

MILLIGAN

Annual Security and Fire Safety Report

2022

The safety of Milligan's students, faculty, staff and guests is of utmost priority to the University's administration, faculty, and staff. This report details the University's security policies and procedures and provides guidelines for members of the campus community to follow when faced with security-related issues. This report also details the University's policies, programs, and reporting efforts to comply with several state and federal laws:

- The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act
- The Drug-Free Schools and Communities Act
- The Tennessee University and University Security Information Act

This report also includes the University's Fire Safety Report.

Milligan's campus security office prepares this report annually to provide information about campus security policies and procedures and to comply with federal regulations. Campus crime, arrest, and referral statistics include those reported to the campus security department, other University officials designated campus security authorities, and local law enforcement. Upon publication of this report each year, an email notification is sent to all enrolled students, faculty, and staff including the web link to this report.

For more information, to make a report, or to request a hard copy of this report, please contact the security office:

Campus Security: **(423) 461-8911**

Director of Security/Title IX Coordinator Direct Office Line: **(423) 461-8740**

Elizabethton Police Department: (423) 542-4141 or **911**

Reporting Criminal Actions or Other Emergencies Occurring on Campus

All members of the Milligan community are encouraged to accurately and promptly report all crimes to campus security (423-461-8911) and the Elizabethton Police Department (423-542-4141 or 911), including situations in which the victim of the crime elects to, or is unable to make such a report. The following University officials may also receive reports and are available to assist members of the campus community filing reports.

- Director of Campus Security (423) 461-8740
- Dean of Students (423) 461-8760
- Residence Hall Staff
- Student Development Staff

Reporting to these individuals who serve as Campus Security Authorities (CSA) ensures the reports will be addressed according to University policy, that crimes identified by the Clery Act will be included in

annual statistical disclosures, and that consideration will be given to making timely warning reports when necessary.

In response to a report of crimes, victims or witnesses of potentially criminal activities are directed to complete an Incident Report which details the facts surrounding the incident. Report forms are available from the offices named above and in the Health and Safety section of the University website (<https://www.milligan.edu/life/health-safety/>). University personnel will review the incident report and recommend further action. In cases involving violation of local, state, or federal laws, the Elizabethton Police Department will be notified for the appropriate follow up. The University cooperates fully with any investigations conducted by the appropriate law enforcement authorities. Other responses to reports include the activation of the University's Crisis Management Plan for emergency situations, the referral of students to the Dean of Students for disciplinary action, or other resolutions determined appropriate by campus officials.

The University does not have policies or procedures for victims or witnesses to report crimes on a voluntary, confidential basis at this time.

Crimes disclosed to a University counselor or the campus minister, serving in that capacity at the time of disclosure, are not subject to mandatory reporting. This exemption does not relieve counselors or the campus minister of the duty to exercise reasonable care to protect a foreseeable victim from danger posed by the person being counseled. When speaking to a victim or witness to a crime, counselors and the campus minister are encouraged to verbally inform the individual of voluntary, confidential disclosure procedures for inclusion in the annual disclosure of crime statistics.

Security and Access to Campus Facilities

Milligan's campus and many of its facilities are open to the public during normal building hours. Buildings will be locked and access granted only to those with proper identification or authorization after normal building hours. Any exceptions to these times must be approved by the Physical Plant Office or campus security in advance of a scheduled event.

Residence halls remain locked and only accessible by the residents of each building and authorized University personnel via key and/or key card access at all times, excluding open dorm hours and dining hall hours for Sutton Hall. Hallway doors to the residential floors of Sutton Hall are locked at all times other than open dorm hours. Dorm residents requiring lock out assistance or any other dorm access must be prepared to provide proper identification upon the request of a University official.

Campus security personnel conduct regular after hours patrols of all campus facilities to ensure that buildings are locked according to the normal building hours schedule for each building. Any doors reported unlocked outside of normal building hours are addressed immediately.

Maintenance of Campus Facilities

The Milligan University physical plant is responsible for maintenance and upkeep of buildings and grounds on campus. Campus security officers, as part of their patrol procedures, report any maintenance issues that could pose campus safety concerns such as defective lighting, access control, or general campus safety concerns to the physical plant and any repairs necessary to maintain or improve campus security are made as quickly as possible. Residence life staff members also conduct general walk-through inspections of the residence halls and report any necessary repairs to the physical plant. Members of the campus community are encouraged to report any potential safety and security hazards to campus security (423-461-8911) or the physical plant (423-461-8734). Immediate concerns can be reported by contacting campus security (423-461-8911).

Security cameras are in use in some areas of campus to assist in monitoring the campus, deter criminal activity, and help gather information to assist with investigations of incidents.

Campus Security Personnel and Local Law Enforcement

The University contracts with a professional guard service to provide after-hours security. Campus security guards are not sworn or commissioned law enforcement personnel and do not have the authority to make arrests. Between 8:00 am and 5:00 pm weekdays, the Director of Campus Security and designated employees are on duty to assist with campus security issues. Between 5:00 pm and 8:00 am weekdays, and 24 hours per day on weekends at least one security officer is on duty. Campus Security Officer duties include:

- Responding to reported incidents on campus
- Contacting local law enforcement authorities when necessary
- Contacting University administration when necessary
- Conducting inspections of campus buildings
- Patrolling the campus throughout the shift
- Enforcement of campus parking and traffic policies
- Identification and removal of unauthorized persons on campus

All persons on campus behaving in a suspicious manner will be asked to identify themselves by providing their full name, complete address, relationship to the University, and reason for being on campus. University personnel may request and verify proof of identification and/or authorization to be in a specific building or on campus. If it is determined that the individual has no legitimate reason to be in a specific building or on campus, or if the individual refuses to provide proof of identification and/or authorization to be in a specific building or on campus, the individual in question will be asked to leave and may be removed from campus. Any individuals who behave in a suspicious manner or are involved with suspicious activities should be reported to campus security.

The University maintains a close working relationship with the Elizabethton Police Department (EPD). In cases involving violation of local, state, or federal laws, the Elizabethton Police Department is notified and the University cooperates fully with any investigations conducted by the EPD and other appropriate law enforcement authorities. Representatives from the University's security office or student development office work with the investigating officer(s) assigned by the EPD to provide information, interview students or other members of the campus community, receive updates on the progress of the investigation, determine cases in which charges should be filed, and follow up on any legal proceedings or subsequent charges filed. The University does not have a written memorandum of understanding (MOU) with the EPD at this time.

When a crime or potential crime occurs, all students, faculty, staff, and visitors to the Milligan University campus are encouraged to report the crimes or potential crimes promptly and accurately to the University security or student development office and complete an incident report, including when situations arise in which the victim of such crime elects to or is unable to make such a report themselves, whether the reporting party be a victim of the crime or potential crime being reported, a witness to the crime or potential crime, or any other party to the crime or potential crime.

In cases involving violation of local, state, or federal laws, the victims of crimes or potential crimes, witnesses to crimes or potential crimes, or other parties to crimes or potential crimes are encouraged to report the crime or potential crime to the Elizabethton Police Department when the victim of such crime elects to or is unable to make such a report themselves.

Educational Programs

Campus security is everyone's responsibility, and it is necessary to maintain sound and sensible precautions. During new student and faculty orientations, campus security procedures are addressed as well as a review of precautions necessary to provide for one's personal safety and well-being. Residence hall programs also cover the topic of campus security as it relates to campus housing and safety procedures. Campus security procedures are also addressed periodically in regularly scheduled faculty and staff meetings throughout the year.

The goal of campus crime prevention programs is to minimize the occurrence of potentially criminal activity on campus to such an extent as possible and to encourage students and other members of the University community to be responsible for both their own safety and security and the safety and security of others. Crime prevention programs include the dissemination of information pertaining to crime prevention via campus email and printed literature; displays and information at University events; programs for students, faculty, and staff including residence hall programs and faculty and staff meetings; joint activities with student activities organizations and staff; and/or other opportunities throughout each school year.

Off-Campus Student Organizations

There are no off-campus locations recognized by Milligan University that are engaged in student activities or student organizations with off-campus housing facilities.

Drug and Alcohol Policies

The unlawful manufacture, distribution, possession, use and sale of alcohol and illegal drugs on the Milligan University campus, on property owned or controlled by Milligan University, or as part of any activity of Milligan University is strictly prohibited. Additionally, all employees and students are subject to applicable federal, state, and local laws related to this matter, including Tennessee state laws regarding underage drinking and state and federal drug laws. Violators of these laws are subject to University disciplinary action, criminal prosecution, fine, and imprisonment. The University will cooperate fully with law enforcement agencies as appropriate.

Faculty, Staff, and Administration Policy

Milligan University affirms that members of the Milligan University community - students, faculty, administration and staff - are not to possess alcohol or illegal drugs on campus, on adjacent properties, or while attending University related activities. This policy is interpreted to mean that faculty, staff, and administration are to refrain from use of alcohol with students (religious, cross-cultural, ceremonial observances, and family situations excepted). Employees of the University are expected to refrain from illegal drugs.

Student Policy

The illegal purchase, possession, use, or distribution of drugs, drug paraphernalia, or any substance of abuse is prohibited and any violation is grounds for disciplinary action up to and including immediate dismissal. A substance of abuse is any substance of which the illegal possession, use and/or distribution is considered a crime, including but not limited to any form of narcotics, amphetamines, hallucinogenic, sports enhancement, “street drug” or any substance which is legal but is used in an illegal fashion. Milligan University prohibits the use, possession, distribution and influence of alcohol on campus and at any University functions on or off campus. Underage students may not use or have in their possession any alcoholic beverages at any time. Violations will result in disciplinary options outlined in the student disciplinary guidelines listed in the [student handbook](#). In the event of a Milligan student of legal drinking age socializing with or in the company of an underage Milligan student, both parties may be subject to disciplinary action under the University alcohol policy. Policies for this student population are applicable to both residential and commuter students, regardless of their academic program enrollment. The University does not permit the use, possession or distribution of illegal drugs or narcotics as defined by federal law. Substances and/or paraphernalia so prohibited will be confiscated and disposed of by University staff members. See student disciplinary guidelines listed in the student handbook for disciplinary sanctions given for violation of this policy.

Legal Sanctions

Various federal, state, and local statutes make it unlawful to manufacture, distribute, dispense, deliver, sell or possess with intent to manufacture, distribute, deliver, or sell controlled substances.

The penalty imposed depends upon many factors which include the type and amount of controlled substance involved, the number of prior offenses, if any, and/or whether death or serious bodily injury resulted from the use of the controlled substance, and whether any other crimes were committed in connection with the use of the controlled substance. Possible maximum penalties for a first-time violation include imprisonment for any period of time up to a term of life imprisonment; a fine of up to \$4,000,000, if an individual; supervised release; any combination of the above; or all three. These sanctions are doubled when the offense involves either:

(1) distribution or possession at or near a school or University campus, or, (2) distribution to persons under 21 years of age. Repeat offenders may be punished to a greater extent as provided by statute. Further, a civil penalty of up to \$10,000 may be assessed for simple possession of "personal use amounts" of certain specified substances under federal law. Under state law, the offense of possession or casual exchange is punishable of a Class A misdemeanor; if there is an exchange between a minor and an adult at least two years the minor's senior, and the adult knew that the person was a minor, the offense is classified a felony as provided in T.C.A. 39-17-417. (21 U.S.C. 801, et. seq.; T.C.A. 39-17-417).

It is unlawful for any person under the age of twenty-one (21) to buy, possess, transport (unless in the course of his employment) or consume alcoholic beverages, wine, or beer. Such offenses are classified as Class A misdemeanors punishable by imprisonment for not more than 11 months, 29 days, or a fine of not more than \$2,200, or both (T.C.A. 1-3-113, 57-5-301). It is further an offense to provide alcoholic beverages to any person under the age of twenty-one (21), such offense being classified as a Class A misdemeanor (T.C.A. 39-15-404). The offense of public intoxication is a Class C misdemeanor punishable by imprisonment of not more than 30 days or a fine of not more than \$50, or both (T.C.A. 39-17-310).

Institutional Sanctions-Employees

Milligan University will impose the appropriate sanction(s) on any employee who fails to comply with the terms of this policy. As a condition of employment, each employee, including student employees, must abide by the terms of this policy, and must notify the Personnel Office of any criminal drug statute conviction for a violation occurring in the work place (on or off campus) no later than five days after such conviction. A conviction includes a finding of guilt, a plea of nolo contendere, or imposition of a sentence by any state or federal judicial body. Possible disciplinary sanctions for failure to comply with this policy, including failure to notify of conviction, may include one or more of the following depending on the severity of the offense: (1) termination; (2) suspension; (3) mandatory participation in, and satisfactory completion of drug/alcohol abuse program, or rehabilitation program; (4) recommendation for professional counseling; (5) referral for prosecution; (6) letter of warning; (7) probation.

Health Risks Associated with the Use of Illegal Drugs and the Abuse of Alcohol

There are many health risks associated with the use of illegal drugs and the abuse of alcohol including organ damage, impairment of brain activity, digestion, blood circulation, impairment of physiological processes and mental functioning, and physical and psychological dependence. Such use during pregnancy may cause spontaneous abortion, various birth defects or fetal alcohol syndrome. Additionally, the illegal use of drugs increases the risk of contracting hepatitis, AIDS and other infections. If used excessively, the use of alcohol or drugs singularly or in certain combinations may cause death.

Available Drug and Alcohol Education, Counseling, Treatment, Rehabilitation Programs, and Employee Assistance Programs

The University and local community provide a variety of educational programs and services to respond to the problems associated with alcohol and drug abuse. The Office of Student Development offers several programs through curriculum, residence hall programs and convocations, as well as the distribution of related literature. Below is a list of campus and community agencies which also provide referral, information, and/or counseling to students and/or employees:

- | | |
|---|--------------|
| • Milligan University Counseling Office | 423-461-8500 |
| • Milligan University Office of Student Development | 423-461-8760 |
| • Alcoholics Anonymous | 423-928-0871 |
| • Al-Anon | 423-928-0871 |
| • Woodridge Hospital | 423-928-7111 |
| • Frontier Health Office | 423-467-3600 |

Timely Warning of Crimes that Pose a Threat to Campus

The University will issue timely warnings to the campus community when crimes that are considered by the University to represent a threat to students and employees are reported to campus security authorities or local law enforcement as described in the Reporting Criminal Actions or Other Emergencies On Campus section of this report.

Timely warnings will withhold as confidential the names and other identifying information of victims and are designed to aid in the prevention of similar crimes to those reported in the timely warning. Timely warnings may be issued for crimes included in the crimes statistics section of this report or other crimes determined by the University.

When an immediate threat to the health or safety of students or employees occurs on campus the University will follow its emergency notification procedures and may not issue a timely warning based on the same circumstances. However, the University will provide adequate follow-up information to the community as needed.

Timely warning notices are issued through the RAVE emergency alert system and may be issued using other means of communication such as email, social media, and/or posted notices in high-traffic areas on campus. Timely warning notices will be issued as soon as all pertinent information regarding the crime is available. The determination of when to issue a timely warning and what to include in the timely warning can be made by the director of security, dean of students, University president or any member of the president's cabinet. Timely warning notices can be issued by the director of security, vice president for institutional advancement, director of institutional technology or their designees.

Emergency Response and Evacuation Procedures

The Milligan University Crisis Management Plan details the responsibilities and duties of campus personnel in the event of an emergency or immediate threat to the safety and well-being of students or other members of the campus community. The crisis management plan contains information about the crisis operational plan, the crisis communication plan, individual crisis response plans, the crisis recovery plan, emergency contact information, and on and off campus resources. The plan is administered by the crisis management team which includes a cross-section of campus administrators including the University president, director of property and risk management (director of security), facilities service manager, dean of students, vice president for institutional advancement and others. When the plan is enacted, this team coordinates with other campus offices, outside emergency response agencies, and the media and off-campus community.

In the event of an emergency, students, faculty, staff, and visitors are encouraged to call 911 immediately. Whenever possible, campus security (423-461-8911) should be notified immediately after contacting 911.

Evacuation means moving all people from a threatened area to a safer place. In cases requiring the evacuation of one building, occupants should proceed to a designated meeting area as directed by campus security, residence life staff, or other University officials. When orders are given to evacuate multiple buildings or large areas of the campus, students, faculty, staff and visitors should proceed to evacuate as directed by campus security or local law enforcement. University emergency notification systems will be used to notify the campus community if evacuation is required. University policy requires immediate evacuation when any fire alarm sounds within a building. All students, faculty, staff and any other individuals within the building must immediately depart the building using available exit routes if safe. All building occupants will follow instructions issued by campus security, residence life staff, or other University officials. Conditions for temporary evacuation of a building or area also include, but are not limited to, incidents of mechanical, electrical or other facility-related failures; health, safety and/or environmental issues such as hazardous spills; and other emergency conditions. Campus security staff, in consultation with other campus offices, will decide if an evacuation is warranted. For any event that significantly threatens the entire campus community requiring a campus evacuation, the evacuation will be announced by the Crisis Management Team. The campus evacuation will be conducted by the team in accordance with the Crisis Management Plan.

Emergency Procedures and Evacuation plans are posted in each building. Residential students living in University residence halls are informed of evacuation plans and procedures at least once per year through residence hall programs. Information about the University's emergency response and evacuation plans are made available through the dissemination of information pertaining to emergency preparedness via campus email and printed literature; displays and information at University events; programs for students, faculty, and staff including residence hall programs and faculty and staff meetings; joint activities with student activities organizations and staff; and/or other opportunities throughout each school year. Additional information about emergency preparedness can be found in the Safety and Security section of the Milligan website (<https://www.milligan.edu/life/health-safety/>) .

Emergency Notification

The University will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on campus, unless issuing a notification will compromise efforts to contain the emergency. The need for emergency notifications will be identified and confirmed based on information from the Carter County Emergency Management Agency, the Elizabethton Police Department, and other local, state, and national law enforcement and emergency management agencies. The determination of when to issue an emergency notification and what to include in the notification can be made by the director of security, dean of students, University president or any member of the president's cabinet based on security reports on campus or information provided by local emergency management and law enforcement agencies.

Emergency notifications can be issued by the director of security, vice president for institutional advancement, director of institutional technology or their designees. Emergency notifications will be issued through the RAVE emergency alert system and may be issued using other means of communication such as the emergency broadcast system, email, social media, or posts to the University website. The University will 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 would, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. Follow up information regarding campus emergencies will be provided using the emergency broadcast system, emergency alert system, campus email and/or other means of communication. While some notifications may be issued to specific segments of the campus community, due to the size of the campus most notifications will be made campus wide. Determinations of the appropriate segment of the campus community to receive notifications will be made by the director of security, dean of students, University president or any member of the president's cabinet or their designees.

Emergencies can be reported to campus security by calling (423) 461-8911 or to local authorities by calling 911.

When necessary, the University will disseminate information about emergency situations to the larger community using the crisis communication plan contained in the crisis management plan. Information will be communicated using email notifications to the campus and media, physical or virtual media briefings, posts to a dedicated crisis communication website and/or other means as deemed appropriate by the Vice President for Marketing and Enrollment and/or members of the crisis management team.

Emergency Alert System

Emergency notifications and timely warning notices are issued through the RAVE emergency alert system. All Milligan students, faculty, and staff are encouraged to subscribe to the RAVE emergency alert system for emergency notification. The RAVE system provides information through multiple media, including text messaging, email, and/or voice calls. Milligan students, faculty, and staff can register for the RAVE emergency alert system at <https://www.getrave.com/login/milligan>.

Emergency Response and Evacuation Procedures Testing

Emergency response and evacuation procedures will be tested at least on an annual basis. Tests are regularly scheduled drills (activities that test a single procedural operation), exercises, and/or appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities and involving a coordination of efforts. Tests may be announced or unannounced. Emergency response and evacuation procedures will be publicized through email messages and/or emergency alert system announcements in conjunction with at least one test per calendar year. Each test will be documented with a description of the exercise, the date, time, and whether the test was announced or unannounced.

The audio emergency broadcast system is tested at least once per year to ensure proper functionality and effective communication in outside areas across campus. The RAVE emergency notification system is tested at least once per year. Evacuation procedures are tested through drills such as fire drills at least once per year for each dormitory on campus.

Policy for Reporting of Campus Crime Statistics

In compliance with the Clery Act, Milligan University discloses crime statistics for incidents that occur on campus, on public property within or immediately adjacent to the campus, and in or on noncampus buildings or property that the institution owns or controls. The statistics are gathered from campus security, local law enforcement and other school officials who have significant responsibility for student and campus activities (campus security authorities). Crimes are reported for the following categories

(definitions from the Federal Bureau of Investigation's (FBI's) *Uniform Crime Reporting Handbook (UCR)* and the U.S. Department of Education's *Handbook for Campus Safety and Security Reporting*).

Statistics for crime reports are listed regardless of any decisions by a court, coroner, jury, prosecutor, or other similar noncampus official regarding the crime itself. Reported crimes may be removed from these crime statistics in the rare situation where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore "unfounded." Only sworn or commissioned law enforcement personnel may "unfound" a crime report for purposes of removal from these statistics. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not "unfound" a crime report. Any crime reports determined to be unfounded will be reported to the Department of Education and listed in the annual security report statistics for each of the three most recent calendar years.

Clery Act Crimes and Definitions

Murder and Non-negligent Manslaughter: the willful (non-negligent) killing of one human being by another.

Manslaughter by Negligence: the killing of another person through gross negligence.

Rape: the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling: the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape: sexual intercourse with a person who is under the statutory age of consent.

Rape, Fondling, Incest and Statutory Rape are considered sexual assault offenses.

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

Aggravated Assault: an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. Simple assaults are excluded.

Burglary: the unlawful entry of a structure to commit a felony or a theft. Attempted forcible entry is included.

Motor Vehicle Theft: the theft or attempted theft of a motor vehicle. A motor vehicle is self-propelled and runs on land surface and not on rails. Motorboats, construction equipment, airplanes, and farming equipment are specifically excluded from this category.

Arson: any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Hate Crime: a crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Hate crimes are reported by category of prejudice, including race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, and disability. Statistics are included for four additional crime categories if the crime committed is classified as a hate crime: Larceny/Theft, Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property.

Larceny/Theft: the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.

Simple Assault: an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Destruction/Damage/Vandalism of Property: to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Three new categories of crimes were identified in the Violence Against Women Reauthorization Act (VAWA) of 2013 and are included in crime statistics reporting beginning for calendar year 2013. Sexual Assault offenses are also considered VAWA offenses. Definitions of VAWA offenses are listed below.

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

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes but is not limited to sexual or physical abuse or the threat of such abuse. Dating Violence does not include acts covered under the definition of domestic violence.

Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program (see above).

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

Statistics are also reported for the number of arrests or referrals for campus disciplinary action (if an arrest was not made) for liquor law violations, drug law violations, and weapons law violations.

Geographical Designations for Crime Statistics Reporting

“On campus” refers to any building or property owned or controlled by the University within the same reasonably contiguous geographic area and used by the University in direct support of, or in a manner related to, the University’s educational purposes, including residence halls; and property within the same reasonably contiguous geographic area that is owned by the University but controlled by another person, is used by students, and supports institutional purposes.

“Noncampus Building or Property” refers to any building or property owned or controlled by a student organization recognized by the University; and any building or property (other than a branch campus) owned or controlled by the University that is used in direct support of, or in relation to, the University’s educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution.

“Public Property” refers to all public property that is within the same reasonably contiguous geographic area of the of the University, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the University if the facility is used by the University in direct support of, or in a manner related to the institution’s educational purposes.

| Milligan University Crime Statistics | | | | | | |
|--------------------------------------|------|-----------|------------|-----------------|-------|------------------------|
| Offense | Year | On Campus | Non-campus | Public Property | Total | Residential Facilities |
| Murder/Non Negligent Manslaughter | 2021 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| Negligent Manslaughter | 2021 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| Rape | 2021 | 1 | 0 | 0 | 1 | 1 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| Fondling | 2021 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| Incest | 2021 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| Statutory Rape | 2021 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| Robbery | 2021 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| Aggravated Assault | 2021 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| Burglary | 2021 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 1 | 0 | 0 | 1 | 0 |
| Motor Vehicle Theft | 2021 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| Liquor Law Arrests | 2021 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 1 | 0 | 0 | 1 | 0 |
| Drug Law Arrests | 2021 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 1 | 0 | 0 | 1 | 0 |
| Weapons Law Arrests | 2021 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |

| Offense | Year | On Campus | Non-campus | Public Property | Total | Residential Facilities |
|---|------|-----------|------------|-----------------|-------|------------------------|
| Liquor Law Violations Referred for Disciplinary Action | 2021 | 12 | 0 | 0 | 12 | 12 |
| | 2020 | 1 | 0 | 0 | 1 | 1 |
| | 2019 | 1 | 0 | 0 | 1 | 1 |
| Drug Law Violations Referred for Disciplinary Action | 2021 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 2 | 0 | 0 | 2 | 2 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| Weapons Law Violations Referred for Disciplinary Action | 2021 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| Arson | 2021 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| Domestic Violence | 2021 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| Dating Violence | 2021 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |
| Stalking | 2021 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 | 0 |

HATE CRIME REPORTING:

There were no hate crimes reported in 2019, 2020, or 2021.

REPORTS OF CRIMES DETERMINED TO BE UNFOUNDED:

No crimes were determined to be unfounded in 2019, 2020, or 2021.

Procedure Regarding Missing Students

If a member of the University community has reason to believe that a student who resides in on-campus housing is missing and has been missing for 24 hours, he or she should immediately notify the Dean of Students (423-461-8760) or Director of Security (423-461-8740).

Reports of suspected missing persons will be referred immediately to campus security officials and/or local law enforcement.

Each student has the opportunity to provide the University with emergency contact information. The emergency contact of each student determined to be missing will be contacted within 24 hours of the

determination by campus security officials or local law enforcement that the student is missing. Emergency contact information is kept confidential and only accessible to authorized campus officials and to law enforcement officials for furtherance of a missing person investigation.

If the missing student is under the age of 18 and is not an emancipated individual, the University will notify the student's parent or legal guardian immediately after it has been determined that the student has been missing for more than 24 hours.

After investigating the missing person report, should campus security officials determine that the student is missing and has been missing for more than 24 hours, the University will contact the Elizabethton Police Department (unless the EPD was the entity that made the original determination that the student was missing) no later than 24 hours after the student is determined to be missing

Victim Notification

Milligan University will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime of offense. If the alleged victim is deceased as a result of such crime of offense, the next of kin of such victim shall be treated as the alleged victim for notification purposes.

Procedures for Victims of Dating Violence, Domestic Violence, Sexual Assault, and Stalking

If an incident of dating violence, domestic violence, sexual assault, or stalking is reported to a campus security authority, victims will be provided, both verbally and in writing, information about options for further individual or institutional action, including:

- Victims are encouraged to seek medical attention at a local hospital to identify any injuries and/or health concerns and to preserve evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order. Victims should understand that seeking medical attention at a hospital may lead to the notification of law enforcement authorities by the hospital. The victim can choose whether or not he or she wishes to talk to the authorities if they are contacted.
- To make an official report, the victim should report the incident to one of the following persons on campus: the Director of Security/ Title IX Coordinator, Dean of Students, or Student Development staff. Reports can be made in person, by phone, or by email.
- Victims have the option to, but are not required to, report the incident to the Elizabethton Police Department for criminal investigation. The University will provide reasonable assistance to students who request such assistance in filing a report on or off campus. Victims also have the option to decline to notify the police.

- Where applicable, University authorities will issue no contact orders to students reported to be involved in incidents of sexual misconduct. University authorities will also assist the victim in contacting the authorities to pursue legal orders of protection, at the victim's request. For information about pursuing orders of protection without assistance from law enforcement or campus authorities, contact the Carter County Clerk's Office at 423-542-1825 during business hours or the Carter County Sheriff's Office-Judicial Commissioner at 423-542-1850 after business hours.
- When incidents of dating violence, domestic violence, sexual assault or stalking are reported, a range of additional protective measures may be offered to the victim including assistance with academic, living, transportation, and working situations. Such accommodations and protective measures will be provided if they are deemed necessary by University officials and/or requested by the victim and if they are reasonably available, regardless of whether the victim chooses to report to law enforcement or makes a request for their name or other personally identifiable information not to be shared, that an investigation not take place, or that a formal resolution not be pursued.

In the case of an occurrence of dating violence, domestic violence, sexual assault or stalking, below is a list of campus and community agencies which also provide referral, information, and/or counseling to students and/or employees:

- | | |
|--|-------------------------|
| • Milligan University Counseling Center | 423-461-8500 |
| • Milligan University Office of Student Development | 423-461-8760 |
| • Milligan University Campus Minister | 423-461-8748 |
| • Family Justice Center of Washington County | 423-722-3720 |
| • Frontier Health Safe House Sexual Assault 24-Hour Hotline | 423-306-5169 |
| • Safe Passage Domestic Violence Shelter 24 Hour Hotline | 423-926-7233 |
| • Contact Ministries (Resource Center) | 423-926-0144 or 211 |
| • National Sexual Assault Hotline | 800-656-HOPE |
| • National Domestic Violence Hotline | 800-799-7233 |
| • National Center for Victims of Crime— Stalking Resource Center | 800-FYI-CALL (304-2255) |

Confidentiality of Victims

When a report of dating violence, domestic violence, sexual assault, or stalking is made, the University will protect the confidentiality of the victim and other necessary parties to the greatest extent possible. The University will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without inclusion of personally identifying information about the victim. The University will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

If the victim wishes to speak to someone confidentially, without initiating a University investigation into the incident, he or she should contact the Milligan University Counseling Center (423-461-8500) or the Campus Minister (423-461-8748). While these professional and pastoral counselors, when serving in their roles as counselors, may maintain the victim's confidentiality regarding a University investigation, they may be required to report the incidents in cases involving minors, imminent harm to self and others, or to comply with state or federal laws. In cases in which the victim chooses to maintain confidentiality, the University will likely be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator.

The discipline process involving cases of dating violence, domestic violence, sexual assault, and stalking will remain confidential, with information shared with only those individuals directly involved in the disciplinary process. The University will make every effort to protect the confidentiality of victims of these crimes and others.

Written Notification

When incidents of dating violence, domestic violence, sexual assault or stalking are reported, the reporting party will be provided with written notification about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations. Such accommodations and protective measures will be provided if they are deemed necessary by University officials and/or requested by the reporting party and if they are reasonably available, regardless of whether the reporting party chooses to report to law enforcement or makes a request for their name or other personally identifiable information not to be shared, that an investigation not take place, or that a formal resolution not be pursued (See [Rights and Options of Victims of Sexual Assault, Dating Violence, Domestic Violence, and Stalking](#) and Appendix A).

When incidents of dating violence, domestic violence, sexual assault, or stalking are reported, the reporting party will be provided with written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and the community (See [Rights and Options of Victims of Sexual Assault, Dating Violence, Domestic Violence, and Stalking](#) and Appendix A).

When incidents of dating violence, domestic violence, sexual assault or stalking are reported, whether the offense occurred on or off campus, the reporting party will be provided with written notification of the students rights and options as referenced in the previous paragraphs. (See [Rights and Options of Victims of Sexual Assault, Dating Violence, Domestic Violence, and Stalking](#) and Appendix A).

Procedures for Institutional Disciplinary Action

When the University receives a report of domestic violence, dating violence, sexual assault, or stalking, the Title IX Coordinator or designee will conduct an initial assessment. The initial assessment includes

contacting the person reported to be the victim of the offense (complainant), arranging a meeting with the complainant to discuss the rights and options available to the complainant as described in the previous sections of this report, consider the complainant's wishes with respect to supportive measures, which are available with or without filing a formal complaint, to explain the process of filing a formal complaint, to determine if the complainant wishes to file a formal complaint, and to determine the applicable University policies and procedures to follow. In cases in which the reported offense meets the parameters of Title IX regulations, the grievance process detailed in the University's [Title IX Sexual Misconduct Policy](#) (Appendix B) will be followed. In cases in which the offenses do not meet these parameters but still constitute a violation of the conduct policies detailed in the student, faculty, or personnel handbooks, the disciplinary procedures in those respective handbooks will be followed (Appendices C and D).

The parameters for incidents falling under the Title IX regulations and the University Title IX Sexual Misconduct Policy include: incidents for which the University has received actual knowledge, occurring within the University's educational program or activity (locations, events or circumstances over which the University exercises substantial control over both the respondent and the context in which the incident occurs), occurring within the United States, and in which the complainant at the time of the complaint is participating or attempting to participate in the educational program or activity of the University. In cases in which the offenses do not meet these parameters but still constitute a violation of the conduct policies detailed in the student, faculty, or personnel handbooks, the disciplinary procedures in those respective handbooks will be followed.

The standard of evidence used in all investigations and determinations of findings regarding incidents of dating violence, domestic violence, sexual assault, and stalking will be the preponderance of the evidence standard (it is more likely than not that a policy violation occurred).

All disciplinary proceedings will include a prompt, fair and impartial investigation and resolution. Every reasonable effort shall be made to complete the proceedings in a timely manner to provide all parties with resolution. When extensions of the designated timeframe are necessary for good cause, written notice of the delay including the reason for the delay will be provided to both parties. Timely notice of meetings at which either or both parties may be present will be provided. Timely and equal access to any information relevant to the disciplinary proceedings will be provided to both parties.

All investigations of reports of dating violence, domestic violence, sexual assault, and stalking will be conducted by officials who receive training on issues related to domestic violence, dating violence, sexual assault, and stalking, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. Both parties will be given the same opportunity to present witnesses and evidence during any investigations.

The reporting party and respondent shall be provided with the same opportunities to have others present during interviews and/or any further proceedings, including the opportunity to be accompanied by an advisor of their choice. Advisors serve the roles of support, guidance and advice to reporting parties and respondents. While advisors are permitted to attend any meeting, interview, or other

proceedings, their participation is limited to the roles listed above and support persons are not permitted to represent, speak for, or actively participate in any proceedings or disciplinary process, except in hearings conducted under the University Title IX Sexual Misconduct Policy, in which they are permitted to ask cross examination questions to parties and witnesses. Advisors who are disruptive or do not comply with University policy may be removed or dismissed.

In cases of dating violence, domestic violence, sexual assault, and stalking, the reporting party and respondent will be simultaneously notified in writing of the findings of the investigation, the institution's procedures for the appeal of the findings, any change in the findings that occurs prior to the time the findings become final, and when the findings become final.

All investigation, hearing, and disciplinary actions will be conducted by officials who do not have a conflict of interest or bias for or against the reporting party or the respondent. Either party may raise issues related to the potential conflicts of interest of such individuals.

Sanctions and Protective Measures

Possible sanctions following a final determination of a disciplinary procedure involving dating violence, domestic violence, sexual assault, and stalking include all sanctions listed in the student disciplinary guidelines (see below) up to and including suspension and expulsion. Sanctions for faculty and staff employees may include warnings, reprimands, suspension and termination of employment.

Sanctions Listed in Student Disciplinary Guidelines

III. DISCIPLINARY SANCTIONS

The student receiving one or more of the following sanctions shall be considered to be on social probation. The Dean of Students shall enforce all sanctions and keep all other affected offices and persons informed.

The following sanctions may be imposed:

- A. General**
- B. Warning**
- C. Counseling**
- D. Reprimand**
- E. Campusing**
- F. Work on Campus**
- G. Restitution/Apology**

- H. **Exclusion from Extra-Curricular Activities**
- I. **Options for Alcohol Infractions (Not applicable to disciplinary proceedings involving dating violence, domestic violence, sexual assault, and stalking)**
- J. **Suspension**
- K. **Expulsion**
- L. **Interim Suspension**

Information Regarding Registered Sex Offenders

The Tennessee Bureau of Investigation (TBI) maintains the TBI Sexual Offender Registry, a central information and registration system of sexual offenders located in Tennessee.

The following website provides law enforcement agency information provided by the state of Tennessee concerning registered sex offenders: <https://www.tn.gov/tbi/law-enforcement-resources/law-enforcement-resources0/tennessee-sex-offender-registry.html>.

Citizens who have information on offenders or inquiries about information contained in the state's Sex Offender Registry can contact the Sex Offender Registry Hotline at 1 (888) 837-4170, Monday through Friday, from 7:00 AM until 8:30 PM CDT and weekends between 7:00 AM and 5:30 PM CDT, excluding holidays, or by email at TBISORMGR@tn.gov.

Educational Programs and Campaigns Promoting Awareness of Domestic Violence, Dating Violence, Sexual Assault and Stalking

Milligan University is committed to providing students, faculty, staff, visitors and all other members of the University community with a positive, healthy environment conducive to the promotion of the University's core values of scholarship, community, and faith. Sexual misconduct, including dating violence, domestic violence, sexual assault and stalking is prohibited.

Education and training are important aspects to the existence of a positive environment free of sexual harassment and misconduct. Educational programs conducted by the University include primary prevention programs and awareness programs.

Primary prevention programs are defined as programming, initiatives, and strategies intended to stop dating violence, domestic violence, sexual assault and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

Awareness programs are defined as community-wide or audience specific programming, initiatives and strategies that increase audience knowledge, and share information and resources to prevent violence, promote safety, and reduce perpetration.

The University's programs regarding the prevention of dating violence, domestic violence, sexual assault and stalking include primary prevention and awareness programs directed at new students and employees. Primary prevention and awareness programs for new students and employees are conducted as part of new student and employee orientation activities.

In addition to primary prevention and awareness education for new students and employees, the University conducts ongoing prevention and awareness programs for students and employees. These programs include the same types of information as primary prevention and awareness programs detailed above. Ongoing prevention and awareness programs include the dissemination of information pertaining to crime prevention via campus email and printed literature; displays and information at University events; programs for students, faculty and staff including residence hall programs and faculty and staff meetings; joint activities with student activities organizations and staff; and other opportunities throughout each school year.

Primary prevention and awareness programs include:

- A statement that Milligan University prohibits the crimes of dating violence, domestic violence, sexual assault and stalking.
- Definitions of dating violence, domestic violence, sexual assault and stalking in the Tennessee state law.
- The University's institutional definition of consent in reference to sexual activity. This definition is provided because there is no specific definition of consent in reference to sexual activity in Tennessee state law.
- A description of safe and positive options for bystander intervention
- Information about risk reduction

More information about each of these four components is listed below.

Prohibition of Criminal Activity

Milligan University prohibits the crimes of dating violence, domestic violence, sexual assault and stalking, as defined by the Clery Act and the state of Tennessee.

Federal Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking

The Clery Act defines the crimes of domestic violence, dating violence, sexual assault and stalking as follows:

Domestic Violence:

- i. A Felony or misdemeanor crime of violence committed—
 - A) By a current or former spouse or intimate partner of the victim;
 - B) By a person with whom the victim shares a child in common;
 - C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
 - E) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- ii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- i. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- ii. For the purposes of this definition—
 - A) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - B) Dating violence does not include acts covered under the definition of domestic violence.
- iii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

- **Rape** is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling** is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is

incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

- **Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.

Stalking:

- i. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
 - A) Fear for the person's safety or the safety of others; or
 - B) Suffer substantial emotional distress.
- ii. For the purposes of this definition—
 - A) *Course of conduct* means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
 - B) *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
 - C) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
 - a. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Tennessee Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking

Domestic Violence: The state of Tennessee defines domestic violence as follows.

TCA 39-13-111 defines Domestic Assault.

A person commits domestic assault who commits an assault as defined in § 39-13-101 against a domestic abuse victim.

TCA 39-13-101 states:

(a) A person commits assault who:

(1) Intentionally, knowingly or recklessly causes bodily injury to another;

(2) Intentionally or knowingly causes another to reasonably fear imminent bodily injury; or

(3) Intentionally or knowingly causes physical contact with another and a reasonable person would regard the contact as extremely offensive or provocative.

TCA 39-13-111 states:

Domestic abuse victims are:

- (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

Therefore a person commits domestic assault who intentionally, knowingly or recklessly causes bodily injury to another; intentionally or knowingly causes another to reasonably fear imminent bodily injury; or intentionally or knowingly causes physical contact with another and a reasonable person would regard the contact as extremely offensive or provocative AND when victim of such crime is/are adults or minors who are current or former spouses; adults or minors who live together or who have lived together; 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; adults or minors related by blood or adoption; adults or minors who are related or were formerly related by marriage; or adult or minor children of a person in a relationship that is described in the previous categories.

Dating Violence: The state of Tennessee does not specifically define dating violence. Dating violence falls under the definition of domestic assault where it specifies:

TCA 36-3-601(5)(c) includes among victims of domestic abuse

(C) Adults or minors who are dating or who have dated or who have or had a sexual relationship. As used herein, "dating" and "dated" do not include fraternization between two (2) individuals in a business or social context;

Thus an act of dating violence is considered an act of domestic assault and subject to TCA 39-13-111 listed above.

Sexual Assault: The state of Tennessee defines Clery sexual assault offenses (rape, fondling, incest and statutory rape) as follows:

TCA 39-11-501 through 39-11-505 and 39-15-302 provide definitions for categories of sexual assault.

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.

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.

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.

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.

39-13-506. Mitigated statutory rape -- Statutory rape -- Aggravated statutory rape.

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

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

(1) The victim is at least thirteen (13) but less than fifteen (15) years of age and the defendant is at least four (4) years but less than ten (10) years older than the victim; or

(2) The victim is at least fifteen (15) but less than eighteen (18) years of age and the defendant is more than five (5) but less than ten (10) years older than the victim.

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

39-15-302. Incest.

(a) A person commits incest who engages in sexual penetration as defined in § 39-13-501, with a person, knowing the person to be, without regard to legitimacy:

(1) The person's natural parent, child, grandparent, grandchild, uncle, aunt, nephew, niece, stepparent, stepchild, adoptive parent, adoptive child; or

(2) The person's brother or sister of the whole or half-blood or by adoption.

(b) Incest is a Class C felony.

Stalking: The state of Tennessee defines stalking as follows:

TCA 39-17-315 defines Stalking.

(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;

There are additional degrees of stalking, as defined below.

(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.

(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.

Consent: The state of Tennessee does not have a definition of consent, in relation to sexual activity. The definition of consent as defined by Milligan University is listed below.

- **Consent:** Agreement to engage in sexual activity, which is voluntary (consent is not possible when coercion, force, or threat is present), aware (consent is impossible when incapacitation occurs for any reason), clear (silence or absence of resistance does not imply consent), immediate (past consent does not imply future consent), continuous (consent can be withdrawn at any time), and specific (consent with one person does not imply consent with others).

Safe and Positive Options for Bystander Intervention

The term **bystander intervention** refers to safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene in situations of potential harm when there is a risk of criminal offenses such as domestic violence, dating 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.

Bystanders witness inappropriate behaviors such as harassment or disrespectful language being committed in the world around them. By choosing to act by speaking up or reporting these observations, active bystanders can have a significant impact on sexual misconduct prevention. The most effective result of bystander intervention is to diffuse potentially harmful situations before they escalate into sexually abusive incidents.

The first priority for any act of bystander intervention is to ensure as much as possible the safety of all parties involved. When witnessing troubling behavior and deciding when and how to act, bystanders should contact the authorities when they fear for their own safety or the safety of others. Intervention is more effective and safer when intervention is conducted by a group rather than by an individual. When choosing to intervene, it is important to be firm and honest about the situation, but also to be respectful and to avoid aggressive or violent behavior while intervening.

Another component of bystander intervention is providing care to victims of inappropriate behavior and/or sexual assault. Bystanders provide care and assistance for victims by asking if the victim is OK, helping them to secure medical help at the victim's discretion, contacting authorities if the victim chooses to do so, and ensuring the victim gets to a safe place after any incidents.

The first steps to becoming an active bystander are to educate yourself about sexual harassment, misconduct and assault; and to speak up or report abusive behavior or inappropriate language in situations you feel may lead to future cases of sexual misconduct. Some basic guidelines and information regarding bystander intervention are listed below.

Six Steps to Bystander Action (© 2004 Active Bystander Program and Mediation@MIT.)

1. *Notice an occurrence out of the ordinary*
2. *Decide "in your gut" that something is amiss or unacceptable*
3. *Ask yourself, "Could I play a role here?"*

- *If no one intervenes, what will likely happen?*
- *Is someone else better placed to respond?*
- *What would be my purpose in responding?*
- 4. *Assess your options for giving help*
- 5. *Determine the potential risks of taking action.*
 - *Are there risks to myself?*
 - *Are there risks to others (e.g. potential retaliation against person being "helped")?*
 - *Is there a low-risk option?*
 - *How could I reduce risks?*
 - *Is there more information I can get to better assess the situation?*
- 6. *Decide whether to act, at the time or later*

(adapted and expanded from Darley & Latane's Bystander Intervention Model)

Why Bystanders Don't Act (© 2004 Active Bystander Program and Mediation@MIT.)

According to Mary Rowe of the MIT Ombuds Office, bystanders often hesitate to act because...

1. *They fear loss of relationships, with the problem person or with others who may disapprove of action.*
2. *They fear retaliation, especially if the problem person is powerful.*
3. *They fear embarrassment, especially if they may not be believed or they may be viewed as troublemakers, or as violating other community norms.*
4. *They feel a lack of competence, or uncertainty about what action would be best.*
5. *They believe someone else will take action (perhaps someone else with more authority or expertise) .*

Risk Reduction

While victim-blaming is never appropriate and Milligan University fully recognizes that only those who commit sexual offenses are responsible for their actions, the University provides the suggestions that follow to help members of the campus community reduce their risk of being victimized and their risk of committing sexual offenses. (Source: Association of Title IX Administrators VAWA Brochure Template, March 2021)

REDUCING THE RISK OF VICTIMIZATION

- ✓ Make any limits and/or boundaries you may have known as early as possible.
- ✓ Tell a sexual aggressor “no,” as clearly and firmly as possible.
- ✓ Remove yourself, if possible, from an aggressor’s physical presence.
- ✓ Reach out for help, either from someone who is physically nearby or by calling someone.
Bystanders around you may be waiting for a signal that you need help.
- ✓ Take affirmative responsibility for your alcohol and/or drug consumption, understanding that alcohol and drugs can increase your vulnerability to sexual victimization.
- ✓ Look out for your friends and ask them to look out for you. Respect them, and ask them to respect you, but be willing to challenge each other about high-risk choices.

REDUCE THE RISK OF BEING ACCUSED OF A SEX OFFENSE

- ✓ Show your potential partner respect if you are in a position of initiating sexual behavior.
- ✓ If they say “no,” accept it and don’t push. If you want a yes, ask for it, and don’t proceed without clear permission.
- ✓ Communicate your intentions to your potential sexual partner clearly and give that person a chance to share their intentions and/or boundaries with you.
- ✓ Respect personal boundaries. If you are unsure what’s okay in any interaction, ask.
- ✓ Avoid ambiguity. Just ask. Don’t make assumptions about consent, about whether someone is attracted to you, how far you can go with that person, or if the individual is physically and mentally able to consent. If you have questions or are unclear, you *don’t* have consent.
- ✓ Don’t take advantage of the fact that someone may be under the influence of drugs or alcohol, even if that person chose to become that way. Their loss of control does not put you in control.
- ✓ Be on the lookout for mixed messages. That should be a clear indication to stop and talk about what your potential partner wants or doesn’t want to happen. They may be undecided about how far to go with you, or you may have misread a previous signal.
- ✓ Respect the timeline for sexual behaviors with which others are comfortable and understand that everyone is entitled to change their minds.
- ✓ Recognize that even if you don’t think you are intimidating in any way, your potential partner may be intimidated by or fearful of you, perhaps because of your sex, physical size, or a position of power or authority you may hold.
- ✓ Do not assume that someone’s silence or passivity is an indication of consent. Pay attention to both verbal and non-verbal signals to avoid misreading intentions.
- ✓ Understand that consent to one type of sexual behavior does not automatically grant you consent to other types of sexual behaviors. If you are unsure, stop and ask.
- ✓ If your partner indicates a need to stop, or withdraws consent, respect them. Immediately.
- ✓ If you’ve had consent with your partner previously, still check in with them. Just because something was okay with them before doesn’t mean it will be okay in the future.

Other Sources of Information Regarding Crime on Campus

A daily crime log is maintained in the office of the Director of Security. This log includes a record of all crimes reported to campus security or local law enforcement authorities. Information on the daily crime log includes the nature, date, time, and general location of each crime and the disposition of the complaint, if known. As new information about a crime becomes available to campus security, such new information is recorded in the log within two business days of the information becoming available, except in cases where disclosure of the new information is prohibited by law or such disclosure would jeopardize the confidentiality of the victim; or in cases in which the release of the new information would jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence. In these cases, information may be withheld until that damage is no longer likely to occur from the release of the information.

The daily crime log is open to public inspection and new reports or updated information are added within two business days of the initial report being made to the department or a campus security authority, except in cases where disclosure of information contained in the daily crime log is prohibited by law or such disclosure would jeopardize the confidentiality of the victim; or in cases in which the release of information contained in the daily crime log would jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence. In these cases, information may be withheld until that damage is no longer likely to occur from the release of the information.

In addition to the composition and dissemination of the daily crime log and annual security report, the University submits on an annual basis to the Department of Education a copy of statistics relating to Clery Act crimes, which will be made available to the public by the Department of Education (<http://ope.ed.gov/security/>).

Milligan University also reports all incidents to the Tennessee Bureau of Investigation (TBI) through the Tennessee Incident Based Reporting System (TIBRS) in compliance with the Tennessee University and University Security Information Act. Statistics based on these reports are published annually in the TBI's Crime on Campus Report (<https://www.tn.gov/tbi/divisions/cjis-division/recent-publications.html>)

FIRE SAFETY REPORT FOR CAMPUS HOUSING 2022

The Fire Safety Report is published annually to provide information about campus fire safety policies and procedures related to fire safety relating to student housing on campus and to publish fire statistics for on-campus housing facilities.

Description of Each On-Campus Student Housing Facility Fire Safety System

| Milligan University Residential Facilities-Fire Safety Systems and Fire Drills | | | | | | |
|--|--------------------|------------------|-----------------|-------------------|------------------|-----------------------|
| Residence Hall | Central Monitoring | Sprinkler System | Smoke Detection | Fire Extinguisher | Evacuation Plans | Number of Drills/year |
| Dorms | | | | | | |
| Hart | x | | x | x | x | 1 |
| Sutton | x | | x | x | x | 1 |
| Webb | x | | x | x | x | 1 |
| Kegley | x | | x | x | x | 1 |
| Quillen | x | | x | x | x | 1 |
| Williams | x | | x | x | x | 1 |
| Jeanes | x | x | x | x | x | 1 |
| McAnally | x | x | x | x | x | 1 |
| Pardee | x | x | x | x | x | 1 |
| Wigginton | x | x | x | x | x | 1 |
| Hampton | x | x | x | x | x | 1 |
| Emmanuel Village Townhouses | | | | | | |
| Gragg | | | x | x | | |
| Unnamed | | | x | x | | |
| Keefauver | | | x | x | | |
| Ellis | | | x | x | | |
| Nutter-Bradley | | | x | x | | |
| Schnelle | | | x | x | | |
| Newberry | | | x | x | | |
| Moore | | | x | x | | |
| Calvin Phillips | | | x | x | | |
| Strickland | | | x | x | | |
| Bush | | | x | x | | |
| Married/Graduate Student Apartments | | | | | | |
| MSA #2 | | | x | x | | |
| MSA #3 | | | x | x | | |
| MSA #4 | | | x | x | | |

Policies and Rules Regarding Portable Electrical Appliances, Smoking, and Open Flames in Milligan University Residential Facilities

Milligan University prohibits open flames of any kind in all housing units. Candles, lanterns, potpourri, simmering potpourri, plug-In deodorizers, or other flammable items are strictly forbidden in the residence halls. Violation can result in fines and disciplinary sanctions. Open coil heating units, hot plates, indoor grills, toasters or ovens are prohibited in units other than those with full kitchens. Smoking or the use of tobacco in any form is not permitted on the campus of Milligan University, including in its residential facilities.

Procedures for Student Housing Evacuation in the Case of a Fire

If you find or suspect a fire and don't hear an alarm, activate a fire alarm immediately.

- If smoke is present in your room, keep close to the floor and move to the door. If the door is hot, do not open it. Seal the cracks with available cloth and call 911 and campus security at 423-461-8911 to report your location. If the phone isn't working, open the window and hang a sheet or other material out of the window to attract attention.

In case of fire:

- Close your windows and open the draperies; turn on all lights.
- Take a coat or blanket and a towel with you; wear shoes.
- Unlock and close your door when you leave.
- Go to the nearest exit.
- Walk rapidly, but do not run; keep to the right; go quietly, PREVENT PANIC.
- Stay with the group and away from the building until a signal is given to re-enter the hall.
- Never re-enter the building during a fire. Your personal belongings are not worth your life.

If you hear an alarm and your door is not hot, close the windows, open the curtains/blinds, turn the lights on, leave the room and close the door leaving it unlocked. Proceed to the nearest exit, checking to see if the rooms next to you are empty. (Each dorm/apartment building has posted evacuation routes which are designed to eliminate confusion.) Proceed to the nearest evacuation location. Do not return to the building until you receive approval from the residence hall staff, the Physical Plant Director or the Fire Department.

Students who knowingly refuse to vacate a hall during a fire or fire drill will be fined \$100 and are subject to disciplinary action.

Do not tamper with smoke alarms. Any tampering with fire equipment is a \$100 fine by the University and may be prosecuted by the State Fire Marshal as a misdemeanor. Individually starting false alarms will be prosecuted by the Fire Marshal.

Policies Regarding Fire Safety Education and Training Programs Provided to Students and Employees

Fire safety training is conducted with residence life staff before the start of the fall semester each year,

and periodically throughout the year if necessary. This training includes information about types and causes of fires, general fire safety, fire exits, the location and correct operation of fire extinguishers, and evacuation procedures. During the first week of school, each Residence Hall conducts a mandatory meeting of all residents to review policies and guidelines and to inform residents about the procedures that students and employees should follow in the case of a fire.

| Milligan University Residential Facilities-Fire Statistics | | | | | | |
|--|------|-----------------|-------------------|--|------------------------------------|---|
| Residence Hall | | Number of Fires | Cause of Fire | Number of Injuries Due to a fire Requiring Treatment at a Medical Facility | Number of Deaths Related to a Fire | Value of Property Damage Caused by a Fire |
| Hart | 2019 | 0 | NA | 0 | 0 | 0 |
| | 2020 | 0 | NA | 0 | 0 | 0 |
| | 2021 | 0 | NA | 0 | 0 | 0 |
| Sutton | 2019 | 0 | NA | 0 | 0 | 0 |
| | 2020 | 0 | NA | 0 | 0 | 0 |
| | 2021 | 0 | NA | 0 | 0 | 0 |
| Webb | 2019 | 0 | NA | 0 | 0 | 0 |
| | 2020 | 0 | NA | 0 | 0 | 0 |
| | 2021 | 0 | NA | 0 | 0 | 0 |
| Kegley | 2019 | 0 | NA | 0 | 0 | 0 |
| | 2020 | 0 | NA | 0 | 0 | 0 |
| | 2021 | 0 | NA | 0 | 0 | 0 |
| Quillen | 2019 | 0 | NA | 0 | 0 | 0 |
| | 2020 | 0 | NA | 0 | 0 | 0 |
| | 2021 | 0 | NA | 0 | 0 | 0 |
| Williams | 2019 | 0 | NA | 0 | 0 | 0 |
| | 2020 | 0 | NA | 0 | 0 | 0 |
| | 2021 | 0 | NA | 0 | 0 | 0 |
| Jeanes | 2019 | 1 | Defective Toaster | 0 | 0 | \$10 |
| | 2020 | 0 | NA | 0 | 0 | 0 |
| | 2021 | 0 | NA | 0 | 0 | 0 |
| McAnally | 2019 | 0 | NA | 0 | 0 | 0 |
| | 2020 | 0 | NA | 0 | 0 | 0 |
| | 2021 | 0 | NA | 0 | 0 | 0 |
| Pardee | 2019 | 0 | NA | 0 | 0 | 0 |
| | 2020 | 0 | NA | 0 | 0 | 0 |
| | 2021 | 0 | NA | 0 | 0 | 0 |
| Wigginton | 2019 | 0 | NA | 0 | 0 | 0 |
| | 2020 | 0 | NA | 0 | 0 | 0 |
| | 2021 | 0 | NA | 0 | 0 | 0 |
| Hampton | 2019 | 0 | NA | 0 | 0 | 0 |
| | 2020 | 1 | Stovetop Fire | 0 | 0 | 0 |

| | | | | | | |
|-----------------|------|---|----|---|---|---|
| | 2021 | 0 | NA | 0 | 0 | 0 |
| Gragg | 2019 | 0 | NA | 0 | 0 | 0 |
| | 2020 | 0 | NA | 0 | 0 | 0 |
| | 2021 | 0 | NA | 0 | 0 | 0 |
| Unnamed | 2019 | 0 | NA | 0 | 0 | 0 |
| | 2020 | 0 | NA | 0 | 0 | 0 |
| | 2021 | 0 | NA | 0 | 0 | 0 |
| Keefauver | 2019 | 0 | NA | 0 | 0 | 0 |
| | 2020 | 0 | NA | 0 | 0 | 0 |
| | 2021 | 0 | NA | 0 | 0 | 0 |
| Ellis | 2019 | 0 | NA | 0 | 0 | 0 |
| | 2020 | 0 | NA | 0 | 0 | 0 |
| | 2021 | 0 | NA | 0 | 0 | 0 |
| Nutter-Bradley | 2019 | 0 | NA | 0 | 0 | 0 |
| | 2020 | 0 | NA | 0 | 0 | 0 |
| | 2021 | 0 | NA | 0 | 0 | 0 |
| Schnelle | 2019 | 0 | NA | 0 | 0 | 0 |
| | 2020 | 0 | NA | 0 | 0 | 0 |
| | 2021 | 0 | NA | 0 | 0 | 0 |
| Newberry | 2019 | 0 | NA | 0 | 0 | 0 |
| | 2020 | 0 | NA | 0 | 0 | 0 |
| | 2021 | 0 | NA | 0 | 0 | 0 |
| Moore | 2019 | 0 | NA | 0 | 0 | 0 |
| | 2020 | 0 | NA | 0 | 0 | 0 |
| | 2021 | 0 | NA | 0 | 0 | 0 |
| Calvin Phillips | 2019 | 0 | NA | 0 | 0 | 0 |
| | 2020 | 0 | NA | 0 | 0 | 0 |
| | 2021 | 0 | NA | 0 | 0 | 0 |
| Strickland | 2019 | 0 | NA | 0 | 0 | 0 |
| | 2020 | 0 | NA | 0 | 0 | 0 |
| | 2021 | 0 | NA | 0 | 0 | 0 |
| Bush | 2019 | 0 | NA | 0 | 0 | 0 |
| | 2020 | 0 | NA | 0 | 0 | 0 |
| | 2021 | 0 | NA | 0 | 0 | 0 |
| MSA #2 | 2019 | 0 | NA | 0 | 0 | 0 |
| | 2020 | 0 | NA | 0 | 0 | 0 |
| | 2021 | 0 | NA | 0 | 0 | 0 |
| MSA #3 | 2019 | 0 | NA | 0 | 0 | 0 |
| | 2020 | 0 | NA | 0 | 0 | 0 |
| | 2021 | 0 | NA | 0 | 0 | 0 |
| MSA #4 | 2019 | 0 | NA | 0 | 0 | 0 |
| | 2020 | 0 | NA | 0 | 0 | 0 |
| | 2021 | 0 | NA | 0 | 0 | 0 |

The University maintains a daily fire log. The daily fire log is open to public inspection and new reports or updated information are added within two business days of the initial report being made to the fire

department or a campus security authority. Please contact Brent Nipper at wbnipper@milligan.edu or at 461-423-8740 to view the fire log for the most recent 60-day period. The complete fire log can be made available within two business days of the request.

Appendix A: Rights and Options of Victims of Sexual Assault, Dating Violence, Domestic Violence and Stalking:

Milligan University is committed to providing students, faculty, staff, visitors and the University community with a positive, healthy environment conducive to the promotion of the University's core values of scholarship, community, and faith. Incidents of any type of sexual harassment, including sexual assault, dating and domestic violence, and stalking are strictly prohibited.

What is Sexual Misconduct?

Sexual misconduct offenses generally involve unwelcome conduct of a sexual nature and can include, but are not limited to:

1. **Hostile Environment Sexual Harassment** (unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity)
2. **Quid Pro Quo Sexual Harassment** (an employee of the University conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct)
3. **Sexual Assault**, including forcible and nonforcible sex offenses
4. **Dating and Domestic Violence**
5. **Stalking**

Reporting Options

1. Report to Law Enforcement:

- Elizabethton Police Department (911 or 423-542-4141)

The complainant has the option, but is not required, to file a report with the. If the complainant so chooses, campus authorities will provide assistance in notifying the EPD. If the complainant chooses to report the incident to the police, the University will cooperate fully in any investigation and prosecution of offenders who will be subject to all applicable legal sanctions under local, state, or federal laws.

2. Report to Campus Officials:

- Title IX Coordinator: Brent Nipper (423-461-8740; wbnipper@milligan.edu)
- Dean of Students: Tony Jones (423-461-8760; tpjones@milligan.edu)
- Vice President for Business and Finance: Jacqui Steadman (423-461-8686; jrsteadman@milligan.edu)
- Residence Life Staff
- Area Vice President for incidents involving employees

In addition to directly reporting to these campus officials, all University employee other than the campus minister and counselors in the Milligan counseling center when acting in a counseling capacity are required to report disclosures of incidents of sexual misconduct made to them during the course of their

employment to the Title IX Coordinator or their supervisor. Reports received from these mandatory reporters do not automatically cause a formal complaint or disciplinary process to be conducted.

Medical Care/Preserving Evidence

Victims of sexual assault are encouraged to seek **medical attention** as early as possible after an assault occurs. By seeking medical attention, victims can receive medical care as needed and **preserve evidence** by undergoing a medical exam. Preserving evidence is important in cases of sexual assault and may prove that a criminal offense occurred and may be helpful in preserving orders of protection, if the victim chooses to pursue further action after the assault. Victims are encouraged to seek medical care at the Johnson City Medical Center, 400 N State of Franklin Rd, Johnson City, TN 37604.

Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services which are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter sexual harassment.

Supportive measures are offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures when such measures are reasonably available.

Supportive measures are maintained as confidential by the University to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures.

The Title IX Coordinator (423-461-8740; wbnipper@milligan.edu) or individuals designated by the Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Reporting/Disciplinary Process

1. When a report is received from a mandatory reporter, the **Title IX Coordinator contacts the victim**. Contact is usually made by email requesting a meeting. Responding to this initial contact is not required and meeting with the Coordinator does not mean further action has to be taken. In this **initial assessment** meeting, the Title IX Coordinator will explain rights, reporting options and resources, including information about supportive measures, counseling services, local advocacy organizations and how and to whom to make a report, if a report is wanted.
2. After the initial assessment meeting, a **formal complaint** will be made by either the victim or the Title IX Coordinator in cases in which an ongoing threat to campus is identified.

3. Formal complaints meeting the parameters of the Title IX Sexual Harassment Policy will be addressed through the **Title IX Grievance Process** below. All other complaints will be addressed through the appropriate student or employee conduct processes.
4. A **notice of allegations** is made to the respondent (reported perpetrator)
5. An **investigation** is conducted, including evidence gathering, evidence review by parties, investigation report and second review by parties
6. A **hearing** will be conducted by a decision maker(s), including cross examination of the complainant, respondent, and witnesses conducted by each parties' advisors
7. A **determination of responsibility** will be made by the decision maker, including a finding of responsible or not responsible of a policy violation and sanctions imposed on the respondent and remedies available to the complainant when a determination of a policy violation is made
8. An **appeal** of the determination of responsibility may be made by either party if the reason for appeal meets policy parameters for appeal

In addition to the formal grievance process, the option to pursue an **informal resolution** is possible if both parties and the Title IX Coordinator agree to pursue informal resolution. Both parties will have the same opportunities to have and **advisor of their choice** present at all times during the reporting and/or grievance processes.

On and Off Campus Services for Victims

Counseling Services:

- Milligan Counseling Center (423-461-8500) or Campus Minister (423-461-8760) on campus

Victim Advocacy Services:

- Family Justice Center of Washington County (423-722-3720)
- Frontier Health Safe House Sexual Assault Hotline (423-306-5169)
- Frontier Health Safe House Domestic Violence Hotline (423-926-7233)

Legal Assistance

- Legal Aid of East Tennessee (423-928-8311)
- TN Coalition to End Domestic & Sexual Violence Legal Clinic (615-386-9406)

Visa and Immigration Assistance

- TN Coalition to End Domestic & Sexual Violence Immigrant Legal Clinic (615-386-9406)

Student Financial Aid Assistance

- Milligan University Financial Aid Office (423-461-8968)

Orders of Protection

- Carter County Clerk's Office (423-542-1825) during business hours
- Carter County Sheriff's Office-Judicial Commissioner (423-542-1850) after business hours
- Local law enforcement officers and campus officials can assist victims with orders of protection upon request

To Learn More

For more information on University safety and security policies and procedures and crime reporting, including the full sexual misconduct policy, please see the links below or the Title IX Coordinator. The Title IX Coordinator for Milligan University is: Brent Nipper, (423) 461-8740, wbnipper@milligan.edu. The Title IX Coordinator's office is located upstairs in the Little Hartland Welcome Center.

Additional Resources:

[Milligan University Title IX Sexual Harassment Policy](#)

[Definitions of sexual assault, domestic violence, dating violence and stalking in Tennessee state law:](#)

[Milligan University Title IX and Nondiscrimination Information](#)

Appendix B: Title IX Sexual Harassment Policy Assessment and Grievance Process:

1. Report and Initial Assessment

The Title IX Coordinator is responsible for coordinating the University's response to all complaints involving acts of sexual harassment as defined in this policy and Title IX and its implementing regulations.

When a report of sexual misconduct is received by the Title IX Coordinator, the Title IX Coordinator or designee will promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint (initial assessment).

When incidents of sexual assault, domestic violence, dating violence or stalking are reported, the complainant will be provided with written notification about the importance of preserving evidence and how to do so, how and to whom to report an offense if an individual chooses to do so, possible accommodations and supportive measures, available on-campus and off-campus resources, information on orders of protection or other similar orders, and procedures for disciplinary action. Available accommodations and supportive measures include changes to academic, living, transportation, and working situations; counseling, health, legal assistance, visa, and immigration assistance, student financial aid and other services available for victims, both within the University and in the community. Such accommodations and supportive measures will be provided if they are deemed necessary by University officials and/or requested by the complainant and if they are reasonably available, regardless of whether the complainant chooses to file a formal complaint, report to law enforcement or makes a request for their name or other personally identifiable information not to be shared. Please see [Rights and Options of Victims of Sexual Assault, Dating Violence, Domestic Violence, and Stalking](#). Where applicable, University authorities will issue mutual no contact orders to students reported to be involved in incidents of sexual misconduct. University authorities will also assist the complainant in contacting the authorities to pursue orders of protection, at the victim's request. For information about pursuing orders of protection without assistance from law enforcement or campus authorities, contact the Carter County Clerk's Office at 423-542-1825 during business hours or the Carter County Sheriff's Office-Judicial Commissioner at 423-542-1850 after business hours.

During the initial assessment, the Title IX Coordinator will evaluate the allegations and determine if the conduct alleged in the report constitutes sexual harassment as defined by this policy, and is within the scope of this policy and the 2020 Title IX regulations. If the allegations are determined not to meet the definitions or scope of this policy, the conduct alleged in the report may be reported to the Dean of Students, Academic Dean, Director of Human Resources, or Vice President for Business and Finance for further evaluation and investigation.

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law. The Title IX Coordinator has ultimate discretion over whether the University proceeds when the complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate assessment of the allegations to determine the potential existence of a risk to the health and/or safety of the University community that requires the Recipient to pursue formal action to protect the community. When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. In these cases, the University may be compelled to act on alleged employee misconduct irrespective of a complainant's wishes.

The University's ability to remedy and respond to notice may be limited if the complainant does not want the University to proceed with an investigation and/or grievance process, and the Title IX Coordinator will consider the effect that non-participation by the complainant may have on the availability of evidence and the University's ability to pursue a formal grievance process fairly and effectively.

At the conclusion of the initial assessment the Title IX Coordinator will make a determination on which of the following steps are appropriate, based on the scope of this policy, the wishes of the complainant, and an assessment of the health and safety risk potentially posed by the allegations.

- 1) Supportive measures will be offered due to the complainant's wishes not to file a formal complaint.
- 2) An informal resolution is requested upon submission of a formal complaint.
- 3) A formal grievance process is conducted, including an investigation and a hearing upon the submission of a formal complaint.

2. Formal Grievance Process

The University uses the formal grievance process to determine whether or not this policy has been violated. If so, the University will promptly implement effective remedies designed to ensure that it is not deliberately indifferent (clearly unreasonable in light of the known circumstances) to sexual harassment or retaliation, their potential recurrence, or their effects.

The grievance process will treat complainants and respondents equally by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against

the respondent, and by completing the grievance process before the imposition of any disciplinary sanctions or other actions, aside from supportive measures against a respondent.

Remedies are designed to restore or preserve equal access to the University's education program or activity and may include supportive measures similar to those listed in the definitions section of this policy. When a finding of a violation of this policy is made, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.

The grievance process includes an objective evaluation of all relevant evidence – including both inculpatory (favorable to complainant) and exculpatory (favorable to respondent) evidence and provides that credibility determinations are not based on a person's status as a complainant, respondent, or witness. Both parties will be given the same opportunity to present witnesses and evidence.

Any individual designated as the Title IX Coordinator, investigator, decision-maker, or any person designated to facilitate an informal resolution process will not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

Within the grievance process, the respondent is and must be presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

The grievance process includes reasonably prompt time frames for conclusion of the grievance process, including reasonably prompt time frames for filing and resolving appeals and informal resolution processes, and a process that allows for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

The range of disciplinary sanctions applicable to this policy includes warnings, reprimands, suspension and termination of employment for University employees. For students, the range of sanctions includes general sanctions, warnings, counseling, reprimand, campusing, community service, restitution/apology, exclusion from extra-curricular activities, suspension, expulsion, and interim suspension.

The standard of proof used in the determinations of findings of all formal complaints will be the preponderance of the evidence standard (it is more likely than not that a policy violation occurred). The same standard will be applied for formal complaints against students as for formal complaints against employees, including faculty, and apply the same standard of evidence to all formal complaints of sexual harassment.

The grievance process does not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

During the grievance process, the University may remove a respondent from its education program or activity on an emergency basis, provided that the University first undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

During the grievance process, the University may place a non-student employee respondent on administrative leave during the pendency of a grievance process.

3. Notice of Allegations

Upon receipt of a formal complaint, the Title IX Coordinator will provide the following written notice to the parties who are known:

- Notice of the University's grievance process, including any informal resolution process
- Notice of the allegations potentially constituting sexual harassment (see definitions section of this policy)
- The identities of the parties involved in the incident, if known
- The conduct allegedly constituting sexual harassment (as defined in this policy)
- The date and location of the alleged incident, if known
- Notice that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process
- Notice to the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney
- Notice that the parties and their advisors may inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint
- Notice that the University's code of conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance process

If, in the course of an investigation, the University decides to investigate allegations about the complainant or respondent that are not included in the notice as described above, the University must provide notice of the additional allegations to the parties whose identities are known.

4. Dismissal of a Formal Complaint

The Title IX Coordinator will evaluate the allegations and determine if the conduct alleged in the formal complaint constitutes sexual harassment:

- As defined by this policy and Title IX and its implementing regulations
- Occurred in the University's education program or activity AND
- Occurred against a person in the United States

If any of these conditions are not met, the University is required by Title IX and its implementing regulations to dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under this policy and the 2020 Title IX Regulations. This dismissal does not preclude action under another provision of the University's code of conduct. In many cases the conduct alleged in a complaint dismissed for one of the reasons listed above will be reported to the Dean of Students, Academic Dean, Director of Human Resources, or Vice President for Business and Finance for further evaluation and investigation, if deemed necessary.

Formal complaints or any allegations may also be dismissed if at any time during the investigation or hearing one of the following conditions are met:

- The complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein
- The respondent is no longer enrolled or employed by the University OR
- Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein

Upon the dismissal of formal complaints or any allegations therein, the University must promptly send written notice of the dismissal and reason(s) for the dismissal simultaneously to the parties. This dismissal does not preclude action under another provision of the University's code of conduct. In many cases the conduct alleged in a complaint dismissed for one of the reasons listed above will be reported to the Dean of Students, Academic Dean, or Director of Human Resources, or Vice President for Business and Finance for further evaluation and investigation, if deemed necessary.

5. Consolidation of Formal Complaint

The University may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

6. Informal Resolution

When requested by either party, including the complainant when the formal complaint is made and at any time prior to reaching a determination regarding responsibility the University may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication.

Both parties must agree to pursue informal resolution, and the University will obtain the parties' voluntary, written consent to the informal resolution process.

The University will provide to the parties a written notice disclosing:

- The allegations
- The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations
- That at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint
- That statements and records resulting from participating in the informal resolution process, will not be used in subsequent formal grievance processes for formal complaints.

The University will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student, and will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this policy.

The University will not require the parties to participate in an informal resolution process and will not offer an informal resolution process unless a formal complaint is filed.

7. Investigation of a Formal Complaint

For each formal complaint, The Title IX Coordinator assigns an investigator who conducts and investigation including the following components:

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the University, not on the parties.

The University cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the

party, unless the University obtains that party's voluntary, written consent to do so for a grievance process.

The parties will be provided an equal opportunity to present witnesses and other inculpatory (favorable to the complainant) and exculpatory (favorable to the respondent) evidence.

Neither party will be restricted in the ability to discuss the allegations under investigation or to gather and present relevant evidence.

The parties will be provided with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. Advisors serve the roles of support, guidance and advice to complainants and respondents. While advisors are permitted to attend any meeting, interview, or other proceedings, their participation is limited to the roles listed above and are not permitted to represent, speak for, or actively participate in any proceedings or disciplinary process, except in hearings conducted in accordance with this policy and the 2020 Title IX regulations, in which they are permitted to ask cross examination questions to parties and witnesses only. Advisors who are disruptive or do not comply with University policy may be removed or dismissed.

Parties whose participation is invited or expected will be provided written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

Both parties will be provided an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

Prior to completion of the investigative report, the University must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. This evidence may be provided in the format of a draft investigation report. The parties must have at least 10 days to submit a written response to the provided evidence described above. The investigator will consider the responses of the parties prior to completion of the investigative report. The University will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination

The University will create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing (if a hearing is required) or other time of determination regarding

responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing. The hearing cannot be less than ten (10) business days from the conclusion of the investigation –when the final investigation report is transmitted to the parties and the Decision-maker–unless all parties and the Decision-maker agree to an expedited timeline.

8. Hearings

At the conclusion of the investigation, the Title IX Coordinator will schedule a hearing before an assigned decision-maker. The decision maker will not be the same person as the Title IX Coordinator or investigator. Before the hearing begins, the decision maker will review the complaint, notice to the parties, the investigative report, and the parties' responses to the investigative report. The decision maker may choose to provide rules of conduct and decorum to be followed by both parties and their advisors in the hearing. The decision maker may choose to conduct a pre-hearing meeting with the parties and their advisors to discuss rules of conduct and decorum and the procedures and format to be followed in the meeting. The Title IX Coordinator may serve as a hearing coordinator for the hearing.

The 2020 Title IX regulations require institutions receiving federal funds to include live hearings in their grievance processes and prescribe that the live hearings include the following components:

- At the live hearing, the decision-maker(s) must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.
- Cross-examination at the live hearing will be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.
- If a party does not have an advisor present at the live hearing, the University will provide, without fee or charge to that party, an advisor of the University's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

Either party may request that the live hearing occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions.

Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Questions and evidence about the complainant's sexual predisposition or

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

Any party or witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. The decision maker can only rely on whatever relevant evidence is available through the investigation and hearing in making the ultimate determination of responsibility. The decision maker will not draw any inference solely from a party's or witness's absence from the hearing or refusal to submit to cross examination or answer other questions.

Live hearings may be conducted with all parties physically present in the same geographic location or, at the University's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. Audio or audiovisual recordings, or transcripts, of any live hearings will be created and made available to the parties for inspection and review.

9. Determination Regarding Responsibility

Following the hearing, the decision maker(s), will issue a written determination regarding responsibility. To reach this determination, the decision maker must apply the appropriate standard of evidence (preponderance of the evidence). The written determination will include:

- Identification of the allegations potentially constituting prohibited conduct as defined by this policy and the 2020 Title IX regulations.
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held.
- Findings of fact supporting the determination.
- Conclusions regarding the application of the University's code of conduct to the facts.
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the respondent, whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided to the complainant, and the procedures and permissible bases for the complainant and respondent to appeal

The written determination will be provided to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the parties are provided the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on

which an appeal would no longer be considered timely. The Title IX Coordinator is responsible for effective implementation of any remedies.

10. Appeals

After the determination of responsibility is issued, both the complainant and respondent will have the opportunity to appeal to a separate decision-maker determinations regarding responsibility and dismissals of formal complaints (or any allegations therein) on the following bases:

- Procedural irregularity that affected the outcome of the matter
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter

Requests for appeals from either the complainant or respondent must be submitted in writing to the Title IX Coordinator within three days of the delivery of the Notice of Outcome. For determinations being appealed, the non-appealing party will be notified in writing when an appeal is filed and appeal procedures will be implemented equally for both parties.

The decision-maker(s) for the appeal will not be the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.

The decision-maker(s) for the appeal will not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

Both parties will have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

A written decision describing the result of the appeal and the rationale for the result will be issued and provided simultaneously to both parties.

The determination regarding responsibility becomes final either on the date that the parties are provided the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Disciplinary Guidelines

Disciplinary action at Milligan University is viewed as a means of guiding students toward developing Christian responsibility and maturity. This disciplinary action is affected at the discretion of the Dean of Students subject to the Disciplinary Committee, if a formal hearing is requested.

The University reserves the right to refuse, suspend, or dismiss any student without assignment of reasons, if such action is deemed to be in the interest of the University. Public disclosure of reasons shall be at the discretion of the President. Incidents of sexual harassment including sexual assault, domestic violence, dating violence and stalking will be addressed through the University's Sexual Misconduct Policy, when applicable. <https://www.milligan.edu/wp-content/uploads/2021/10/Title-IX-Sexual-Harassment-Policy-2021-2022.pdf>

Notification of disciplinary charges, or any ensuing correspondence, may be sent to the parents/guardians of any financially dependent student. Persons on Social Probation may have specific restrictions or sanctions imposed.

I. THE DISCIPLINE COMMITTEE

A. Composition

The Discipline Committee shall consist of seven (7) members composed of three (3) students, three (3) faculty members and a voting Chairperson who shall be a member of the faculty. The Committee members shall be appointed by the President of the University as early as possible following nominations submitted to him by or no later than the first ten (10) days of the Fall Semester. The President of the student body, shall nominate the three (3) student members. The Dean of Students, in consultation with the Academic Dean, shall nominate two (2) faculty members and the Academic Dean, in consultation with the Dean of Students, shall nominate one (1) faculty member. The Chairperson shall be nominated and appointed by the President of the University. Additional nominations shall be made as aforesaid if any nomination is rejected by the President of the University. Student members of the committee will not participate when cases involving sexual misconduct are heard by the committee.

B. Term of Service

The faculty members, including the Chairperson, shall serve for a one year term, which shall conclude at the end of Summer session. The student members shall serve for one (1) year term.

C. Vacancies

Vacancies, for any unexpired term, shall be filled by the President of the University following the nomination procedures above. Vacancies shall be filled as soon as possible following notice to the President of the University of such vacancy and upon submission of nominations, such notice being made by the Chairperson of the Discipline Committee. The members of the Discipline Committee may be reappointed for additional terms.

D. Quorum

A quorum shall consist of five (5) members to always include the Chairperson, two (2) faculty members. When cases involving sexual misconduct are heard, a quorum will consist of three (3) members, always to include the committee chair and two (2) faculty members.

II. PROCEDURES

A. Notice of Charge

Upon receiving notification of a potential violation to the Student Code of Conduct, the Dean of Students shall conduct an investigation and, when warranted, cause a written charge to be made setting forth the person charged, the specific nature of the alleged offense, the time of the alleged offense, if known, and the disciplinary action recommended by the Dean of Students or Academic Dean. The student may choose to accept the disciplinary action recommended by the Dean of Students or Academic Dean.

B. Hearing

Should the accused student desire a hearing regarding the charge, he/she shall request such hearing in writing to the Chairperson within three (3) business days to the receipt of the charge. The Chairperson, upon receipt of a written hearing request, shall set a hearing date within three (3) business days following such hearing request, providing at least twelve (12) hours' notice of the time of the hearing to the accused student and the members of the Discipline Committee.

C. Conduct of Hearing

The Dean of Students or his or her designee shall first present such evidence as desired to support or prove the charge. Thereafter, the accused student may present any evidence in defense or mitigating evidence. The accused student may be supported by anyone from the Milligan University community, including a fellow student, faculty member, staff, administrator, or parent. Witnesses are limited to individuals bringing evidence or eye witness accounts. The Chairperson may limit the number of witnesses giving repetitious evidence. The Discipline Committee Chairperson may reschedule such hearing, from time to time, to receive any additional evidence.

The Chairperson shall rule on the admissibility of all evidence. The accused student shall not be required to give evidence against himself but if the accused student does testify he/she may be required to answer any question touching on the inquiry and the refusal to respond may be considered by the Discipline Committee.

The Chairperson shall permit the presentation of all relevant testimony by the accused student, subject to the restriction set forth above.

D. Decision

The Discipline Committee shall adjourn to Executive Session to make its decision, which shall be made by a majority vote. The Executive Session shall only include Disciplinary Committee members, though the Discipline Committee, in Executive Session, may call the Dean of Students and/or the accused student into the Executive Session for any purpose. The Discipline Committee shall render its written decision within twenty-four

(24) hours of the close of the testimony and transmit same forthwith to the accused student, the student's faculty advisor, Dean of Students, Academic Dean, and the President of the University, together with its recommended disciplinary action, which action may be that proposed by the Dean of Students or any other Disciplinary Sanction it deems appropriate, if any.

E. Appeal After Formal Hearing Occurs

Should the accused student or the Dean of Students desire to appeal the decision, or recommended disciplinary action of the Discipline Committee, the appeal shall be made in writing to the President within forty-eight (48) hours of the receipt of the decision of the Discipline Committee by the appealing party. Said appeal shall set forth, specifically, the reason the appealing party believes the decision is erroneous, and what witness testimony or other evidence is believed to support the appealing party, and shall be signed by the appealing party. Copies of said appeal shall be delivered to the Chairperson of the Discipline Committee, the Academic Dean (if appropriate), the Dean of Students, or the accused student (if appropriate) and the President. The Chairperson of the Discipline Committee, upon receipt of an appeal, shall deliver the signed appeal, the record of the hearing (if any) together with any other evidence to the President.

F. Appeal to the President

The President of the University may decide the appeal on the record developed in the Discipline Committee hearing or may request a further hearing or private conference with the accused student and/or the Dean of Students. The President shall render a decision on the appeal within a reasonable time following receipt of same. The President may affirm the Discipline Committee's decision, reverse the decision, modify the same, including the disciplinary action, or may send the matter back to the Discipline Committee for further hearing and/or decision.

G. Support Persons

All parties to any investigation, hearing, appeal, and/or resolution of a potential violation of the student conduct policy shall be provided with the same opportunities to have others present during interviews and/or any further proceedings, including the opportunity to be accompanied by the support person of their choice. Support persons serve the roles of support, guidance and advice to complainants and respondents. While support persons are permitted to attend any meeting, interview, or other proceedings, their participation is limited to the roles listed above and support persons are not permitted to represent, speak for, or actively participate in any proceedings or disciplinary process. Support persons who are disruptive or do not comply with this policy may be removed or dismissed.

III. DISCIPLINARY SANCTIONS

The student receiving one or more of the following sanctions shall be considered to be on social probation. The Dean of Students shall enforce all sanctions and keep all other affected offices and persons informed. The following sanctions may be imposed:

- A. General
The student may be compelled to either do or avoid doing action specified which shall be commensurate with the offense(s).
- B. Warning
Notice in writing may go to the student warning that continuation and/or repetition of this conduct will be cause for more serious disciplinary action. This warning shall expire in a specified length of time. The Dean of Students will indicate the length of the warning in written communication.
- C. Counseling
The student may be required to submit to prescribed counseling, including those of a social, redemptive, or educative nature. Any related costs will be borne by the student.
- D. Reprimand
A written reprimand for violation of any specified disciplinary rule may be sent to the student. The reprimand will inform the student that continued violation of this rule or citation of this student to the Dean of Students for any other rule infraction, will be the cause for more serious action. The written reprimand will remain in the student's file during his tenure at the University, and will be removed at his departure in good standing from the University.
- E. Campusing
The student may be directed to stay within the confines of the student's dorm room from 7:00 p.m. to 7:00 a.m. for a period of time to be specified by the Discipline Committee, the Dean of Students, or the President of the University up to a maximum of three (3) weeks. The student is limited to class, study activities and meals in the cafeteria on campus during the normal class day. When not scheduled to participate in classes and lab activities, the student will be in the residence hall. From 7 PM to 7 AM, the student is to remain in his or her suite. This will be monitored by the residence hall staff, the RAs under the supervision of the RD.
- F. Work on Campus
The type and duration of work to be performed and the person to supervise the work may be specified in writing by the Disciplinary Committee or the Dean of Students within two (2) working days. A deadline for completion of the work will be assigned. It will be the responsibility of the person performing the work to contact the designated supervisor, gather the necessary materials and perform to all specifications. Completion of the assigned work will be reported by the supervisor to the Dean of Students' office. Failure to complete the assignment will result in further disciplinary action by the Dean of Students.
- G. Restitution/Apology
The student may be directed to make restitution and/or appropriate apologies to the affected parties under the supervision of the Dean of Students.
- H. Exclusion from Extra-Curricular Activities
The student may be prohibited for a designated period of time from participation in

extra-curricular activities or organizations which represent the student body of the University.

I. Options for Alcohol Infractions

The student may choose which option he/she prefers for first offense. If a second offense occurs, the student may be dismissed for the remainder of the semester and possibly the following semester.

| OPTION ONE | OPTION TWO *Residential Students Only* | OPTION THREE *Commuter Students only* |
|--|---|---|
| \$100 fine | \$100 fine | \$100 fine |
| 7-day suspension from campus | Campused for 14-days | Can only be on campus for class purposes for 14-days |
| 7-day suspension from all academic work and classes, no extra-curricular activities | No extra-curricular activities for 14-days | No campus extra-curricular activities for 14-days |
| Complete 20 hours pre-approved community service immediately following 7-day7-day suspension | Complete 40 hours pre-approved community service during 14-day period | Complete 50 hours pre-approved community service during 14-day period |
| Possible counseling if circumstances warrant | Possible counseling if circumstances warrant | Possible counseling if circumstances warrant |

J. Suspension

The student may be suspended from the University for a specified period of time. At the end of this time, student status would resume under conditions determined by the Dean of Students, or the President of the University, with any unexpired sanctions remaining in effect.

K. Expulsion

The Dean of Students may recommend to the President of the University that the student be expelled from the University for a specified period of time. Readmission would be considered, upon a Petition for Readmission filed by the accused student with the President of the University and the conditions for readmission shall be determined by the President of the University at the time of Petition for the readmission.

L. Interim Suspension

If, in the opinion of the Dean of Students and/or the President of the University, the presence of a student, pending a hearing, poses a serious threat to either the students, faculty, staff, administration, property, or the integrity of the University, the Dean of Students may recommend to the President or the President may affect an immediate suspension. In such a situation, a hearing shall be held at the earliest reasonable time.

The University, through the Dean of Students, reserves the right to publish data pertaining to disciplinary hearings.

IV. MISCELLANEOUS

A. Intent of Disciplinary Procedures

It is the intent of these procedures to afford the accused student a fair and adequate hearing while, at the same time, protecting the University community from conduct which may be inappropriate or unacceptable as set forth in the Catalog and/or Student Handbook.

B. Waiver of Time Requirements

Nothing, herein, shall prevent the President of the University or the Discipline Committee from waiving any of the time requirements imposed upon any accused student.

C. Modification of Rules

The University may, from time to time, modify these procedures and shall publish such modifications or procedures in writing.

D. Confidentiality

The confidentiality of the evidence, hearing, and procedures taken, other than the decision, shall be maintained to the greatest extent practicable. Members of the Discipline committee who fail to keep such matters confidential shall be subject to removal from the Discipline Committee by the President of the University.

E. Informal Resolution

Nothing, herein, shall prevent the informal resolution of disciplinary action through conference by the Dean of Students, and/or the Residence Hall Director, and/or Resident Assistant with the accused student. If informal resolution cannot be affected, the disciplinary sanctions, other than interim suspension, will be imposed only following the disciplinary procedures outlined in this Handbook.

F. Offenses

Disciplinary action may be taken regarding, but not limited to, any offense set forth in the current catalog and/or Student Handbook.

G. Guests of Students

Guests of students who have permission to stay in student housing shall be subject to these disciplinary procedures as part of such permission being granted. Guests of students who do not have permission to stay in student housing shall not be entitled to the protection of any of these procedures.

H. Delegation of Authority

Nothing, herein, shall prevent the President of the University, the Dean of Students, and/or the Discipline Committee Chair from designating a cabinet member to act in his stead and to carry out the duties incumbent hereunder on behalf of the University.

I. Service of Committee Personnel

The members of the Discipline Committee shall serve at the discretion of the President.

J. Confidential Disclosures

Information disclosed during counseling session shall be privileged and may not be admitted for consideration unless American Psychological Association Standards require such disclosure or the accused student has given permission.

K. Referral to Committee

The Dean of Students may refer disciplinary matters directly to the Discipline Committee to review the charges against the accused student and to determine appropriate disciplinary action, if any.

Appendix D: Faculty and Personnel Disciplinary Policies

Faculty: Reports of immoral behavior, including sexual harassment and misconduct, can be made to the academic dean, who reviews the report and considers the need for disciplinary action. Formal and informal written complaints are addressed by the dean, and any official letters of reprimand or discipline are maintained in the faculty member's disciplinary file.

When reports of sexual misconduct lead to a decision by the dean to consider the dismissal of the faculty member, the dean will follow the following process:

- Informal administrative hearing with the faculty member and academic area chair.
- Formal proceedings in which the dean informs the faculty member of the decision and option to pursue a hearing before the Faculty Hearing Committee. The date for the hearing will be set at least 21 calendar days from the initiation of formal proceedings.
- Suspension of the faculty member during proceedings are considered by the president and implemented when deemed necessary.
- Hearing proceedings before the Faculty Hearing Committee, resulting in findings and recommendations of the committee being made to the president within five days of the hearing. The faculty member may file a brief with the president within thirty days of receipt of the report of findings and recommendations.
- Final decision made by the president within ten days of receipt of the brief.

Non-Faculty Employees: Reports of sexual harassment and misconduct by non-faculty employees can be made to the personnel director within thirty (30) days of the act, statement, or incident which is the basis for the complaint. If the complaint/grievance is against the personnel director, then the complaint/grievance must be filed with the President. If the complaint/grievance is against the President, then the complaint/grievance must be filed with the chairman of the Board of Trustees. The person with whom the complaint is filed shall either serve as the complaint manager or shall appoint a complaint manager within 15 days of the filing of the complaint. The employee may request a complaint manager of the same sex.

Allegations of discrimination/harassment shall be fully investigated. An oral complaint may be submitted. However, an oral complaint must be reduced to a written complaint to ensure a more complete investigation. The complaint should include the identity of the alleged victim and person accused; the location, date, time and circumstances surrounding the alleged incident; a description of what happened; the Identity of witnesses; and any other evidence available.

The complaint manager will investigate the complaint. The complaint manager shall file a written report with the president within thirty (30) days of appointment as complaint manager, unless good reason exists to extend the deadline. If a complaint contains allegations involving the president, the written report shall be filed with the chairman of the Board.

After receipt of the complaint manager's report, the president shall render a written response within thirty (30) days of the receipt of the report, a copy of which shall be provided to the employee. A substantiated charge against an employee shall result in disciplinary action up to and including termination.