing, King University will provide without fee or charge to that party, an advisor of King University's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

If a party or witness does not submit to cross-examination at the live hearing, the hearing panel must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the hearing panel cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

Live hearings pursuant to this policy may be conducted with all parties physically present in the same geographic location or, at King University's discretion, any or all

parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

King University will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review. The standard of proof applied by the hearing panel shall be whether the preponderance of the evidence supports a finding that a violation of this policy occurred.

Following the presentation of evidence, all parties other than the hearing panel will be excused and the hearing panel will meet in executive session. During this session, the hearing panel will determine whether the respondent is responsible for violating the Relationship Conduct Policy using the preponderance of the evidence standard. A determination of responsibility for a violation of this policy by a student may result in disciplinary action up to and including expulsion. A determination of responsibility for a violation of this policy by an employee may result in disciplinary action up to and including termination of employment. Sanction decisions require a majority vote of the panel.

If the decision is that the respondent is responsible for a violation of the Relationship Conduct Policy, the hearing 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.

Parties will receive a written decision of the result of the hearing, containing:

- i. Identification of the section(s) of the Relationship Conduct Policy alleged to have been violated, including an identification of the allegations potentially constituting sexual harassment
- ii. A description of the procedural steps taken from the receipt of the complaint through the determination, including any notifications to involved parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held
- iii. Findings of fact supporting the determination
- iv. Conclusions regarding the application of the policy to the facts
- v. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility
- vi. Any disciplinary sanctions the University imposes on the respondent,
- vii. Any remedies provided to the complainant designed to restore or preserve access to the University's education program or activity
- viii. The University's procedures and permissible bases for either party to appeal

King University will provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that King University provides the parties with the written determination of the result of an appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

The Title IX Coordinator is responsible for effective implementation of any remedies.

## 15. Appeals process

Either party may appeal a determination regarding responsibility, a dismissal of a formal complaint or of its allegations, or a sanction by submitting a written notice stating the intent to appeal to the Title IX Coordinator within seven business days of receiving the hearing panel's written decision and sanction. (Note: A notice of appeal may be submitted after the deadline if the appealing party shows that that new, previously unavailable evidence came to light or that there is a compelling reason for the delay). The University shall notify the other party of the notice of appeal no later than one business day after it is received.

Appeals may only be filed on one or more of the following bases:

- i. A procedural irregularity that affected the outcome of the matter
- ii. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter
- iii. The Title IX Coordinator, investigator, or member of the Review Panel had a conflict of interest or bias for or against complainants or respondents generally or the specific complainant or respondent that affected the outcome of the matter
- iv. Unduly harsh or arbitrary sanctions are not consistent with the conduct that resulted in the finding or sanction

The Title IX Coordinator will convene a three-member appellate panel to review the decision. The composition of the appellate panel shall be impartial to avoid prejudice. The appellate panel shall be convened no sooner than seven business days after the submission of an intent to appeal and no later than 30 days after such a submission.

Parties have the right to challenge the appellate panel for bias or any conflicts of interest that could reasonable have the potential to undermine the integrity of the appellate process. This challenge may not be heard by the appellate panel itself, although appellate panel members shall recuse themselves from a case if they have a conflict of interest or if they cannot perform their duties in an unbiased manner for whatever reason. Neither the Title IX Coordinator, anyone involved in conducting the investigation, nor any member of the hearing panel may serve on the appellate panel for a case in which they were previously involved.

The appealing party must submit a written statement to the appellate panel no later than five business days in advance of its meeting explaining why the hearing panel's decision should be changed. The appellate panel shall forward this statement to the other party no later than one business day after it is received. The other party and third parties may submit statements to the appellate panel but are not required to do so.

The appellate panel's review will be limited to determining whether:

- Established procedures were followed
- Parties were treated equitably
- Parties had a reasonable opportunity to prepare and present material information
- The panel's factual determinations are free from obvious error or failure to consider any material evidence
- The panel's decision was based on substantial information in the record and is rational
- The panel's reasoning is clear from its letter explaining its decision
- No new, previously unavailable evidence has emerged that would materially affect the outcome of the case
- The sanction levied is proportional to the violation(s) committed
- The responsible student's conduct was prohibited by the Relationship Conduct Policy

If the appellate panel finds reason for concern about any of the issues listed above, then it must consider whether the error, or newly discovered evidence, could have affected the outcome of the hearing. If the shortcoming was inconsequential, or the new evidence is irrelevant, then the decision may be affirmed. If, however, there is a reasonable possibility that the outcome might have been different, or that the sanction was disproportionate, the hearing panel's decision must be modified accordingly, or the case must be sent back for a rehearing. Appeals from the respondent may not result in increased sanctions.

The appellate panel will promptly inform both parties simultaneously of its conclusions and the reasons for those conclusions in writing.

This policy shall replace or supplant any other disciplinary, grievance, or conduct process of King University in all matters of relationship conduct *except that*: a) 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 b) 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.

## **RECORDKEEPING**

After completion of the investigation, the investigative report and all documentation reviewed in support of the investigation will be maintained by the investigator or Title IX Coordinator.

No other office will maintain a copy of the investigation file. Investigative reports will not be placed in an employee's personnel file; however, the final document adjudicating a Title IX complainant will be placed in the respondent's personnel file. For matters involving faculty, this will be the faculty member's Academic Affairs personnel file.

King will maintain for a period of seven years records of:

- Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under this policy, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the recipient's education program or activity
- Any appeal and the result therefrom;
- Any informal resolution and the result therefrom;
- All materials used to train Title IX Coordinators, investigators, decision-makers, and persons who facilitate an informal resolution process (Note: King will make these training materials publicly available on its website)
- Records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment.

### **PROTECTION FROM BAD FAITH COMPLAINTS**

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

### **OTHER IMPORTANT ITEMS**

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

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

For reference to the pertinent state laws on sex offenses, 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 King University employees, or other reasonable suspicion of a violation of this policy.

## APPENDIX

### DEFINITIONS

**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; maliciously damaging 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).

**Actual knowledge:** Actual knowledge means notice of sexual harassment or allegations of sexual harassment to King University's Title IX Coordinator or any official of King University who has authority to institute corrective measures on behalf of King University ("official with authority"). Notice occurs whenever a Title IX Coordinator or official with authority: a) witnesses sexual harassment; b) hears about sexual harassment or receives sexual harassment allegations from a complainant or a third party (e.g., a complainant's parent, friend, or peer); or c) receives a written or oral complaint about sexual harassment or sexual harassment allegations. The person who reports does not need to be the complainant; rather, a report may be made by any person. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of King University with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify someone as an Official with Authority.

**Complicity:** Complicity is any act taken with the purpose of aiding, facilitating, promoting, or encouraging the commission of an act of relationship misconduct by another person.

**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."

**Dating violence:** This term describes violence committed by a person a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and b) where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

**Domestic violence:** This term includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**Discrimination:** Discrimination against another person or group because of race, color, religion, national or ethnic origin, sex, age, or disability is not tolerated. Discrimination can include verbal or physical conduct that denigrates or shows hostility or aversion toward a person or group and: a) has the purpose or effect of creating an intimidating, hostile, or offensive environment; b) has the purpose or effect of unreasonably interfering with someone's academic or job performance; or c) otherwise adversely affects a person'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, the Vice President for Student Affairs and Dean of Students, or the Assistant Title IX Coordinator.

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

**Education program or activity:** The term to describe locations, events, or circumstances over which King University exercises substantial control over both the respondent and the context in which sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the institution.

**Formal complaint:** The term that indicates a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that King University investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of King University.

As used in this definition, the phrase "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this



purpose by King University) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant.

**Gender-based harassment:** This term includes harassment based on gender, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, when one or both of the conditions below are present:

1. Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of a person's employment, academic standing, or participation in any University programs or activities or is used as the basis for University decisions affecting the person (often referred to as "quid pro quo" harassment)
2. Such conduct creates a hostile environment, which exists when the conduct is sufficiently severe, persistent, or pervasive (from both a subjective and an objective perspective) that it unreasonably interferes with, limits, or deprives someone from participating in or benefiting from the University's education or employment programs or activities.

In evaluating whether a hostile environment exists, the University will consider the totality of known circumstances, including, but not limited to:

- The frequency, nature, and severity of the conduct
- Whether the conduct was physically threatening
- The effect of the conduct on the complainant's mental or emotional state
- Whether the conduct was directed at more than one person
- Whether the conduct arose in the context of other discriminatory conduct
- Whether the conduct unreasonably interfered with the complainant's educational or work performance or University programs or activities
- Whether the conduct implicates concerns related to academic freedom or protected speech

A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. A single incident of sexual assault, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single spoken or written expression, standing alone, is typically not sufficient to constitute a hostile environment.

**Incapacity:** The state in which 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 taking 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, blackout, etc.) constitutes a violation of this policy.

Additionally, possession, use, or distribution of any date rape drug including but not limited to Rohypnol, Ketamine, GHB, or Burundanga, 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>.

**Intimate partner violence:** The term describing any act of violence or threatened act of violence that occurs between persons who are involved or have been involved in a sexual, dating, spousal, domestic, or other intimate relationship. Intimate partner violence may include any form of relationship misconduct under this policy, including sexual assault, stalking, and physical assault (as defined below). Intimate partner violence includes ‘dating violence’ and ‘domestic violence,’ as defined by the Violence Against Women Act (VAWA).

Consistent with VAWA, the University will evaluate the existence of an intimate relationship based upon the complainant’s statement and taking into consideration the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Physical assault is threatening or causing physical harm or engaging in other conduct that threatens or endangers the health or safety of any person. Physical assault will be addressed under this policy if it involves sexual or gender-based harassment, intimate partner violence, or is part of a course of conduct under the stalking definition.

**Live hearing:** The proceeding at which the complainant and the respondent (and any of their advisors) may present witnesses, evidence, and arguments to the Review Panel in real-time pursuant to the provision of this policy.

**Non-consensual recording or distribution of intimate images or voice conversations:** The non-consensual recording of intimate parts or intimate conversations is prohibited. The non-consensual distribution or exposure of intimate images, intimate voice recordings, or intimate video recordings is also 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 expose in any manner, the image of another person’s intimate conversation or parts.

The term intimate conversation describes the discussion of intimate parts or voice recordings, photographs, or videos of consensual or non-consensual sexual contact or intercourse.

The term intimate parts 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 parts may also be a violation of state law and will be referred to the appropriate law enforcement agency. Non-consensual recording of intimate parts or intimate conversations is not a violation of policy when a law enforcement officer or security officer is acting in the course of their official duties for a lawful purpose.

**Sexual contact:** The term to describe any intentional sexual touching, however slight, with any object or body part (as described below), performed by a person upon another person. Sexual contact includes a) intentional touching of the breasts, buttocks, groin or genitals, whether clothed or unclothed, or intentionally touching another with any of these body parts; and b) making another touch others or themselves or on any of these body parts.

**Sexual exploitation:** The act of 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., a 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 or a person's intimate parts (including genitalia, groin, breasts, or buttocks) without consent; e) disseminating or posting images of private sexual activity or a person's intimate parts (including genitalia, groin, breasts, or buttocks) without consent; e) prostituting another person; or f) exposing another person to a sexually transmitted infection or virus without the other's knowledge.

**Sexual harassment:** King University recognizes sexual harassment as inconsistent with Christian and Biblical ethics 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 under Title IX means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of King University conditioning the provision of an aid, benefit, or service of King University on a person's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to King University's education program or activity
3. Sexual assault as defined in 20 U.S.C. 1092 (f)(6)(A)(v), dating violence as defined in 34 U.S.C. 12291(a)(10), domestic violence as defined in 34 U.S.C. 12291(a)(8), or stalking as defined in 34 U.S.C. 12291(a)(30)

King University's obligations under Title IX arise when it has actual knowledge of sexual harassment that has occurred within the University's educational programs or activities against a person in the United States. ■

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

- A professor insists that a student have sex with him or her in exchange for a certain grade. This is harassment regardless of whether the student accedes to the request
- A student repeatedly sends sexually-oriented jokes on an email list he or she created, and when asked to stop, causes a recipient to avoid the sender on campus and in the residence hall in which they both live
- A professor displays explicit sexual pictures in his or her office, a student displays such pictures on the exterior of a residence hall door, or a staff member displays such pictures on a computer monitor in a public space
- Two supervisors frequently 'rate' several employees' bodies and sex appeal, commenting suggestively about their clothing and appearance
- Two employees engage in flirting with each other on such a continual and overt basis that others are offended by this behavior
- A professor engages students in discussions in class about past sexual experiences (which is not in any way germane to the subject matter of the class), probes for explicit details, and demands that students respond even though they are clearly uncomfortable and hesitant
- 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
- A student grabs another student by the hair, then grabs her breast and put his mouth on it.

Note: 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 or 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 Vice President for Student Affairs and Dean of Students; the Title IX Coordinator; or the 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 or her supervisor, the Title IX Coordinator, or the Assistant Title IX Coordinator. The employee is not required to initiate the report with his or her supervisor.

**Sexual intercourse:** The term to describe any penetration, however slight, with any object or body part (as described below), performed by a person upon another person. Sexual intercourse includes a) vaginal penetration by a penis, object, tongue, or finger; b) anal

penetration by a penis, object, tongue, or finger; and c) any contact, no matter how slight, between the mouth of one person and the genitalia of another person.

**Stalking:** The term that describes engaging in a course of conduct directed at a specific person that would cause a reasonable person to a) fear for his or her safety or the safety of others, or b) suffer substantial emotional distress.

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 physically following the person.

**Supportive measures:** The term indicating non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainants or the respondents before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to King University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or King University's educational environment, or to deter sexual harassment.

Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures. King University must maintain as confidential any supportive measures provided to complainants or respondents to the extent that maintaining such confidentiality would not impair the ability of King University to provide supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.