

# Tusculum College

## Annual Fire Safety Report & Annual Security Report

2017 Reporting Year  
Including 2016 Statistical Information

# Campus Safety & Crime Prevention Information

If this is your first interaction with our historic institution, please allow us to welcome you to Tusculum College. Founded in 1794, Tusculum College is the oldest college in Tennessee, the twenty-eighth oldest college in the nation, and the oldest coeducational institution affiliated with the Presbyterian Church (USA). The residential campus is located on 140 acres in Greeneville, Tennessee, at the base of the Smoky Mountains. Tusculum College enrolls approximately 1,000 residential students, of which 750 live on campus, and 1,500 Graduate & Professional Studies students. Additionally, approximately 455 staff and faculty are employed by Tusculum College.<sup>1</sup>

Safety is a concern throughout our society today and this publication is designed to keep the entire TC Pioneer community —students, faculty, staff and guests - informed of efforts to support the creation of a safe and enjoyable environment. As members of the TC family, you will also learn how your active participation is essential in attaining these goals.

The College provides for the safety and welfare of the community through proactive programming and cooperation with community law enforcement. Additionally, our residential campus is supported by the College's Campus Safety Department. This program is designed to maintain and enhance the college environment through service and education. Campus Safety enhances the environment through the deterrence of negative external influences, educational efforts to support community safety initiatives, and assists in maintaining accountability for the College's standards of behavior.

Programs provided by Campus Safety on the Greeneville campus include a campus-wide escort service and crime awareness and prevention programs addressing topics such as personal safety, self-defense, personal property security, and alcohol and drug risk awareness.

TC measures success in living our values by the achievements of our students, the personal growth of our employees, and tangible improvement in the quality of life in the communities where we have a presence, thus exemplifying the Civic Arts. In pursuit of this objective, Campus Safety Officers employ a community engagement model to promote communication among members of the community and our Officers to help ensure that the campus is a safe and inviting place to live, study, and work.

This report is designed to provide information ranging from how to take advantage of Campus Safety services from general crime prevention and support to reporting a violation or crime impacting the TC community. The information herein complies with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (or Clery Act). This report also supports compliance with the "Campus Sex Crimes Prevention Act," the Tennessee College and University Campus Sex Crimes Prevention Act (Tennessee Code Annotated 40-39-9102), the Family Education Rights and Privacy Act, the Wetterling Act, Tennessee Bureau of Investigation reporting guidelines, and other important annual disclosures.

Additional copies of this report are available at the Campus Safety Office in Niswonger Commons—Room 222. Written requests can be made to the following address: Tusculum College, Campus Safety Office, P.O. Box 5094, Greeneville, TN 37743.

Please feel free to contact Campus Safety or Student Affairs Office in Niswonger Commons, or the administrative office at one of our Graduate & Professional Study (GPS) sites if you have any further questions about campus safety or we can otherwise be of assistance.

Sincerely,

Jonita Ashley, PhD.  
Dean of Students

Jon Gresham  
Director of Campus Safety

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## Reporting of Criminal Offenses<sup>ii</sup>

To report a crime at the residential campus, contact Campus Safety at 423/636-7318, x5318 or dial 9-911 for emergency services. Any suspicious activity or person seen in the parking lots or loitering around vehicles, inside buildings or around the residence halls should be reported to the Department of Campus Safety or Graduate and Professional Studies site administrative office. Campus Safety is responsible for the coordination of campus safety and security efforts. The Campus Safety Office is located at the main entrance of Niswonger Commons Rm 222. The Department of Campus Safety is open 365 days per year and utilizes Campus Safety Officers to patrol the residential campus by vehicle and on foot throughout the day. Key personnel to whom crimes may be reported include:

- Director of Campus Safety, Campus Safety—Niswonger 222, x5318
- Dean of Students, Student Affairs-Niswonger 223, x5315
- Chief Financial Officer —McCormick Hall 225, x5151

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## Voluntary Confidential Reporting

If you are the victim of a crime and do not want to pursue action within the College Behavior Education Process or the criminal justice system, you may still want to consider making a confidential report. With your permission, the Dean of Students (423/636-7315 or x5315) or a designee can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the College can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution.

## Confidentiality of Pastors & Counselors

Campus “Pastoral Counselors” and “Professional Counselors,” when acting as such, are not considered to be a campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, College Pastors and Counselors inform their clients of the procedures to report crimes on a voluntary basis, should they feel it is in the best interest of the client, so that the information can be included in the annual crime statistics.

## Reporting of Incidents and Criminal Reporting to Law Enforcement

Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents to the Department of Campus Safety in a timely manner; however, community members are encouraged to contact law enforcement if they are a victim and feel it is appropriate. Campus Safety will help initiate this contact upon receiving such a request. In situations where the College and its community as a whole

may be deemed to be a victim, the Dean of Students or her/his designee may choose to report the criminal behavior itself while retaining the right to internally address the behavior of members of its community, as well. Monthly state and annual federal crime reporting is maintained through the Campus Safety Department. To make a report the Tusculum College Campus Safety Office can be contacted at 423/636-7318 (x5318) or 423/470-2710.

In response to a call, Campus Safety will take the required action, dispatching an officer or asking the victim to report to the Campus Safety Office to file an incident report. All Campus Safety incident reports are forwarded to the Student Affairs Office for review and potential action. Campus Safety investigators will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Student Affairs Office. In order to file a report you may contact any of the following areas:

Director of Campus Safety	423/636-7318 (x5070), Niswonger Commons
Office of Student Affairs	423/636-7315 (x5315)

In circumstances indicating sexual assault, harassment, domestic violence, dating violence, and stalking, staff on the scene, including Campus Safety, will offer the victim a wide variety of services. This publication contains information about on-campus and off campus resources. That information is made available to provide Tusculum College community members with specific information about the resources that are available in the event that they become the victim of a crime. The information about “resources” is not provided to infer that those resources are crime “reporting entities” for the College. For example, a crime that was reported only to a community rape crisis center would not be included in the TC crime statistics. Crimes should be reported to Campus Safety to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate.

### □ Campus Safety Personnel

Tusculum College Campus Safety operations are managed by the Director of Campus Safety. Tusculum College provides additional full-time and part-time officers to operate the Campus Safety Office twenty-four (24) hours per day, seven (7) days a week. Officers receive initial and periodic training in areas designated by the Director of Campus Safety and state law. At the publication of this report, Campus Safety employs one full-time director, one assistant director, and four full-time officers. Officers are certified security officers through the State of Tennessee and receive a diversified training from understanding the charge, the limits and inclusions of their authority under local, state and federal law and its relation to Tusculum College policies.

### Campus Safety Authority & Law Enforcement

Tusculum College Campus Safety Officers do not have authority beyond that of a lay citizen, under applicable Tennessee laws, to arrest any person. However, these personnel do have the authority to require identification, determine whether individuals have lawful business at Tusculum College, and represent the College in having local law enforcement effect an arrest as appropriate while using the minimum amount of force consistent with the accomplishment of their duties to protect themselves and/or third persons. Tusculum College Campus Safety Officers also have the authority to issue parking tickets, which are billed to financial accounts of students, faculty, and staff.

The Department of Campus Safety has a close working relationship with the Tusculum City Police Department, the Greene County Sheriff's Department, the Greeneville Police Department, and works with the Greene County Emergency Management Association, and the First Tennessee Homeland Security Council, as well as other area safety departments to support campus and community safety efforts.

Major offenses such as murder, aggravated assault, robbery, and auto theft are reported to the local police who have jurisdiction on campus. Tusculum College Campus Safety maintains a close working relationship with the Tusculum Police Department, Greene County Sheriff's Department, and Greeneville City Police Department. All crime victims and witnesses are strongly encouraged to immediately report the crime to Campus Safety or Student Affairs and the appropriate police agency. Prompt reporting will assure timely warning notices on-campus and timely disclosure of crime statistics.

### Campus Facilities Access

During business hours, the College (excluding certain housing facilities) will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours, access to all College facilities is by access card or key, if issued, or by admittance via the Department of Campus Safety. In the case of periods of extended closing, the College will admit only those with prior written approval. During such time, residence halls are secured 24 hours a day. Some facilities may have individual hours, which are posted and may vary at different times of the year. Emergencies may necessitate changes or alterations to any posted schedules.

All persons on College property or at its events, including faculty, staff, guests and invitees, shall be subject to all rules and regulations of the College, 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 the college's rules, regulations, policies and procedures on traffic and parking.

All persons on campus shall provide adequate identification upon request by College personnel. Employees and students of the college who refuse to provide such identification may be subject to disciplinary action, and other persons who refuse to provide such identification shall be requested to leave the campus, and if they refuse, may be subject to lawful removal and prosecution.

### Campus Residential Facilities

Tusculum College offers on-campus housing facilities that include traditional halls, suite style housing, apartments, and program houses for undergraduate students. Co-ed and single sex halls are included in the housing selection. Students returning to Tusculum participate in the annual Housing Lottery to select their housing for the upcoming year. New students are placed in housing based on their deposit date with Tusculum College. Access to residential facilities is secured 24 hours a day, and access keycard is required. All guests to residence halls must be accompanied by his/her host who resides in the hall. Student rooms are equipped with a key lock to every door and locking windows. Tusculum College employs approximately 29 para-professional Resident Assistants (R.A.s) and two full-time live-in professionals in the residence halls.

### Campus Facilities Security

Campus safety and security is the responsibility of the entire campus community. Campus Safety serves as the central point of contact as well as the alarm and monitoring station for the residential campus with all electronic security systems (fire, burglary, robbery and other alarms) terminating at that office. However, all members of the community are expected to report any suspicious behavior or observed damage to security hardware, non-operational lights or other potential facility maintenance security problems. Other facility safety measures include:

- The Student Handbook is updated annually and addresses security and safety issues, visitation hours, restroom security, keys, emergency fire evacuation procedures, severe weather, and medical situations.
- Keys are the property of the College and may not be duplicated. Each student is responsible for carrying his or her room key at all times. A student should immediately report a missing key, whether it be lost, stolen or misplaced, to Campus Safety. There is a penalty for propping open security doors.
- Non-community members visiting the residence halls are to be informed of the exact location of visitor restrooms. Failure to comply with the expectation for use of the proper facilities will result in eviction of the guest from the premises and disciplinary action against the resident host.
- The Dean of Students, the Director of Facilities and Maintenance, the Campus Safety Director, and the

Student Government Association conduct a survey of grounds and outdoor lighting each long semester. Areas that are identified or perceived as possibly problematic have security surveys conducted by this group.

- Campus Safety personnel perform monthly fire extinguisher inspections in all buildings to ensure that this equipment is maintained, tested, and serviced. This unit also conducts routine fire prevention inspections and initiates corrective action for fire hazards.
- Para-professional and live-in professional hall staffs check residence halls for outages of lighting or other areas which need immediate attention.

## Criminal and Other Behavioral Activity Off-Campus

When a Tusculum College student is involved in an off-campus offense, Campus Safety Officers may assist with the investigation in cooperation with law enforcement to limit the disruption to the community. Tusculum College retains disciplinary jurisdiction for student (individual) and corporate (group or organization) conduct on College premises (whether owned, leased, or managed), and student organization off-campus housing should it develop, as well as at College events. Behaviors occurring off-campus may also be addressed if they present a risk to the health or safety of students or others, or otherwise adversely affect the educational mission of the institution whether during periods of academic coursework or not (any exceptions to the Code must be approved by the Dean of Students and explicitly communicated by the faculty or staff in charge). Although the College is not responsible or liable for student non-College activities, it does reserve the right to take action in response to non-College events or behavior that would violate College expectations and policies and call into question a student's suitability as a member of the College community. Tusculum College operates no facilities off-campus for student organization.

## Reporting Annual Crime Statistics

This report is created in part to comply with the Clery Act. The Offices of Campus Safety and Student Affairs work with the local law enforcement agencies to gather campus crime, arrest, and referral statistics, including those reported to Campus Safety personnel, designated campus officials (including but not limited to Student Affairs staff, directors, deans, department heads, human resources staff, and athletic coaches). Campus Ministers and Counselors retained by the College inform their clients of the procedures to report crime to Campus Safety on a voluntary basis.

The Annual Pioneer Fire, Safety, and Disclosure Report is prepared annually by the Campus Safety Director based on statistics received from the Campus Safety Department, local law enforcement, and the Office of Student Affairs. The latter of these offices collects and maintains data from campus security authorities. This report is to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act.

Each year e-mail notification providing website access to this report is made to all enrolled students, current faculty and staff. Copies of the report may also be obtained through the Campus Safety Office located off the main lobby in Niswonger Commons or by calling 423/636-7318 or x5318 or the Office of Student Affairs located next door to the Campus Safety Office in Niswonger Commons. All prospective students and employees are provided information on how to access this report.

## Annual Review

Each year emergency response procedures are reviewed and tested by the institution. Evacuation procedures of campus residential buildings are tested bi-annually with Tusculum College faculty and staff.

## Weapons on Campus

Provided in Tennessee Code Annotated 39-17-1309, any unauthorized or illegal possession of, use of, or wearing of firearms or dangerous weapons of any kind shall not be permitted on the Tusculum College campus. State law

prescribes a maximum penalty of six (6) years imprisonment and a fine not to exceed three thousand dollars (\$3,000) for carrying weapons on school property. This policy includes the unauthorized storage, use or possession (or constructive possession) on any campus property (including items in vehicles) of weapons (as defined by local, state and federal law).

This policy also includes any object or substance designed to inflict a wound or cause injury, explosives, projectiles, flammable materials (including solvents), biohazardous, volatile, or poisonous materials of any kind, or other items which may be hazardous to the health or safety of others. Items prohibited under this section include, but are not limited to, handheld guns (which includes pistols, stun, paint, pellet, dart, cap, BB, starter or water or toy guns which may be perceived to be actual weapons), long arms (such as rifles, shotguns, air rifles), bows, arrows, axes, knives or blades of any type, numchucks, throwing stars, sling shots, firecrackers and fireworks.

Additionally, items that may not be generally considered weapons, but which are wielded in a manner such that harm or the threat of harm is indicated, will be considered as a weapon under this policy (e.g. waving a baseball bat or knitting needle at another in a threatening manner).

Campus Safety Officers are not authorized to carry firearms; however, pursuant to Section C, Tennessee Code Annotated 62-35-125, officers may carry less than lethal self-defense weapons (i.e. expandable batons or chemical spray) as long as they comply with the institutional policy for their use and the officer is certified trained by the state.

## Criminal History Investigation

Certain College roles are designated security-sensitive positions and require applicants for employment to comply with criminal history investigation requirements. Any person who discloses a criminal conviction history on an application for employment will be subject to an eligibility for employment review by the Director of Personnel Services and the Director of Campus Safety who will make recommendations to the Vice President for Business and Finance for final determination as to eligibility. Should such conviction be deemed to pose a threat to the campus community in any way, the employee may be subject to being ineligible for hire, or position reassignment or termination at the discretion of the College. These standards also apply to felony convictions after achievement of employee status.

Any student who discloses a criminal conviction history on an application for admission will be subject to an eligibility for admission review by the Admission & Standards Committee, the Dean of Students and the Director of Campus Safety will make recommendations to the Vice President for Enrollment Management to submit to the committee for final determination as to eligibility. Should such conviction be deemed to pose a threat to the campus community in any way, the student may be subject to being ineligible for admission, or having his/her privileges limited at the discretion of the College. These standards also apply to felony convictions after achievement of student status.

## Timely Reports, Campus Alert Bulletins & Other Communications

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

In the event that a situation arises, either on or off campus, that, in the judgment of the Dean of Students, the Director of Campus Safety, the Vice President for Business & Finance, or the Vice President for Academic Affairs, constitutes an ongoing or continuing threat, a campus wide "Timely Warning" will be issued. The warning will be issued through the college's alert notification system, known as Pioneer Alert, to students, faculty, and staff. The Office of Student Affairs, Campus Safety, and Communications will coordinate and, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification



system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: Tusculum College Police Department, Greene County Sheriff's Department, local fire authorities, or Emergency Medical Services), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

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 of Campus Safety or Dean of Students may authorize a "Crime Alert" to be issued. The College has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of an immediate threat to the Tusculum College campus community. These methods of communication include network emails, emergency text messages that can be sent to a digital device via Pioneer Alert (individuals can sign up for this website by contacting the Office of Student Affairs at x5315). The Department of Campus Safety may also post a copy of the warning notice on each residence hall entryway and on the access doors to the Niswonger Commons facility providing the College community with more immediate notification. Anyone with information warranting a timely warning should report the circumstances to Campus Safety Office located off the main lobby in Niswonger Commons or by calling 423/636-7318 or x5318.

Tusculum College's Pioneer Alert emergency notification system is used to notify faculty, staff, and students of emergencies on campus. Pioneer Alert is tested once per semester, notification of the is are sent to faculty, staff, and students via Pioneer Alert email system and the College's email listserv independent of Pioneer Alert. The test is conducted via voice and text message to all users.

## Tusculum College Annual Housing Fire Safety Report

Tusculum College maintains a log recording all fires in on-campus student housing facilities, including the nature, date, time, value of items damaged, number of tests per year, and general location of each fire through the Student Affairs Office. Annually, this information is disseminated to the community through a report providing the foregoing information and other pertinent policy information related to fire safety on College property. In addition to fire safety orientation conducted for each student residential facility at the beginning of the academic year, there are regular mandatory supervised fire drills conducted between the fourth and sixth week of each semester. Additional policies related to fire safety include:

***Residence Life Emergency Fire Procedures*** - Any fire of whatever origin or size, must be reported to Campus Safety (5318) in order to ensure the safety of residents. In the event of a fire, the College expects that all campus community members will evacuate by the nearest exist, closing doors and activating the fire alarm system (if one is present) as they leave. Once safely outside a building, it is appropriate to contact Campus Safety (423/470-2710). Students and/or staff are informed where to relocate to by staff if circumstance warrants at the time of the alarm. In the event fire alarms sound, College policy is that all occupants must evacuate from the building, closing doors as they leave. No training is provided to students or employees in firefighting or suppression activity as this is inherently dangerous and each community member's only duty is to exit safely and quickly, shutting doors along the exit path as they go to contain the spread of smoke and flames, and to activate the alarm as they exit. At no time should the closing of doors or the activation of the alarm delay the exit from the building. Additionally, fire drills will be held each semester in compliance with state fire laws to promote the awareness of all residents and assure the functionality of systems and processes dedicated to resident safety. Resident and guest participation and cooperation is mandatory.

Fire safety education programs for all students living in on-campus student housing and all employees that have any association with on-campus student housing are held at the beginning of each semester. These programs are designed to familiarize everyone with the fire safety system in each housing facility, train everyone on the procedures to be followed in case there is a fire and to educate regarding the College's fire safety policies.

Students, faculty, and staff should report any fire for the purposes of being included in the fire report to any of the following individuals/offices:

Director of Campus Safety	423/636-7318 (x5318), Niswonger Commons
Office of Student Affairs/Dean of Students	423/636-7315 (x5315)

- Non-institutional lofts & bunk beds and other structures are not permitted in residence hall rooms. Due to restrictions established by the Fire Marshall, bunk beds or high lofts are not permitted in Haynes or Welty-Craig Halls.
- Possession of any open heating element or open flames or ignition points (e.g. heaters, burners, hot plates, sandwich presses, Foreman grills (except where explicitly permitted), toaster ovens, halogen lamps, candles, incense, potpourri pots, etc.) or any unapproved appliances (no non-College air conditioners, televisions or reception systems requiring wiring outside the room, etc. are permitted. However, residents can use the following small food appliances: small coffee pot, popcorn air popper, and under-counter refrigerator;
- Cooking outside of a designated area, including exceeding the provisions that students may only cook popcorn (not requiring oil or flat plate poppers), hot beverages, or re-heating already prepared food in a small microwave unit;
- Possession of extension cords or multi outlet adapters (surge protector strip plugs are permitted to help protect equipment and reduce malfunctions);
- Smoking of any substance outside of a designated smoking area (there is no smoking permitted in any building on a Tusculum campus or in vehicles of the College); and
- Use of cigars, incense, flavored or scented cigarettes, candles, smudge sticks of other substances which cause a scent perceivable as marijuana or masking the use of same are prohibited and will provide sufficient indicia to justify a search of any items on College property and can result in the student being found responsible for a violation of the Controlled Substances Policy as olfactory evidence is sufficient evidence to support a finding of responsibility;
- Obstruction or disruption which reasonably or unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus;
- Failure to comply with the directions of College officials acting in their official capacity, including administrators, staff, faculty, and para-professional staff (including, but not limited to, refusing to furnish identification or failing to stop engaging in behavior when requested to do so or restricting access to any person, item, or venue to Student Affairs or Campus Safety personnel). Verbal and/or physical abuse directed toward any College official will not be tolerated and will constitute a serious violation;
- Unauthorized entry to or upon, or use of College property, equipment or resources, including but not limited to the telephone system, mail system, computer system, vehicle keys, buildings and furnishings, ledges, roofs or fire escapes of College-owned or operated buildings and service tunnels, or the duplication or use of keys (\$250 minimum fine); and
- Unauthorized storage, use or possession (or constructive possession) on any campus property (including items in vehicles) of weapons (as defined by local, state and federal law, and including- any object or substance designed to inflict a wound or cause injury); explosives; projectiles; flammable materials (including solvents); biohazardous, volatile, or poisonous materials of any kind; or other items which may

be hazardous to the health or safety of others. Items prohibited under this section include, but are not limited to, handheld guns (which includes pistols, stun, paint, pellet, dart, cap, BB, starter or water or toy guns which may be perceived to be actual weapons), long arms (such as rifles, shotguns, air rifles), bows, arrows, axes, knives or blades of any type, numchucks, throwing stars, sling shots, firecrackers and fireworks. Additionally, items which may not generally considered to be weapons, but which are wielded in a manner such that harm or the threat of harm is indicated, will be considered as a weapon under this policy (e.g. waving a baseball bat or knitting needle at another in a threatening manner). In addition to other sanctions, an automatic minimum fine of \$500 will be assessed under this policy, and suspension or expulsion from the College will be examined;

- Setting or causing to be set, any unauthorized fire in or on College premises (including grills or barbecues on a campus facility balcony or porch or under the eaves or overhangs) or storage of combustible engines or flammable materials in the aforementioned areas or inside a residential area. Ground fires in any form are not permitted on campus without permission obtained through the Student Affairs Office on the residential campus or through the appropriate GPS student service staff;
- Intentionally initiating or causing to be initiated any false report, warning, or threat of fire, explosion, crime, or other emergency on College premises or at College sponsored events or tampering with fire alarms (e.g. battery removal, wire disconnection or shielded air passageways, etc.), extinguishers, or other fire equipment (in addition to other sanctions, an automatic minimum fine of \$250 will be assessed);
- Failure to comply with the directions of emergency (e.g. Fire or Police Department) personnel or College officials acting in their official capacity, including administrators, staff, faculty, and para-professional staff; or failure to comply with mechanical or electronic evacuation alarms or systems (in addition to other sanctions, an automatic minimum fine of \$100 will be assessed);
- Tampering with fire or safety signage (include exit floor plans or doorway signage) or breaching College security (e.g. propping open residence hall doors or loaning security keys) (in addition to other sanctions, an automatic minimum fine of \$100 and related replacement/repair/cleaning costs will be assessed); and
- Failure to observe fire regulations requiring that halls, stairways, entrances, porches, evacuation routes, and balconies be kept clear of obstacles at all times.
- Any questions about policy, procedure, and fire safety history on Tusculum College properties should be directed to the Dean of Students or the Director of Facilities Management.<sup>xxiii</sup>

### Periodic Fire Drill Procedures

In order to facilitate a proper evacuation of buildings during a fire alarm, Campus Safety Officers will conduct periodic fire drills. The minimum frequency of such drills will be once per semester for all buildings on campus. During building orientation at the beginning of each semester, residents will go through a walk-through of fire drill procedures. This walk-through is mandatory and will be conducted by a Campus Safety representative, in conjunction with Student Affairs in the case of residential buildings and Human Resources in the case of classroom or office buildings. The contact person for Student Affairs is the Associate Dean of Students. A Fire Drill Evaluation Check List shall be completed for each building being tested. This form shall be turned into the Director of Campus Safety and be placed in the daily Fire Log book which is immediately available for public inspection for the previous 60 days and will be provided for public inspection upon request within 2 days for dates prior to the previous 60 days.

Fire Drill Procedures:

- 1) Ensure that at least two professional staff members and two paraprofessional staff members are present in order to assist with drill supervision before the start of the drill.

- 2) Ensure that all designated evacuation routes are properly displayed and illuminated (at least one on each floor) prior to initiation of each drill.
- 3) Ensure that one paraprofessional or professional staff member is positioned in a location to direct community members to the proper location to evacuate to (adequate safe distance/double the height of building and specific location according to preplanned designated place)
- 4) Campus Safety representative will activate building alarm.
- 5) All staff members will provide instructions to community members during the drill.
- 6) At least two staff members working in pairs will conduct a building search to ensure that all community members are evacuated. If any community member fails to evacuate immediately, their name(s) will be taken and provided to Student Affairs for disciplinary action. It is the duty of all staff members to collect these names and provide a complete list along with the Fire Drill Evaluation Check List to the Director of Campus Safety no later than the next work day. The Director of Campus Safety will provide the Associate Dean of Students the list of student names who did not evacuate upon the notification of a fire alarm. The Associate Dean of Students will initiate disciplinary action against such students according to Tusculum College student disciplinary process. In the case of non-student employees, the Director of Campus Safety will provide the Vice President/CFO with names of employees who fail to evacuate upon notification of a fire alarm. The VP/CFO will initiate disciplinary action against such employee(s) in accordance with the Tusculum College Human Resource Policy Manual.
- 7) Any accommodations required under the American's with Disabilities Act (ADA) or other accommodations identified shall be documented during each drill along with the plan of action for each specific community member as required. This list of accommodations shall be noted on the Fire Drill Evaluations Check List and a comprehensive explanation of the accommodation and plan of action shall be documented and attached to the Fire Drill Evaluations Check List. The Director of Campus Safety shall provide this list and specific plan of action to the Dean of Students. The Dean of Students shall provide the Director of Campus Safety a list of any known community members who have accommodation requirements and their campus residence location no later than the end of the first week of classes in each semester.
- 8) If there is any fire notification equipment malfunction, Campus Safety will immediately notify Facilities Management in order to repair the malfunction as soon as possible. If the malfunction cannot be repaired immediately, a Fire Watch will be placed on any **occupied** building until repair is made and the fire notification system is successfully tested. Fire Watch is defined as a professional or paraprofessional staff member who watches and checks the building on an active basis in a position of advantage and/or roving patrol in order to sense a possible fire and facilitate notification to the habitants for evacuation, '911' for fire response, and Campus Safety for assistance. A copy of the work order submitted to Facilities Management and a Campus Safety Incident Report detailing the use of a Fire Watch shall be attached to the Fire Drill Evaluation Check List and turned in no later than the next work day to the Director of Campus Safety.

There were two fire drills for each residential building conducted during the 2016 reporting year. Results of each drill are available in the campus safety office located in Niswonger Commons Rm 222 during business hours.

### Periodic Emergency Procedures/Critical Incident Response Procedures Exercise

In order to facilitate emergency response preparedness, Tusculum College will conduct periodic exercises throughout the year. At a minimum, one exercise will be conducted during a calendar year that tests the college's preparedness and response systems. Emergency response drills shall be conducted in a variety of ways which are in line with the Federal Emergency Management Agency (FEMA) and National Response Framework (NRF) using the National Incident Management System (NIMS). The results of each exercise shall be maintained by the Director of Campus Safety with a copy of the final report being provided to the President of Tusculum College, Vice-

president/CFO, and Dean of Students. Additionally, Tusculum College shall include what type of exercise was conducted during the year in the Annual Security Report (ASR).

Exercises shall be on a scheduled rotation which consists of, at a minimum, one Functional Exercise every three years and a Full Scale Exercise every four years. Some examples of the types of exercises Tusculum College may incorporate are:

<b>Types of Exercises Type of Exercise</b>	<b>Utility/Purpose</b>	<b>Type of Player Action</b>	<b>Duration</b>	<b>Real-Time Play?</b>	<b>Scope</b>
Discussion-Based	To familiarize players with current plans, policies, agreements, and procedures; develop new plans, policies, agreements, and procedures	Notional; player actions are imaginary or hypothetical	Rarely exceeds 8 hours	No	Varies
Seminar	Provide an overview of new or current plans, resources, strategies, concepts, or ideas	N/A	2-5 hours	No	Multi- or single agency
Workshop	Achieve a specific goal or build a product (e.g., exercise objectives, SOPs, policies, or plans)	N/A	3-8 hours	No	Multiagency or multiple functions
Tabletop Exercise	Assist senior officials in the ability to understand and assess plans, policies, procedures, and concepts	Notional	4-8 hours	No	Multiagency or multiple functions
Game	Explore decision making processes and examine the consequences of those decisions	Notional	2-5 hours	No (some simulations provide real- or near-real-time play)	Multiagency or multiple functions
Operations-Based	Test and validate plans, policies, agreements, and procedures; clarify roles and responsibilities; identify resource gaps	Actual; player action mimics reaction, response, mobilization, and commitment of personnel and resources	May be hours, days, or weeks depending on purpose, type, and scope	Yes	Varies
Drill	Test a single operation or function	Actual	2-4 hours	Yes	Single agency or function
Functional Exercise	Test and evaluate capabilities, functions, plans, and staffs of Incident Command, Unified Command, Intel centers, or other command/operations centers	Command staff actions are actual; movement of other personnel, equipment, or adversaries is	4-8 hours or several days or weeks	Yes	Multiple functional areas/Multiple functions

		simulated			
Full-Scale Exercise	Implement and analyze plans, policies, procedures, and cooperative agreements developed in previous exercises	Actual	1 full day or longer	Yes	Multiple agencies or multiple functions

Tusculum College will conduct types of exercises which simulate potential threats to life and/or property. The scope of exercises will be in line with best practices of similar institutions or will be based from recommendations of FEMA/Homeland Security, U.S. Department of Education, Center for Disease Control/Health Department, and other agencies as required.

Tusculum College conducted one full emergency exercise during the 2016 reporting year. Results of this test are available upon request from the Director of Campus Safety located in Niswonger Commons, Rm. 222.

### Missing Residential Students

Residential students may provide confidential contact information for a person to be notified in the event the student is officially reported as missing. This information will be maintained through the Student Affairs Office on the Emergency Contact form and will be used once a student is determined to be unaccounted for in excess of 24 hours. If a student is under 18 years of age, a parent or guardian will be contacted regardless of the registration of a contact for this purpose. After 24 hours, the incident will be reported to local law enforcement officials. Nothing in this policy shall be construed to limit the ability of the Dean of Students or his/her designee to determine an emergency exists and contact parents and other parties regardless of the listing of a confidential contact or the lapsing of time.

All reports of missing or suspected missing resident students should be reported immediately to Campus Safety at 423-470-2710. Reports concerning missing commuters and off-campus students should be reported to directly to law enforcement with jurisdiction over their residence as well as being reported to Campus Safety.

If an emergency is determined to exist, the Dean of Student's or his/her designee will report the incident to appropriate Cabinet personnel and continue the investigatory efforts under the oversight of said personnel. Upon the involvement of law enforcement agencies, College personnel will assist such entities to the extent legally permissible and maintain communications internally. No information will be released to the public except through the Director of Communications, Cabinet personnel, or individuals designated by the foregoing. College counseling resources will be employed for support of internal community members (including friends, family, and associates).

Once an emergency has been resolved, the Dean of Students will meet with the student reported missing to consult on the concerns raised by the absence and seek to assure future incidents do not recur.

### Alcohol and Drug Use on Campus and in the Workplace

Tusculum College recognizes its responsibility as an educational and public service institution to promote a healthy and productive work environment. This responsibility demands implementation of programs and services that facilitate that effort. The College is committed to a program to prevent the abuse of alcohol and the illegal use of drugs and alcohol by its students and employees. The College program includes a policy that prohibits the

possession or consumption of drugs or alcohol in the workplace, on College property, or as part of any College-sponsored activities. It is the College's policy that:

- All students and employees shall abide by the terms of this policy as a condition of initial and continued enrollment/employment.
- The illegal use of drugs and alcohol is in direct violation of local, state, and federal laws as well as College policies governing faculty, staff, and student conduct.
- Pursuant to the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989, the College's policy statement on a drug-free campus prohibits the unlawful manufacturing, distribution, dispensation, possession, use illicit drugs on the Tusculum College campus in the workplace (on or off campus), on property owned or controlled by the College, or as part of any activity sponsored in whole or part by the College is strictly prohibited.
- This policy strictly prohibits the illegal use, possession, manufacture, dispensing, or distribution of alcohol, drugs, or controlled substances in the workplace, on College premises, or as a part of any College-sponsored activities.
- Violating this policy shall be considered a serious offense that can result in a requirement for satisfactory participation in a drug or alcohol rehabilitation program, referral for criminal prosecution, and/or immediate disciplinary action up to and including termination from employment and suspension or expulsion from the College. A criminal conviction is not required for sanctions to be imposed upon an employee or student for violations of this policy.
- The College shall establish and maintain employee outreach services and student counseling services for counseling and training programs to inform students and employees about the dangers of drug and alcohol abuse. Voluntary participation in or referral to these services is strictly confidential.
- Violating applicable local, state, and federal laws may subject a student or employee to a variety of legal sanctions including, but not limited to, fines, incarceration, imprisonment, and/or community service requirements. Convictions become a part of an individual's criminal record and may prohibit certain career and professional opportunities. A current listing of applicable local, state, and federal sanctions can be obtained through the offices of Student Affairs and Human Resources.
- An employee shall notify his or her supervisor in writing of a criminal conviction for drug- or alcohol-related offenses occurring in the workplace no later than five calendar days following the conviction.
- An employee shall not perform safety sensitive functions while a prohibited drug is in his or her system.
- The College may require drug testing of safety sensitive employees (as defined by federal law) prior to employment, when there is reasonable cause, after an accident, on a random basis, and before allowing an employee or student to return to duty after refusing to take a drug test or after not passing a drug test.

The College shall annually distribute this policy to all staff, faculty, and students. Health risks generally associated with alcohol and drug abuse can result in but are not limited to a lowered immune system, damage to critical nerve cells, physical dependency, lung damage, heart problems, liver disease, physical and mental depression, increased infection, irreversible memory loss, personality changes, and thought disorders.

## Alcohol and Substance Abuse Information

### *Prevention Programs*

The College has developed a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. The program provides services related to drug use and abuse including dissemination of informational materials, educational programs, counseling services, referrals and college disciplinary actions.

The College's Health & Wellness and Counseling Services Offices provide an overall coordination of the Drug-Free School Program. However, many services are the responsibility of other areas of the institution. These include:

- **Alcohol and Drug Education:** College Health Services, Employee Assistance Program, College Physical Education Class.
- **Counseling and Referral Services:** College Counselor, College Health Educator, and Employee Assistance Program.
- **College Behavioral Education Program:** Student Affairs Office, Community Standards Board, and Peer Judicial Board.

### *Potential Legal Sanctions*

Legal Sanctions – Governing Laws

The State of Tennessee sets 21 as the minimum age to purchase or possess any alcoholic beverage. Specific ordinances regarding violations of alcohol laws, including driving while intoxicated, are available from the Campus Safety Office.

### *Alcohol and Drug Policy Enforcement*

It is the responsibility of each member of the Tusculum College community to uphold the standards and regulations of the College. Each individual is responsible for creating and keeping an academic and social environment which provides a comfortable atmosphere and which encourages good will and trust among all members of the campus community. To prevent the abuse of the standing alcohol and drug policies, violations may result in the following sanctions: fines, alcohol education counseling/class, substance abuse assessment and treatment plan, community service, reflection paper, parental contact (for students), probation, suspension, expulsion, or termination.

## Alcohol and Drug Risks

Despite the fact that it is illegal for most college students to purchase alcoholic beverages, experience with and consumption of alcohol is widespread among this audience. According to the 2009 Monitoring the Future Study, in their lifetime, 83% of college students have tried alcohol at least once and 69% report they have been drunk. More important, perhaps, is the occurrence of binge drinking – 36% of college students report having consumed five or more drinks in a row at least once in the two-weeks prior to completing the survey. Trends in alcohol consumption among college students continue to slowly decline across all prevalence rates measured – from 1991 to 2009 annual consumption declined 10%, monthly alcohol consumption has declined 12% and binge drinking among college students has declined even more over this same period of time – down 14% from 43% to 37% in 2009. (View [College Students Binge Drinking](#) chart.) (Source: University of Michigan, Monitoring the Future, 2010)

By comparison, 44% of college students reported in the 2009 National Survey on Drug Use and Health that they had engaged in binge drinking, and 16% reported episodes of heavy drinking, that is, binge drinking on five or more occasions in the past month. The Monitoring the Future Study (2005-2009) revealed 14% of college students reported they have consumed 10 or more drinks in a row at least once in the past two weeks and 5% reported consuming 15 or more drinks in a row. (Source: NIDA, Monitoring the Future, 1975-2009: Volume II, College Students and Adults Ages 19-50, 2010)

The safety risks due to the abuse of alcohol and other drugs are significant, especially for college age students. The



leading cause of death for college age students is alcohol-related car crashes. The number one reason for hospital admissions for college-age students is alcohol-related injury and overdose. In addition, the general statistics relating to adult drowning, death by fire, and violent crime including sexual violence, are strongly related to the abuse of alcohol and other drugs.

Some of the physical effects of alcohol/other drug abuse can include: damage to the liver, heart and pancreas; digestive irritations; malnutrition; sexual problems; high blood pressure; brain damage and mental impairments (including negative effects on perception, information processing, learning, judgment, reaction time, sound processing and peripheral vision); increased risk of cancer, heart attack and stroke; and infections in general. Pregnant women who drink may produce a fetus with fetal alcohol syndrome who is small, mentally retarded or has defects of the heart or other organs.

A major consequence of alcohol or other drug abuse may cause the development of an addiction. While almost anyone may develop an addiction, some students are more vulnerable than others due to inherited biological factors. In particular, students whose parents or grandparents had an alcohol or other drug problem, may develop an addiction more quickly and easily than other students.

Alcohol or drug addicted students suffer from arrested development with the onset being at the age they began using. Alcohol or drug addicted students may cease growing intellectually and emotionally and may never learn to cope with problems constructively, but attempt instead to avoid and compound problems by getting "high". Combinations of various drugs cause side effects that can be fatal.

Tusculum College is committed to increasing awareness about alcohol/drug issues, to prevention strategies that discourage irresponsible and illegal use, and to providing ongoing support for those individuals who have decided not to use alcohol and illegal drugs.

## Sexual Harassment (Including Assault) Policy Statement and Reporting Procedures

### Introduction

#### **Sexual Harassment (Including Assault) Policy Statement and Reporting Procedures**

##### **1. Introduction**

Sexual Harassment is considered an unethical and unprofessional activity at Tusculum College as it typically involves persons of unequal power, authority or influence. All members of the College community - students, faculty, staff, administration, vendors and guests are accountable under this policy for any covered inappropriate behavior. Additionally, recognizing that both men and women are victims of sexual harassment and assault and may commit such offenses, this policy is gender neutral and applies equally to men and women of all sexual orientations. Furthermore, sexual harassment is illegal under Title VII of the 1964 Civil Rights Act and Title IX of the 1972 Educational Amendments.

##### **2. Definitions**

**The Tennessee Code is the criminal law code for the state of Tennessee. Below are the criminal statutes for sex offenses, domestic offenses, harassment, and stalking.**

##### **§39-13-111. Domestic assault.**

- (a)** As used in this section, "domestic abuse victim" means any person who falls within the following categories:
- (1)** Adults or minors who are current or former spouses;
  - (2)** Adults or minors who live together or who have lived together;

- (3) Adults or minors who are dating or who have dated or who have or had a sexual relationship, but does not include fraternization between two (2) individuals in a business or social context;
- (4) Adults or minors related by blood or adoption;
- (5) Adults or minors who are related or were formerly related by marriage; or
- (6) Adult or minor children of a person in a relationship that is described in subdivisions (a)(1)-(5).
- (b) A person commits domestic assault who commits an assault as defined in § 39-13-101 against a domestic abuse victim.

**§39-13-501. Definitions.**

As used in §§ 39-13-501-39-13-511, except as specifically provided in § 39-13-505, unless the context otherwise requires:

- (1) "Coercion" means threat of kidnapping, extortion, force or violence to be performed immediately or in the future or the use of parental, custodial, or official authority over a child less than fifteen (15) years of age;
- (2) "Intimate parts" includes the primary genital area, groin, inner thigh, buttock or breast of a human being;
- (3) "Mentally defective" means that a person suffers from a mental disease or defect which renders that person temporarily or permanently incapable of appraising the nature of the person's conduct;
- (4) "Mentally incapacitated" means that a person is rendered temporarily incapable of appraising or controlling the person's conduct due to the influence of a narcotic, anesthetic or other substance administered to that person without the person's consent, or due to any other act committed upon that person without the person's consent;
- (5) "Physically helpless" means that a person is unconscious, asleep or for any other reason physically or verbally unable to communicate unwillingness to do an act;
- (6) "Sexual contact" includes the intentional touching of the victim's, the defendant's, or any other person's intimate parts, or the intentional touching of the clothing covering the immediate area of the victim's, the defendant's, or any other person's intimate parts, if that intentional touching can be reasonably construed as being for the purpose of sexual arousal or gratification;
- (7) "Sexual penetration" means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of the victim's, the defendant's, or any other person's body, but emission of semen is not required; and
- (8) "Victim" means the person alleged to have been subjected to criminal sexual conduct and includes the spouse of the defendant

**§39-13-502. Aggravated rape.**

- (a) Aggravated rape is unlawful sexual penetration of a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances:
  - (1) Force or coercion is used to accomplish the act and the defendant is armed with a weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a weapon
  - (2) The defendant causes bodily injury to the victim
  - (3) The defendant is aided or abetted by one (1) or more other persons; and
    - (A) Force or coercion is used to accomplish the act; or
    - (B) The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless.
- (b) Aggravated rape is a Class A felony.

**§39-13-503. Rape.**

- (a) Rape is unlawful sexual penetration of a victim by the defendant or of the defendant by a victim accompanied by any of the following circumstances:
  - (1) Force or coercion is used to accomplish the act;
  - (2) The sexual penetration is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the penetration that the victim did not consent;
  - (3) The defendant knows or has reason to know that the victim is mentally defective, mentally

incapacitated or physically helpless; or  
(4) The sexual penetration is accomplished by fraud.

(b) Rape is a Class B felony.

**§39-13-504. Aggravated sexual battery.**

(a) Aggravated sexual battery is unlawful sexual contact with a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances:

(1) Force or coercion is used to accomplish the act and the defendant is armed with a weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a weapon;

(2) The defendant causes bodily injury to the victim;

(3) The defendant is aided or abetted by one (1) or more other persons; and

(A) Force or coercion is used to accomplish the act; or

(B) The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or

(4) The victim is less than thirteen (13) years of age.

(b) Aggravated sexual battery is a Class B felony.

**§39-13-505. Sexual battery.**

(a) Sexual battery is unlawful sexual contact with a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances:

(1) Force or coercion is used to accomplish the act;

(2) The sexual contact is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the contact that the victim did not consent;

(3) The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or

(4) The sexual contact is accomplished by fraud.

(b) As used in this section, "coercion" means the threat of kidnapping, extortion, force or violence to be performed immediately or in the future.

(c) Sexual battery is a Class E felony.

**§39-17-308. Harassment.**

(a) A person commits an offense who intentionally:

(1) Threatens, by telephone, in writing or by electronic communication, including, but not limited to, text messaging, facsimile transmissions, electronic mail or Internet services, to take action known to be unlawful against any person and by this action knowingly annoys or alarms the recipient;

(2) Places one (1) or more telephone calls anonymously, or at an hour or hours known to be inconvenient to the victim, or in an offensively repetitious manner, or without a legitimate purpose of communication, and by this action knowingly annoys or alarms the recipient;

(3) Communicates by telephone to another that a relative or other person has been injured, killed or is ill when the communication is known to be false; or

(4) Communicates with another person or transmits or displays an image without legitimate purpose with the intent that the image is viewed by the victim by any method described in subdivision (a)(1) and the person:

(A) Maliciously intends the communication to be a threat of harm to the victim; and

(B) A reasonable person would perceive the communication to be a threat of harm.

(b) (1) A person convicted of a criminal offense commits an offense if, while incarcerated, on pre-trial diversion, probation, community correction or parole, the person intentionally communicates in person with the victim of the person's crime if the communication is:

(A) Anonymous or threatening or made in an offensively repetitious manner or at hours known to be inconvenient to the victim;

(B) Made for no legitimate purpose; and

(C) Made knowing that it will alarm or annoy the victim.

- (2) If the victim of the person's offense died as the result of the offense, the provisions of this subsection (b) shall apply to the deceased victim's next-of-kin.
- (c) A violation of subsection (a) is a Class A misdemeanor.

**§39-17-315. Stalking, aggravated stalking, and especially aggravated stalking.**

- (a) As used in this section, unless the context otherwise requires:
- (1) "Course of conduct" means a pattern of conduct composed of a series of two (2) or more separate non-continuous acts evidencing a continuity of purpose;
  - (2) "Emotional distress" means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling;
  - (3) "Harassment" means conduct directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable person to suffer emotional distress, and that actually causes the victim to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose;
  - (4) "Stalking" means a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested;
  - (5) "Unconsented contact" means any contact with another person that is initiated or continued without that person's consent, or in disregard of that person's expressed desire that the contact be avoided or discontinued. Unconsented contact includes, but is not limited to, any of the following:
    - (A) Following or appearing within the sight of that person;
    - (B) Approaching or confronting that person in a public place or on private property;
    - (C) Appearing at that person's workplace or residence;
    - (D) Entering onto or remaining on property owned, leased, or occupied by that person;
    - (E) Contacting that person by telephone;
    - (F) Sending mail or electronic communications to that person; or
    - (G) Placing an object on, or delivering an object to, property owned, leased, or occupied by that person; and
  - (6) "Victim" means an individual who is the target of a willful course of conduct involving repeated or continuing harassment.
- (b) (1) A person commits an offense who intentionally engages in stalking.
- (2) Stalking is a Class A misdemeanor.
  - (3) Stalking is a Class E felony if the defendant, at the time of the offense, was required to or was registered with the Tennessee bureau of investigation as a sexual offender, violent sexual offender or violent juvenile sexual offender, as defined in § 40-39-202.
- (c) (1) A person commits aggravated stalking who commits the offense of stalking as prohibited by subsection (b), and:
- (A) In the course and furtherance of stalking, displays a deadly weapon;
  - (B) The victim of the offense was less than eighteen (18) years of age at any time during the person's course of conduct, and the person is five (5) or more years older than the victim;
  - (C) Has previously been convicted of stalking within seven (7) years of the instant offense;
  - (D) Makes a credible threat to the victim, the victim's child, sibling, spouse, parent or dependents with the intent to place any such person in reasonable fear of death or bodily injury; or
  - (E) At the time of the offense, was prohibited from making contact with the victim under a restraining order or injunction for protection, an order of protection, or any other court-imposed prohibition of conduct toward the victim or the victim's property, and the person knowingly violates the injunction, order or court-imposed prohibition.
- (2) Aggravated stalking is a Class E felony.
- (d) (1) A person commits especially aggravated stalking who:

- (A) Commits the offense of stalking or aggravated stalking, and has previously been convicted of stalking or aggravated stalking involving the same victim of the instant offense; or
- (B) Commits the offense of aggravated stalking, and intentionally or recklessly causes serious bodily injury to the victim of the offense or to the victim's child, sibling, spouse, parent or dependent.

(2) Especially aggravated stalking is a Class C felony.

Tusculum College defines sexual misconduct as any unwelcome sexual advance, request for sexual favor or other physical or expressive behavior of a sexual nature where: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; (2) submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting the individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating hostile, offensive or demeaning employment or educational environment through egregious, persistent, or repetitive conduct directed at a specific individual or group of individuals that a reasonable person would interpret, in the full context in which the conduct occurs, as harassment of a sexual nature.

Thus defined, sexual misconduct may range in severity from sexist remarks to violent sexual assault. The following illustrative, but not exhaustive list indicates five forms of sexual misconduct, arranged from the least severe to the most severe:

- a. Sexist remarks and sexist behavior (e.g. unwelcome sexually explicit statements, stories, or inquiries into an individual's sexual preference or behavior that are not related to employment duties, course content, research, or other College programs or activities);
- b. Verbal or physical insults--including lewd, obscene or sexually suggestive remarks directed at a person or group of persons (e.g. repeatedly using sexually degrading words, gestures or sounds to describe a person);
- c. Advances without sanctions--including offensive advances (e.g. sexual propositions, or repeated phone calls or e-mail messages from someone clear indication has been made of no reciprocal interest) or inappropriate behavior (e.g. touching, patting, caressing, or kissing which does not amount to an assault as defined below) without threat of punishment for non-compliance and without promise of reward for compliance;
- d. Advances with sanctions--including the previously mentioned types of advances and behavior whenever they are accompanied by implicit or explicit promised rewards or threatened punishment (e.g. impacts on: employment; reputation; advancement; receipt of service; or participation or status in a course, program or activity)
- e. Assault--including psychological creation of fear to physical acts of sexual intimacy (from touching intimate parts of the body or the clothing covering those body parts, or touching with intimate parts of the body to penetration) committed by a stranger or acquaintance through force (including, but not limited to use of a weapon, physical battering or overpowering/restraint, or physical manipulation of someone who is mentally or physically incapacitated) or coercion (threat of force or psychological pressuring or threats with or without sanctions).

Assaultive behavior includes, but is not limited to:

Stalking, Dating Violence, Domestic Violence, Sexual Coercion, and Sexual Assault. Individuals found responsible, after a final determination has been rendered, for engaging in assaultive behaviors under this policy are subject to sanctions up to and including suspension and expulsion from the College.

While Tennessee law does not directly define consent, it does address

"coercion", "mental defect", "mental incapacity", "physical helplessness" under the sexual assault sections §39-13-501 and "unconsented contact" under the stalking statute §39-17-315. The College notes that consent is considered an informed decision, freely given, made through mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity. Consent cannot be given by an individual who is asleep; unconscious; or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason; or, is under duress, threat, coercion, or force. Past consent does not imply future consent, nor does silence or an absence of resistance imply consent. Further, consent can be withdrawn at any time.

### **3. Statement of Policy**

The educational mission of Tusculum College is to foster an open working and learning environment. Our ethical and legal obligation to faculty, non-academic employees and students is to insure that they are free from sexual harassment by subordinates, peers, supervisors, teachers and administrators. Tusculum College, therefore, expressly forbids sexual harassment. Allegations of sexual misconduct will be addressed through a prompt, fair, and impartial investigation and resolution. Any student, faculty, staff, or administrator who, after this process of fundamental fairness, is found to have practiced sexual harassment will be subject to prompt disciplinary action.

Confidentiality will be maintained to the extent permitted by law and to the point that information needs to be disclosed to effectively investigate or act to keep the community safe. In instances of sexual assault only, the College is obligated by federal law (Student Right to Know or Clery Act) to report the number of incidents that occur on campus. No names are used, only a statistic. If a "Timely Warning" is determined to be appropriate under the Clery Act, the names of victims will be confidential and they shall also be withheld from any campus crime log. Individuals acting in the roles identified, are exempt from reporting under the Clery Act: Campus Counselor, Campus Nurse, Campus Minister, and any additional counselors, physicians or nurses contracted to work in the Wellness Center. Additionally, any members of the Sexual Assault Response Team are herein designated under the authority of the Campus SaVE Act regulations of the Violence Against Women Act to be able to maintain confidentiality in working with women and men who consult with them regarding issues of sexual misconduct (for 2015-2016, the SART membership includes: Ms. Sarah Gardner, Student Support Services Counselor; Mr. Ken Brewer, Assoc. Professor of Psychology; Ms. Bobbie Greenway, Academic Support Coordinator; Ms. Billie Ann Pace, Academic Counselor; and Mr. Michael Robinson, Head Volleyball Coach.

This policy also prohibits retaliation against persons who report instances of sexual harassment/assault or retaliation against any person who is involved in an investigation related to this policy. The College will investigate and address, as appropriate, any alleged retaliatory acts such as loss of employment, grade changes or misrepresentation of academic performance, and any other acts of retaliation by the accused or anyone directly or indirectly involved or acting on behalf of anyone involved with the incident.

As with the resolution of all allegations brought forth under the Non-Academic Code of Student Conduct, allegations brought forth under this policy will be determined through the application of the "preponderance of evidence" the standard of review/evidence.

### **4. Support and Reporting**

The College recognizes the importance of support and encouragement in instances of sexual misconduct, including matters of sexual harassment and sexual assault. It is appropriate to seek help in addressing issues, connecting with resources, interpreting policies and procedures, and sorting through one's options and choices. Victims are strongly encouraged to seek out personnel in one the following areas for help in these tasks: Office of Student Affairs, the Religious Life Center, the Health & Wellness Center, or Campus Site Managers. These individuals have experience, and annual training, with student concerns and complaints, can identify options, and help with decisions about appropriate resources and responses (especially Dean

David M. McMahan, J.D., Tusculum College Title IX Coordinator, x 5493, [emergency cell phone number - 423/470-2919]).

The College notes that prompt reports of incidents of apparent sexual misconduct are critical to effective enforcement of our Policy. Various reporting points are established so that this can be accomplished even when the administrator with primary responsibility over the aggrieved individual may be unavailable or when the aggrieved simply is not comfortable reporting the incident to their own immediate supervisor or advisor who will relay the matter to appropriate administrative personnel.

#### 5. **Resolution Considerations for Parties to Sexual Misconduct Allegations**

**Note** - students have the option to notify campus authorities, law enforcement authorities, both or neither. Students will receive assistance in reporting the incident to local law enforcement authorities from the Dean of Students or his/her designee, or the Director of Campus Safety, if the student requests such assistance.

Students will receive a written copy of their rights and the resources (including counseling, health, mental health, victim advocacy, legal assistance, and other services on and off campus) and support/ accommodations available (changing academic, living, transportation, and working situations if they are requested and reasonably available) to them upon contacting a member of the SART team, Student Affairs or the Campus Safety Office to meet with a designated investigating official such as the Associate Dean of Students, Director of Personnel Services or Director of Campus Safety.

##### a. If you are Sexually Assaulted

GET TO A SAFE PLACE AS SOON AS POSSIBLE.

TRY TO PRESERVE ALL PHYSICAL EVIDENCE. Do not shower, comb your hair or change your clothing if possible as this will allow for the preservation of evidence should you choose to take any action in the future which would require evidence such as prosecution. A forensic examination will preserve collected evidence. Evidence can deteriorate over time. It is best to get to the hospital as soon as possible, but five days of the assault is considered key. If an individual feels he or she was drugged, the hospital can collect a urine sample for forensic testing. Even if the victim is uncertain whether to make a police report, evidence can be collected now for use at a later date. It is harder to go back and collect evidence at a later date.

SEEK MEDICAL ATTENTION as soon as possible through the Wellness Center x5499 or Campus Safety if the center is closed x5318. It is important to seek immediate and follow-up medical attention for several reasons: (a) to assess and treat any physical injuries you may have sustained; (b) to determine the risk of sexually transmitted diseases, HIV, Hepatitis B or pregnancy and to take appropriate medical measures; and (c) to gather evidence which would aid criminal prosecution. Physical evidence should be collected immediately, ideally within the first 24 hours. It may be collected later than this, but the quality and quantity of evidence may be diminished.

SEEK COUNSELING by calling the Wellness Center x5368. Counselors will maintain confidentiality, help explain your options, give information, and provide emotional support.

CONTACT THE OFFICE OF STUDENT AFFAIRS at x5315 or HUMAN RESOURCES at x5345 to explore resolution options.

CONTACT SOMEONE YOU TRUST to be with you for support.

CAMPUS ACADEMIC AND RESIDENTIAL ACCOMMODATIONS

Due to the trauma associated with sexual assault the student victims may need to cease or alter campus employment, withdraw from courses, change their on-campus living arrangements, and/or leave the College altogether. Such changes may require exceptions to College academic and financial policies. Staff and faculty who are victims may have the same need for a leave of absence or changes in their work environment. To enhance the feeling of safety for victims, the College will try to accommodate all reasonable requests. Requests of this nature should be directed to the Human Resources Office x5345 which will assist the victims insuring approval from the appropriate College official. Student victims may also contact the Office of Student Affairs at x5315.

#### OBTAINING A NO CONTACT ORDER AND/OR ORDER OF PROTECTION

A student may obtain a No Contact Order from the College prohibiting contact between parties including verbal, written or through other means. This prohibition includes telephonic and digital communication in all forms as well as messages conveyed through third parties or processes, inclusive of undue visual contact or gestures, and all other means. The student may also receive support in obtaining an Order of Protection through the Greene County Clerk and Master's Office at the Greene County Courthouse. The Office of Student Affairs and/or the Campus Safety Office will assist students in pursuing this protective order of the Court at the student's request.

#### b. If You are Accused of Sexual Assault Consider the Following Options

**CONTACT AN ATTORNEY.** Accusations of sexual assault can invoke criminal and administrative processes which can lead to criminal confinement, fine and administrative sanctions including expulsion from the College. Thus, a person accused of sexual assault should contact their attorney.

**CONSIDER YOUR CHOICE TO SPEAK WITH OTHERS ABOUT THE FACTS SURROUNDING THE ALLEGATIONS UNTIL** you have fully considered the fact that those staff persons can be required to testify as to what you said should there be a criminal prosecution.

**LEARN ABOUT THE COLLEGE PROCEDURES** for handling allegations of sexual assault on campus through campus disciplinary procedures. This information can be acquired from several offices, in particular, the Office of Student Affairs x5315 and the Human Resources Office at x5345.

#### IF YOU ARE A BYSTANDER

Please know safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene." (34 CFR 668.46(j)(2)(ii))

Bystanders play a critical role in the prevention of sexual and relationship violence. They are "individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it." We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.



2. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on- or off-campus resources for support in health, counseling, or with legal assistance. (Virginia State University, 2015).

## 6. Prevention, Educational and Awareness Programs

Risk reduction programming focused on assisting students in the recognition of warning signs involved in abusive behavior and how to avoid potential attacks are provided at the outset of each academic year and continuing through the year. Bystander education programming is also provided to enable students to recognize and safely intervene directly or indirectly in behaviors connected with sexual misconduct (including domestic violence, dating violence, sexual assault and stalking).

### *Resolution Options*

In instances involving allegations of any of the above listed the student may choose to seek an Administrative Agreement or Administrative Hearing with an assigned hearing officer, rather than the standard hearing board process.

Alternatively, allegations of Code of Student Conduct violations will be forwarded to chairs of the appropriate hearing body (residential minor violations to PJB, residential major violations to CSB, and GPS violations to GPSCSB) to convene a hearing.

Both the accused and accuser will have the same opportunities to have others present during any institutional disciplinary proceedings, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking will be simultaneously provided, in writing, to both the accused and accuser. Both parties also have the right to appeal the outcome based on the three appeal rationales provided in the student handbook. The appeal must be in writing within five business days of receipt of the written outcome. If any changes result to the outcome, both parties will be notified. The conclusion of appeals will result in the finality of the judgment.

### *Resolution Timeline*

[When a student is accused of a violation of the Code of Conduct, they will have two days to respond to the charges by meeting with a hearing officer. At that meeting, known as the intake hearing, the student will be oriented to the complaint resolution options.](#)

[In most instances cases are resolved within five business days following the intake hearing. In cases where outside entities such as law enforcement are involved, the College will cooperate with law enforcement and work to resolve the complaint in a reasonable time frame.](#)

### *Sanctions Possibilities*

Sanctions the institution may impose following a final determination of an institutional disciplinary proceeding

regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses include suspension or expulsion from the College.

## Sex Offender Registration

In accordance with the "Campus Sex Crimes Prevention Act," the Tennessee College and University Campus Sex Crimes Prevention Act (Tennessee Code Annotated 40-39-102), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or "Clery Act", and the Family Educational Rights and Privacy Act of 1974, Campus Safety provides a link to the Tennessee State Sex Offender Registry.

This law requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a state concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a state provide notice of each institution of higher education in that state at which the person is employed, carries a vocation, or is a student. Follow the link below to access the Tennessee registry under "Sexual Offender Registry":

[http://www.tbi.tn.gov/sex\\_ofender\\_reg/sex\\_ofender\\_reg.shtml](http://www.tbi.tn.gov/sex_ofender_reg/sex_ofender_reg.shtml)

## Safety Awareness Programs

Crime Prevention Programs on personal safety and theft prevention are sponsored by various campus organizations throughout the year. Campus Safety and the Office of Student Affairs personnel facilitate programs for student, parent, faculty, and new employee orientations, student organizations, community organizations, in addition to annual programs for Resident Assistants and residents providing a variety of educational strategies and tips on how to protect themselves from sexual assault, theft and other crimes.

Periodically during the academic year, Campus Safety, in cooperation with other College organizations and departments, present crime prevention awareness sessions on sexual assault (rape and acquaintance rape), Rohypnol and date rape drug abuse, theft, and vandalism, as well as educational sessions on personal safety and residence hall security. A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others. In addition to seminars, information is disseminated to students and employees through crime prevention awareness packets, security alert posters, and displays. Programs related to sexual assault are presented during first-year/transfer Orientation and/or to the entire student body the first block classes are in session (Welcome Week). Additionally a Rape Aggression Defense class is offered to students. Counseling Services also sponsors an annual Take Back the Night program in the spring semester.

## Anti-Harassment Employment Policy

**Harassment Definition:** Harassment can include, but is not limited to, behavior such as slurs, demeaning jokes or comments, innuendoes, unwelcome compliments, cartoons, pictures, pranks, hazing, stereotypical comments, derogatory descriptions or other verbal or physical conduct. Such behavior is considered harassment when it has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment; unreasonably interferes with an individual's work or academic performance; or affects an individual's workplace or academic opportunities.

Sexual harassment can involve verbal or physical conduct that is sexual in nature or it can involve conduct that is not sexual in nature (e.g., harassment based on animosity towards males or females). In addition, harassment includes engaging in conduct which implies or threatens that an applicant's, employee's or student's "cooperation" of a sexual nature (or refusal thereof) will have any effect on the individual's employment, assignment, grades, compensation, advancement, career development or any other condition of employment or study.

Individuals who believe they have been subjected to any form of harassment or retaliation forbidden by this policy may obtain redress through the Complaint Procedure set forth below.

***Conflict of Interest:*** Faculty members and other employees in positions of authority should be sensitive to questions about mutuality of consent that may be raised and to the conflicts of interest that are inherent in personal relationships where professional and educational relationships are also involved. Thus faculty and staff should exercise extreme caution and the most mature possible judgment in considering personal relationships with students since such relationships may lead to the perception if not the reality, of special treatment and can undermine the atmosphere of trust upon which the educational process depends. (See also Consensual Amorous Relations policy and Nepotism policy in Human Resource Policy and Procedure Guide or Sexual Harassment policy in Student handbook)

***Management Responsibility:*** Management and supervisors should remain alert to situations and conditions providing the potential for harassment and report them immediately to the Director of Personnel Services.

Immediately report any complaint of harassment or retaliation to the Director of Personnel Services.

***Complaint Procedure:*** If any employee believes that he or she has been subjected to harassment or retaliation in violation of this policy, the employee should avail himself or herself of this Complaint Procedure.

Employees are required to report any harassment or retaliation to either their supervisor or the Director of Personnel Services. If an employee witnesses any harassment or retaliation towards another then the employee is encouraged to report this to their supervisor or the Director of Personnel Services. The employee will be asked to provide a statement in writing to the Director of Personnel Services or someone designated by the College President outlining the facts supporting the complaint of harassment or retaliation.

All complaints by staff employees or involving employees will be investigated promptly, impartially, and as discreetly as possible by the Director of Personnel Services or someone designated by the College President.

***Faculty:*** All faculty members are required to report any harassment or retaliation to the Faculty Affairs Committee, Provost or Director of Personnel Services. If a faculty member witnesses any harassment or retaliation towards another then the faculty member is encouraged to report this to the Faculty Affairs Committee, Provost or the Director of Personnel Services. Within one (1) business day the Chair of the Faculty Affairs Committee should appoint a member (Investigator) to work in conjunction with the Director of Personnel Services. The employee will be asked to provide a statement in writing to the Faculty Affairs Committee outlining the facts supporting the complaint of harassment or retaliation. A reminder that the privacy, discretion, and confidentiality must be maintained as possible by all involved in the complaint, investigation, notes there of and any action taken.

All complaints by faculty or involving faculty will be investigated promptly, impartially, and as discreetly as possible by an appointed member of the Faculty Affairs Committee (Investigator) and the Director of Personnel Services. Investigation will normally be conducted within four (4) working days and presented to the Faculty Affairs Committee and the Provost who will recommend an action to the Director of Personnel Services. If the investigation is not proceeding with diligence then the College President will designate an appropriate person to finalize the investigation and recommend what action is to be taken.

In the event a faculty member does not wish to involve the Faculty Affairs Committee or a member of the Faculty Affairs Committee or if the Provost is named in the complaint, the President will designate the Faculty Moderator or an appropriate person to investigate and recommend action. In this circumstance, a waiver of the faculty member's rights under the Faculty Affairs Committee must be signed.

***All employees:*** If the investigation reveals that no harassment or retaliation has taken place, the parties involved will be so advised. If the investigation is unable to determine whether harassment or retaliation has occurred, the College may still elect to proceed with reasonable corrective action designed to prevent any harassment or retaliation from occurring in the future. If the investigation reveals that harassment or retaliation probably has taken place, the College will take reasonable action designed to stop the harassment or retaliation and prevent it from occurring in the future. In addition, if any faculty/staff member or student is found to have harassed another faculty/staff member or student or retaliated against another employee or student in violation of this policy, appropriate disciplinary action will be taken. This could range from a disciplinary warning up to and including termination or expulsion. Any disciplinary action taken against an employee or a student will be taken in

accordance with the process provided by the College for disciplinary action.

There will be no retaliation against any faculty/staff member who files a good faith complaint of harassment.

## Safety Tips

### *On Campus:*

- Never walk alone at night. Call a friend or (423) 636-7318 or x5318 for an escort.
- Always be aware of your surroundings. Walk purposefully and make eye contact with strangers.
- In parking lots, have keys ready when you approach your car.
- After dark, try to park in a well-lit area close to your destination.
- Always lock car doors and roll up windows. Keep valuables out of sight or in the trunk.
- If you feel threatened, immediately go to an open building where there are other people.
- Never leave personal items unattended or unlocked.

### *Home:*

- Always lock apartment and residence hall room doors, even when you are there. Take keys with you, even when stepping out for “just a second.”
- If you live in an area with locked doors, such as a residence hall, do not let strangers in without a key. This protects both you and your neighbors.
- Keep windows locked.
- Do not loan out your keys or leave them lying around. Detach house keys from main ring when having vehicles serviced.
- Do not keep expensive jewelry, collectibles or large amounts of cash at home.
- Do not advertise your absence, especially on your answering machine. Put only a basic message on your machine identifying the phone number and requesting that callers leave a message.

### *Social:*

- When dating someone you don’t know well, ask people you trust about your date.
- Socialize in groups so that you are not alone with just one person. There really is safety in numbers.
- Drive yourself and carry extra money in case you need to get home alone.
- If you feel uncomfortable, there’s probably a reason. It is better to do something you may consider rude than to remain in a dangerous situation.
- Remember that alcohol impairs both your decision making processes and the ability to communicate.
- Keep all drinking glasses, bottles or other open containers in sight at all times. When accepting a drink of some kind, make sure that you open the container yourself and be aware that ice cubes could contain harmful substances as well.

## Campus Lost and Found

Tusculum College’s Campus Safety Office serves as the central repository for items lost/found on the residential campus. Each year many unclaimed items are donated to community charities. Items lost in campus buildings may be kept by staff there for several days. For items that have been lost several days and not located by staff in the building, check with the Campus Lost and Found at (423) 636-7318. Check with staff in the building, AND with Campus Safety, immediately, if the lost item is of high value or involves the loss/finding of College keys. For property you have found on campus, contact (423) 636-7318 or x5318 to determine where to turn in the found property.

## Harassing and Obscene Phone Calls

Anyone can be the victim of harassing, annoying, obscene or threatening telephone calls. Although such calls do not usually constitute a threat to personal safety, on-campus residents should contact Campus Safety and off-campus residents should contact the Police Department on receipt of a telephone call of questionable intent or origin. They can usually help you stop the calls.

## Carbon Monoxide Poisoning

Though you cannot see or smell carbon monoxide (CO), at high levels it can kill a person in mere minutes. This deadly gas is produced when fuel such as gas, oil, kerosene, wood or charcoal is burned. If in the process of burning these fuels, the appliances are well maintained and the amount burned is low, the amount of CO created is not usually hazardous. However, if appliances are not well maintained or, used incorrectly and the amount of fuel used is great, higher levels of CO can be produced.

Symptoms of CO poisoning at moderate levels can be severe headaches, dizziness, feeling confused, nauseous or faint. Even moderate levels over a short period can be deadly. Lower levels are also dangerous, with symptoms consisting of shortness of breath, mild nausea and headaches. Any level of exposure over a longer duration can have long-term health consequences. Many of these symptoms are also similar to the flu or food poisoning, and as such, people do not think CO poisoning as a likely cause.

If you experience any of these symptoms or think you may have CO poisoning:

- Get outside into fresh air immediately—open all windows and doors, turn off combustion appliances, and leave the house.
- Go to the emergency room - tell the doctor that you suspect you may have CO poisoning. Doctors can check for CO poisoning with a blood test if you go to the hospital soon after being exposed.
- Be prepared to answer questions such as: did the symptoms occur only in one place (i.e. house, work, etc.), did they disappear/reappear when leaving or returning? Is anyone else from this location feeling similar? Are you using any fuel-burning appliances in the location? Have you had your appliances inspected lately? Have any been malfunctioning?

## Statement of Non-Discrimination

Tusculum College does not discriminate on the basis of race, color, national or ethnic origin, handicap or physical challenge, sex or age, religion, socio-economic status, sexual orientation, or political affiliation, in admission or access to, or treatment or employment in its education programs and activities.

The Director of Personnel Services, Compliance Coordinator, has been designated to coordinate the College's compliance with the nondiscrimination requirements under Section 504 of the Rehabilitation Act of 1973, Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 and the Age Discrimination Act of 1975 which prohibit discrimination on the basis of handicap, race, sex and age, respectively.

The Director of Personnel Services may be contacted at Room 4, McCormick Hall, telephone x5345.

## Disabilities & Reasonable Accommodations

**Purpose:** To set forth provisions for the College's compliance with the Americans with Disabilities Act (ADA) (42 U.S.C. S12,101 et seq.) and Section 504 of the Rehabilitation Act (29 U.S.C. S791, et seq.) which prohibits discrimination against a person with a disability in the offer or conditions of employment, and in the participation of or furnishing of services. Tusculum College is obliged to provide reasonable accommodations to enable qualified individuals with documented disabilities to perform a job, have equal opportunities, participate in a class, or participate in other College functions. This document is not intended to be a substitute for the ADA, the

Rehabilitation Act, subsequent amendments or regulations.

**Applies to:** All employees **who have documented disabilities and request reasonable accommodations.**

**Policy:** The College prohibits discrimination based on a documented disability or perceived disability in the employment relationship, including job application procedures, hiring, advancement, discharge, compensation, job training, or other terms and conditions of employment. The College will not allow discrimination based on a documented disability in the provision of services to employees, students or other individuals. Tusculum will provide reasonable accommodation to qualified individuals with documented disabilities to ensure equal access and equal opportunities with regard to the programs and services offered by Tusculum College. The College will not allow discrimination against individuals who are associated with persons with disabilities. It is a violation of this policy to retaliate or harass an individual who files charges or participates in proceedings under this policy.

**Definitions:** For the purpose of this policy, “disability” refers to a documented physical or mental impairment that substantially limits one or more major life activities, a record of having such an impairment, or being regarded as having such an impairment. “Major life activity” is a key function of life, such as seeing, hearing, walking, caring for oneself, working, learning and etc. as defined by the ADA. An “individual with a disability” is one who, with or without reasonable accommodation, can perform the essential functions of a particular job or meet specific academic/program requirements for participation in a college sponsored program, service or activity. “Essential function” is the task/responsibility that is not marginal to the purpose of the job.

“Reasonable accommodations” is an action that may be taken by the College to accommodate an individual with a documented disability, without imposing an undue hardship on the College. An accommodation imposes an undue hardship on the College if it constitutes an undue financial or administrative burden on the College, or it requires a fundamental alteration in the nature of the job or program. In the following procedure and designated forms, “diagnosing professional” will refer to a physician, psychiatrist, chiropractor or etc.

**Procedures:**

**Applicant:** If an applicant is in need of accommodation to complete the application and hiring process, the applicant should report the need for accommodation and describe the specific accommodation that is being requested. This request may be verbal or may be in writing to the Human Resources Department. The Director of Personnel Services will review the request and determine the accommodation or denial of the accommodation at which time the applicant will be notified.

**Employee:** If a faculty/staff employee believes that an accommodation is necessary to perform their job or requests an accommodation for a disability, the staff employee must fill out Form 6.00 Employee Request for Accommodation and return it to the Director of Personnel Services. Without any assurance, granting of or discussion of the accommodation, the staff employee will be required to have the disability and the limitations of performing the job documented by their diagnosing professional and returned to the Director of Personnel Services.

These forms must be completed before the review and evaluation of the “request” may take place. The Director of Personnel Services utilizing the completed Form 8.00 Diagnosing Professional’s Documentation of Disability will determine if the employee has a qualifying disability.

The Director of Personnel Services, the employee requesting the accommodation and the employee’s supervisor will discuss and identify barriers to performing the essential job functions, possible and reasonable accommodations and determine if and when the accommodations may be effective or possible alternatives and document the issues on Form 7.00 Accommodation Evaluation Form.

The Director of Personnel Services will report any faculty member’s accommodation to the Faculty Affairs Committee and Provost. The Director of Personnel Services will follow-up and evaluate the effectiveness of the accommodation between 2 weeks and a month from starting the initial accommodation (see Form 7.00 Accommodation Evaluation Form).

Violations of this policy will be considered misconduct on the part of the faculty/staff member and will be subject

to disciplinary actions up to and including termination of employment or termination of the faculty member's appointment.

**Determination:** Final determination or the inability for accommodations rests with the College. There will be no retaliation against any employee who files for an accommodation under the Americans with Disabilities Act (42 U.S.C. S12, 101 et seq.) or Section 504 of the Rehabilitation Act (29 U.S.C. S791, et seq.).

**Confidentiality:** Information about an employee's documented disability or the accommodation must be kept in a file separate from the personnel file in the Human Resources Department and this file must be kept confidential to the extent allowed by law.

**Responsibilities:** An employee is responsible for informing his supervisor and the Human Resources Department or Faculty Affairs Committee of their need for accommodations. The employee is also responsible for providing appropriate documentation for the claimed disability, and for cooperating with the College in attempting to reach an agreement on a reasonable accommodation.

Any responsible College representative or anyone who receives a request for an accommodation should contact the Human Resources Department immediately.

## Peer Harassment and Relationship Policies & Reporting Procedure

Tusculum College does not condone harassment based on an individual's race, religion, ethnic origin, gender, sexual orientation or physical handicap. The campus community constitutes an environment where any form of harassment is unacceptable. This policy is in keeping with the spirit and intent of federal, state and College guidelines concerning discrimination and harassment.

**Definition** - Harassment is physical, verbal or any other behavior, including written or pictorial expression, that either recklessly disregards the harmful effect of the behavior on, or that intends to hurt, a specific individual, group of individuals, or campus organization by referring in a derogatory or threatening fashion to that individual's or organization members' race, religion, ethnic origin, gender, sexual orientation or physical handicap.

**Reporting Procedures** - The reporting procedures outlined below are designed to provide sufficient flexibility in responding to allegations of harassment. They are intended to be as formal or informal as the allegations dictate.

Any individual who believes he/she has been harassed (as defined above) should contact the Student Affairs Office, which will help the individual explore the alternatives available to him/her. Initial contact with the Student Affairs Office will be kept confidential; no formal records will be kept, and all individuals are assured of anonymity (except as required by law [e.g. anonymous statistical reporting which may be required under the federal Campus Right to Know or Clery Act, or judicial subpoena]). The student may wish to consult someone with special sensitivity or expertise and the Student Affairs Office will facilitate a referral to such a person if desired. If an individual desires to seek assistance outside the Student Affairs Office, they are encouraged to approach someone in the counseling, wellness, ministry, human resources, or police services areas.

**Informal Reporting Procedure** - An informal reporting procedure may be the first step proposed to resolve an allegation of harassment. Any individual with an honestly perceived complaint will be provided the option to discuss the issue directly with the alleged harasser in the presence of the Dean of Students or his/her designee. This option is often viewed as beneficial as, should the behavior not be so egregious as to warrant removal from campus, the high likelihood of future interaction (even if only in passing) on a campus the size of Tusculum College, can make an amicable resolution desirable for the complainant. However, if the individual does not desire a face-to-face meeting with the alleged harasser, he/she may write a letter or choose a contact person to mediate on his/her behalf, if they wish to pursue an informal resolution.

**Formal Reporting Procedure** - Formal Reporting Procedure should be used if the individual making the complaint believes the severity of the complaint warrants it. The individual who desires to file a formal complaint of



harassment will submit a detailed report of the incident directly to the Dean of Students. Any individual bringing a complaint of harassment may petition to terminate the proceedings at any stage; however, once a formal investigation is initiated, the Dean of Students will determine whether the College may continue as the complainant due to the dual nature of harassment offenses being both an offense against the individual and an offense against the community.

Evidence of retaliation in response to formal or informal grievance procedures will be itself be regarded as harassment and will result in the filing of allegations to address said retaliatory behavior. This report will include information about the date, time, place, participants' names and the harassing behavior. The report will be handled in accordance with the resolution procedures of the Code of Student Conduct with possible additional stipulations because of the nature of the allegations as herein indicated or as deemed appropriate by the Dean of Students or his/her designee. In harassment/assault cases, modification of the standard hearing procedures may be implemented by the Dean of Students or his/her designee to comply with legal expectations and to promote a fair and equitable process for the resolution of allegations. Additionally, in compliance with FERPA and the Clery Act, the complainant and the accused will be informed of the final results in a sexual assault case, including the original findings and any appeals, in an equal, unconditional, and affirmative way.

Hearing procedures modifications may include additional faculty or professional staff member, separations of the alleged victim and alleged policy violator (questions from/to those parties issued through the Chair of the Community Standards Board). Finally, the process is modified to comply with federal requirements under Title IX that permits a sexual harassment/assault complainant to appeal the outcome of the process (on the same basis and in accordance with the same process as the alleged policy violator).

### *Principles*

In investigating complaints of harassment, the following principles will be adhered to:

- Each complaint will be handled on an individual, case-by-case basis, considering the complete record and all relevant circumstances. Investigation will be conducted as promptly as possible.
- In investigating complaints of harassment, complete confidentiality should be maintained in consideration to both the aggrieved and the alleged harasser (except as mandated by law or subpoena). The complaint will be resolved in a manner that is consistent with this policy and equitable to all parties concerned.
- The purpose of this policy is to end harassment and therefore it may not be used by a complainant to achieve personal goals not in conformity with the purpose of this policy.



Tusculum College Crime Statistics - 2016

	Year	Campus Housing Sub	Non Campus housing Sub	Institutional Non Campus Building or Property	Public Property	Arrests	Year	Campus Housing Sub	Non Campus housing Sub	Institutional Non Campus Building or Property	Disciplinary Referrals	Year	Campus Housing Sub	Non Campus housing Sub	Institutional Non Campus Building or Property		
		On-Campus Property Occurrence						On-Campus Property Occurrence					On-Campus Property Occurrence				
Murder/Non-Negligent Manslaughter	2014	0	0	0	0	Liquor Laws	2014	0	0	0	Liquor Laws	2014	36	0	0		
		0						2015	0	0		0		2015	14	0	0
	2016	0	0	0	0			2016	18	0		0		2016	4	0	0
Negligent Manslaughter	2014	0	0	0	0	Drug Laws	2014	0	0	0	Drug Laws	2014	8	0	0		
		0						2015	1	0		0		2015	15	0	0
	2016	0	0	0	0			2016	1	0		0		2016	6	0	0
Sex Offense, Forcible	2014	2	0	0	0	Weapons Laws	2014	0	0	0	Weapons Laws	2014	0	0	0		
		1						2015	0	0		0		2015	0	0	0
	2016	1	0	0	0			2016	0	0		0		2016	0	0	0
Sex Offense, Non-Forcible	2014	0	0	0	0	Dating Violence	2014	0	0	0	Dating Violence	2014	0	0	0		
		0						2015	0	0		0		2015	1	0	0
	2016	0	0	0	0			2016	0	0		0		2016	1	0	0
Robbery	2014	0	0	0	0	Domestic Violence	2014	0	0	0	Domestic Violence	2014	0	0	0		
		0						2015	0	0		0		2015	0	0	0
	2016	0	0	0	0			2016	0	0		0		2016	0	0	0
Aggravated Assault	2014	0	0	0	0	Stalking	2014	0	0	0	Stalking	2014	0	0	0		
		1						2015	0	0		0		2015	0	0	0
	2016	0	0	0	0			2016	0	0		0		2016	0	0	0
Burglary	2014	13	0	0	0	On campus-any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution on, or of a manner related to the institution's education purposes, including residence halls; and any building or property that is within or reasonably contiguous to said property of this definition that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a retail vendor). "Dormitories or other residential facilities for students on campus" is a subset of the on-campus category.	A non-campus building or property is any building or property owned or controlled by a student organization that is officially recognized by the institution; or by any property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students within the same reasonably contiguous geographic area of the institution.	Hate crim information is provided in the context of the data above noted by: Race = RA, Gender = G, Religion = RE, Sexual Orientation = SO, Ethnicity/Nat'l Origin = EN, Disability = D, Gender identity = GI	X= data not reportable for that year	2014	0	0	0				
		7									2015	0	0	0			
	2016	7	0	0	0							2016	0	0	0		
Motor Vehicle Theft	2014	0	0	0	0	On public property-all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to any campus property.					2014	0	0	0			
		0										2015	0	0	0		
	2016	0	0	0	0								2016	0	0	0	
Arson	2014	0	0	0	0						2014	0	0	0			
		1										2015	1	0	0		
	2016	0	0	0	0								2016	0	0	0	

## Tusculum College Fire Statistics-2016

Facility	FIRE SYSTEMS			FIRE RELATED INCIDENTS IN RESIDENTIAL FACILITIES					
	Alarm Systems	Sprinkler Systems	Evacuation Placards & Plans	Number	Fire Cause	Injuries requiring medical facility treatment	Deaths	Property Loss Value	No. of evacuations (fire) drills each calendar year
Apartment A-Mastrapasqua	Hard-wired and tied to central reporting system	YES	YES	0	0	0	0	0	2
Apartment B	Hard-wired and tied to central reporting system	YES	YES	0	0	0	0	0	2
Apartment C	Hard-wired and tied to central reporting system	YES	YES	0	0	0	0	0	2
Apartment D	Hard-wired and tied to central reporting system	YES	YES	0	0	0	0	0	2
Apartment E	Hard-wired and tied to central reporting system	YES	YES	0	0	0	0	0	2
Apartment F	Hard-wired and tied to central reporting system	YES	YES	0	0	0	0	0	2
Charles Oliver Gray-East	Hard-wired and tied to central reporting system	NO	YES	0	0	0	0	0	2
Charles Oliver Gray-South	Hard-wired and tied to central reporting system	NO	YES	0	0	0	0	0	2
Charles Oliver Gray-West	Hard-wired and tied to central reporting system	NO	YES	0	0	0	0	0	2
Haynes	Hard-wired and tied to central reporting system	YES	YES	0	0	0	0	0	2
Barkley House (35 West St.)	Battery operated stand alone systems	NO	NO	0	0	0	0	0	2
Katherine	Hard-wired and tied to central reporting system	NO*	YES	0	0	0	0	0	2
Dean House (1132 Erwin Hwy)	Battery operated stand alone systems	NO	NO	0	0	0	0	0	2
Patton House (1184 Erwin Hwy)	Battery operated stand alone systems	NO	NO	0	0	0	0	0	2
Dobson House (1075 Erwin Hwy)	Battery operated stand alone systems	NO	NO	0	0	0	0	0	2
Welty-Craig Hall	Hard-wired and tied to central reporting system	YES	YES	0	0	0	0	0	2

\* Katherine Hall was designed and constructed with special attention to fire safety (cinder block construction with pod layout versus long hallways). The pod layout impedes the spread of smoke and fire.

Tusculum College  
60 Shiloh Road  
Greeneville, TN 37743  
Phone: 423-636-7315

Tusculum College, in its continuing effort to maintain a safe academic and work environment for students, staff, faculty, and guests, presents this Annual Pioneer Safety and Disclosures Report with the understanding that an informed community is best able to support the achievement and maintenance of a secure environment.

**Anyone witnessing a violation of campus policy or a crime is encouraged to report the incident immediately to Campus Safety at (423) 636-7318 or call 9-911 for external authorities.**

**Community members' can call x5318 on-campus for assistance including vehicle issues, campus directions, or other matters.**

**We're on the Web @ <http://www.tusculum.edu/life/safety/CampusSecurityandDisclosuresReport.pdf>**



# Important Resource Contact Information

## RESIDENTIAL CAMPUS

Toll Free—800/729-0256

### Important Resource Contact Information

#### RESIDENTIAL CAMPUS

*Toll Free—800/729-0256*

Admissions & Financial Aid	423/636-7631
Athletic Trainer (Cell)	423/552-6473
Campus Safety	423/636-7318
—Campus Safety (Cell)	423/470-2710
Counseling Services (Cell)	423/620-8347
Health & Wellness	423/636-7499
Human Resources	423/636-7345
Maintenance/Facilities Management	423/636-7319
Public Relations	423/636-7304
Student Affairs	423/636-7315

#### OTHER RESOURCES

Alcoholics Anonymous	423/638-5578
Ask-A-Nurse	800/888-5551
Baptist Hospital for Women	865/218-6011
Frontier Health/Nolichucky	423/639-1104
Gray Fire Department	423/477-3851
Greene County Sheriff's Office	423/798-1800
Greeneville Fire Department	423/638-4243
Greeneville Police Department	423/638-4243
Hamblen County Sherriff's Dept.	423/586-3781
Industriacare	423/636-9828
Johnson City Fire Department	423/975-2840
Johnson City Medical Center	423/431-6111
Knoxville Fire Department	865/595-4480
Knoxville Police Department	865-215-7000
Laughlin Memorial Hospital	423/787-5000
Parkwest Medical Center	865/373-1000
Takoma Adventist Hospital	423/636-2360
Tusculum Volunteer Fire Dept.	423/638-8068
Washington County Sherriff's Office	423/461-1414

#### EMERGENCY—9-911

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- i TIBRS 35 a-c - Number of undergraduate and graduates students enrolled; Number of undergraduate and graduate students living in student housing; Total number of nonstudent employees working on campus
  - ii Clery 1.a., b.- Policies regarding procedures to report criminal actions or other emergencies occurring on campus. *Must include* institution's policies concerning its response to these reports.
- TIBRS 35 d - Administrative offices responsible for security on campus;
- iii Clery 9- Description of any procedures institution has that encourage pastoral and professional counselors, at their discretion, to inform those they counsel of procedures for reporting crimes voluntarily & confidentially for inclusion in the ASR. Includes verbal and written encouragement. If no policy, state so.
  - iv Clery 8- Policies encouraging accurate and prompt reporting of all crimes to the campus police **and** appropriate LEA. TIBRS 35 I Procedures and facilities for students and others to report criminal actions or other emergencies occurring on campus and policies concerning the institution's response to such reports
  - v Clery 21- Info on students option to notify LEA including on-campus & local policy, statement that institution personnel *will* assist the student in notifying these authorities if student requests.
  - vi TIBRS 35 d- administrative offices responsible for security
  - vii TIBRS 35 e- Describe type and number of security personnel utilized by institutions including description of their training
  - viii Clery 6- Policies defining law enforcement authority of campus security personnel.
  - ix TIBRS 35 f & g Enforcement authority of security personnel, including their working relationship with state and local LEA; Policy on reporting criminal incidents to state and local LEA
  - x Clery 7- Working relationship of Campus Safety w/ state & local LEAs, including any MOU.
  - xi Clery 5.- Policies concerning security of and access to campus facilities (including campus residences) and security considerations used in the maintenance of campus facilities. TIBRS 35 h - Policy regarding access to institution facilities and programs by students, employees, guests and other individuals
  - xii TIBRS h & i - Policy and any special security procedures for housing students during low occupancy periods such as holidays and vacation periods. Policy on housing of guests and others not assigned to the student housing or not regularly associated with the institution of higher education
  - xiii TIBRS 36 a-g -  
Types of student housing available (on/off campus, single/dbl; single sex, coed, undergrad, grad, married, etc.);  
Policies on housing assignments and requests by students for assignment changes;  
Policies concerning the identification and admission of visitors in student housing facilities;  
Measures to secure entrances to student housing facilities;  
Standard security features used to secure doors and windows in the students' rooms;  
Description of type and number of employees, including security personnel, assigned to the student housing facilities which shall include a description of their security training;  
Type and frequency of programs designed to inform student housing residents about housing security and enforcement procedures
  - xiv Clery 17- Policy regarding institutions emergency response and evacuation procedure.
  - xv TIBRS 35 n - Security considerations used in the maintenance of campus facilities, including landscaping, groundskeeping and outdoor lighting
  - xvi Clery 12- Policy concerning the monitoring & recording, through LEA of criminal activity in which students engaged at off-campus locations of student organizations officially recognized by the institution.
  - xvii Clery 3.- Policies for preparing annual disclosure of crime statistics. TIBRS 35 o - A description of the communication mediums used to inform the campus community about security matters as well as the frequency with which the information is usually provided
  - xviii TIBRS 35 l - Policy regarding possession and use of weapons by security personal and any other person
  - xix TIBRS 35 m - Policy regarding students or employees with criminal records
  - xx Clery 2.a., b., c., d.- Policy for making timely warnings for Clery Act crimes. TIBRS 35 o - A description of the communication mediums used to inform the campus community about security matters as well as the frequency with which the information is usually provided  
*Includes circumstances for issuing warning.*  
*Individual/office responsible for warning.*  
*Manner in which warning disseminated.*
  - xxi HEA Fire 32- Title must be clearly delineated from that of any other reports if producing combined report
  - xxii HEA Fire 34 e - Policies regarding fire safety education and training programs (must describe procedures students/employees should follow in case of fire)
  - xxiii HEA Fire 34 c- Policies on portable electrical appliances, smoking, and open flames in student housing
  - xxiv Clery 18- Missing student information
  - xxv Missing Person 28 e - Option for each student to identify a contact person who will be notified within 24 hours of determining that the student is missing;

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- xxvi Missing Person 28 f - If student is under 18 and not emancipated, notification of parents/custodial guardian will occur within 24 hours
  - xxvii Missing Person 28 b & g - Procedures that institution will follow if any students are determined to be missing for 24 hours (do NOT have to wait 24 hrs);
  - xxviii Missing Person 28 d - Requirement that any missing student report must be referred immediately to the institution's police or campus security department or in their absence LEA;
  - xxix Missing Person 28 a- Policy statement addressing missing student notification for students residing on campus;
  - xxx Missing Person 28 c- List of titles of persons/organizations to which students, employees, or others should report missing student;
  - xxxi Clery 13- Policy regarding possession, use, and sale of alcohol beverages and enforcement of state underage drinking laws. TIBRS 35 j & k  
- Policy regarding possession, use, and sale of alcoholic beverages. Policy regarding the possession, use, and sale of illegal drugs
  - xxxii Clery 14- Policy regarding the possession, use, and sale of illegal drugs and enforcement of federal and state drug laws.
  - xxxiii Clery 15- Description of any drug or alcohol abuse education prgs as required under Section 120 (a) through (d) of HEA. (See Appendix A)
  - xxxiv Clery 26- Sanctions the institution may impose following a final determination of disciplinary proceedings regarding sex offenses
  - xxxv Clery 27- Statement advising campus community where LEA info provided by state concerning registered sex offenders can be located.
  - xxxvi Clery 10- Describe type and frequency of programs designed to inform students and employees about campus security procedures and practices to encourage staff/students to be responsible for their own security and that of others.
  - xxxvii Clery 11- Description of programs designed to inform students and employees about prevention of crimes.
  - xxxviii Clery 19- Description of educational programs to promote awareness of rape, acquaintance rape and other forcible and non-forcible sex offenses.