



**TRANSYLVANIA**  
**UNIVERSITY**

Annual Security and Fire Safety  
Report 2019

Transylvania University Report for Calendar Year 2018

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## Introduction

Transylvania University is a small, private, liberal arts college with approximately 1,000 students. Transylvania has been voted one of America's Best Colleges by U.S. News & World Report's, Princeton Review's Best 378 Colleges, Barron's Best Buys in College Education, and America's Best Value Colleges.

Transylvania prepares its students for a humane and fulfilling personal and public life by cultivating independent thinking, open-mindedness, creative expression, and commitment to lifelong learning and social responsibility in a diverse world.

## Meet the Chief



**Gregg Muravchick, Director of Public Safety**

Chief Muravchick has 41 years of law enforcement experience starting his career in 1978 with the Frankfort Police Department for five years and then being selected to the Kentucky State Police where he served in numerous positions and retired as a Sergeant, Ass't. Commander with 20 years of service. He then served six years with the Franklin County Sheriff's Office and held the rank of Captain serving as the commander of Operations prior to being appointed by Governor Steve Beshear as the Executive Director of the Office of Investigations for the Justice and Public Safety Cabinet. Chief Muravchick is a graduate from the Southern Police Institute, University of Louisville and holds a B. A., from Kentucky State University. "Throughout my career in law enforcement, my focus has been on developing good personal relationships within the community and to provide quality professional service to enhance the quality of life for those we serve." These partnerships must be continually reinforced through education and collaboration. It is because of this that we employ best practices in community oriented policing dedicating numerous hours and resources to community service and awareness programs. We welcome any feedback that will assist our agency in providing you quality service.

## About the Department of Public Safety

**Mission Statement:** The Transylvania Department of Public Safety's mission is to enhance the quality of life for the Transylvania community by providing dedicated professional service that ensures a safe and secure environment for students, faculty, and staff.

**Vision Statement:** The Transylvania Department of Public Safety is dedicated and committed to achieving the highest standards of professional ethics, performance and excellence. We are dedicated to the principles of community policing and enhancing the quality of life for our entire community that we serve.

**Core Values:** The Transylvania University Department of Public Safety is committed to, and emphasize integrity, accountability, respect, customer service and professionalism. As a commitment to the people we serve we shall adhere to the following core values:

- **Integrity:** The Department of Public Safety is committed to ethical and honorable behavior.
- **Accountability:** Our staff will utilize any and all the resources necessary to properly serve and accommodate the community, while maintaining a commitment of responsibility and accountability for our service.
- **Respect:** Transylvania University staff will treat any and all parties, regardless of their ethnicity or cultural diversities, with respect and dignity.
- **Professionalism:** We will be committed to providing the best professional service while maintaining high standards of training and expertise.
- **Customer Service:** It is imperative that our community understands that we will respond immediately with a commitment to provide a high quality of professional service no matter what the circumstances are that may arise.

The success of our mission and core values relies heavily on developing partnerships utilizing a community policing philosophy. The department places a high priority on its honesty and integrity, and we value the need for open and effective communication within the community we serve.

**Training:** Transylvania University DPS officers receive 40 hours of training yearly from the Lexington Metropolitan Police Department who are accredited through the Kentucky Department of Criminal Justice Training institution. Officers are trained in first aid, CPR, and in the use of Automated External Defibrillators. In addition to this training our agency is continuously seeking other training that will enhance their professional ability to serve.

The following report provides important information including, but not limited to, campus safety and security, services and programs offered, evacuation policies and procedures, and fire safety. Additionally, crime statistics and fire-related statistics are also included in the report.

We suggest that you review this report carefully. Creating and fostering a safe campus environment is a shared responsibility within our community and we need your help. If you have any questions, please do not hesitate to call our Department of Public Safety at 859-233-8118 or email Chief Gregg Muravchick, Director of Public Safety, Chief of Police, at [gmuravchick@transy.edu](mailto:gmuravchick@transy.edu)

## Definition of Terms

The following definitions may be helpful when reading this report. These definitions are taken from part 668 of title 34 of the Code of Federal Regulations.

1. Awareness programs – 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.
2. Business Day – Monday through Friday, excluding any day when the institution is closed.
3. Bystander Intervention – Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and

cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

4. Campus – Transylvania University campus consists of any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to the area and/or any property of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).
5. Campus security authority – (i) A campus police department or a campus security department of an institution. (ii) Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or campus security department under paragraph (i) of this definition, such as an individual who is responsible for monitoring entrance into institutional property. (iii) Any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses. (iv) An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. If such an official is a pastoral or professional counselor as defined below, the official is not considered a campus security authority when acting as a pastoral or professional counselor.
6. Clery Geography – (i) For the purposes of collecting statistics on crimes for submission to the Department of Education and inclusion in an institution’s annual security report, Clery geography includes; Buildings and property that are part of the institution’s campus; The institution’s non-campus buildings and property; and Public property within or immediately adjacent to and accessible from campus. (ii) For the purposes of maintaining the required crime log, Clery geography includes, in addition to the locations in paragraph (i) of this definition, areas within the patrol jurisdiction of the campus police or campus security department.

## Campus Security Act Legal Requirements

**Federal Law:** The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (referred to as the “Clery Act”) is part of the Higher Education Opportunity Act. It requires institutions of higher education that receive federal financial aid to report specified crime statistics on college campuses and to provide other safety and crime information to members of the campus community. The U.S. Department of Education holds enforcement authority for the Clery Act and there is a minimum penalty of \$54,789 for each violation of the regulations that define the reporting requirements.

**State Law:** The Kentucky Campus Safety and Security Act (referred to as the Michael “Minger Act”) requires higher education institutions in Kentucky to report crime statistics to current and prospective students and employees, to maintain a daily crime log, to report a fire or threat of fire to the State Fire Marshal immediately, and to issue special reports when there is an ongoing threat to the safety of students and employees. An annual report of campus safety policies, programs and statistics must also be submitted to the Kentucky Council on Postsecondary Education.

**Compliance:** The Transylvania University Department of Public Safety with the assistance of the Residence Life administrative staff have been designated as the compliance office entity for ensuring that the requirements of the Clery/Minger Acts are met by the designated Campus Security Authorities (CSAs) and the University as an entity. The Department of Public Safety is also responsible for issuing the annual reports and for coordinating the release of all Campus Crime Bulletins with the designated CSAs.

**Campus Law Enforcement Policy:** The Transylvania University Department of Public Safety is responsible for the safety and security of the university including any and all faculty students, staff or members of the community that our on its premises.

**Enforcement Authority:** The Transylvania University Department of Public Safety officers receive their law enforcement authority through the Justice and Public Safety Cabinet through the provisions of the Kentucky Revised Statutes 61.360. This statute is specific for Special Local Peace Officers that the Governor or his agent may appoint for such time as he deems necessary, to preserve the peace and protect the property of any person. The duties of these officers once appointed and sworn in include legal authority to arrest for violations of state and federal law and shall be confined to the premises of the property to be protected. Additionally, DPS Officers may opt to refer students to the judicial arm of Student Life for disciplinary review in lieu of, or in addition to arrest.

## **Relationship with Law Enforcement**

The Transylvania University Department of Public Safety has established and maintains a close working relationship with local, state and federal law enforcement agencies. We have a memorandum of agreement with the Lexington-Fayette Urban County Government Division of Police. DPS also utilizes the resources from the Kentucky State Police, Federal Bureau of Investigations, Alcohol, Tobacco and Firearms, Fayette County Sheriff's Office, University of Kentucky Police Department and the Secret Service regarding crime issues and criminal activity on and near campus. Crime related reports and statistics are routinely exchanged among these various agencies. Our department is also an active member of the Association of Independent Kentucky Colleges and Universities (AIKCU).

## **Incident Reporting and Response**

**Contact Transylvania University Department of Public Safety by:**

- Dial 8118 from any campus phone to report an emergency on campus.
- Dial 911 from a landline phone or cellular phone to contact the Lexington-Fayette Urban County Government Division of 911.
- Dial (859) 233-8118 to report non-emergencies.
- Dial (859) 351-7343 Text A Tip to report any incidents or requests for assistance.
- Anonymously submit a concern [here](#) or go to <http://fs11.formsite.com/transy/crimereportform/>
- Reporting in person may be done at DPS Headquarters, 439 W. Fourth Street.

The University encourages prompt reporting of all crimes and public safety related incidents to the Department of Public Safety. Crimes should be reported to DPS to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate. In regards to the university's property, DPS will respond to calls for service at any owned/leased Transylvania University property.

The DPS Telecommunications Office is staffed twenty-four (24) hours a day, seven (7) days a week by a telecommunication officer. DPS shall make a record of every incident to which it responds whether a written report is created or not, in any of the following: citizen reports of crimes, citizen complaints, citizen requests for services when: (a) an officer is dispatched, (b) an employee is assigned to investigate, (c) an employee is assigned to take action at a later time, criminal and noncriminal cases initiated by law enforcement officers and incidents involving arrests, citations, or summonses.

Comprehensive reporting is necessary to ensure that alleged events are recorded accurately and to protect the rights of officers and citizens. A record will be made of actions taken by the responding officer whether the call is a request for service or self-initiated activity. In many instances the "report requirement" will be accomplished through the collection of information on audiotape and computer by Communications (i.e. case numbers, disposition codes, etc.). A record will be made of all dispatched calls. This in no way relieves officers from their responsibility to take written reports when the circumstances of a call/activity require one. When duplicate calls are received for a single incident, only one report will be required.

Any DPS criminal incident report involving a University student, where that student is listed as a suspect/offender, will be forwarded to the Dean of Students for review and potential action by the Dean of Students. DPS will investigate a report when it is deemed appropriate to do so. Additional information obtained via the investigation will also be forwarded to the Dean of Students. The action will be taken in accordance with the Student Judicial System described below.

## **Student Conduct System**

The system is designed to be both educational and practical, based on the concept of fundamental fairness. Fundamental fairness is a concept that maximizes equal and just treatment of all parties involved, with due respect for all individual rights and privileges. Students under this system have the right to appeal major disciplinary decisions and sanctions to an alternate, autonomous body.

The policies and procedures contained herein are vested in the authority of Transylvania University and the Student Government Association. Decisions made by the student judicial system will be upheld and enforced with the authority of the President and administered by the Dean of Students.

The Code of Student Conduct and the student conduct process apply to the conduct of individual students and all Transylvania University-affiliated student organizations/groups. For the purposes of student conduct, Transylvania University considers an individual to be a student



when they become enrolled and thereafter as long as the student has a continuing educational interest in the educational program of Transylvania University.

Transylvania University retains conduct jurisdiction over students who choose to take a leave of absence, withdraw or have graduated for any misconduct that occurred prior to the leave, withdrawal or graduation. When violations are alleged, a hold may be placed on the student's ability to re-enroll and/or obtain official transcripts and/or graduate, until the hearing occurs. In the event of serious misconduct committed while still enrolled but reported after the responding party has graduated, Transylvania University may invoke these procedures and should the former student be found responsible, Transylvania University may revoke that student's degree.

The Code of Student Conduct applies to behaviors that take place on campus, at Transylvania University-sponsored events and may also apply off campus when the Dean of Students or designee determines that the off-campus conduct affects a substantial Transylvania University interest. (Adopted, with gratitude, from Penn State University.) A substantial Transylvania University interest is defined to include:

- Any situation where it appears that the student's conduct may present a danger or threat to the health or safety of him/herself or others; and/or
- Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational mission and/or interests of the Transylvania University;

The Code of Student Conduct may be applied to behavior conducted online, via email or other electronic medium. Students should also be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations are posted online. Transylvania University does not regularly search for this information but may take action if and when such information is brought to the attention of Transylvania University officials. However, most online speech by students not involving Transylvania University networks or technology will be protected as free expression and not subject to this Code, with two notable exceptions:

- A true threat, defined as "a threat a reasonable person would interpret as a serious expression of intent to inflict bodily harm upon specific individuals";
- Speech posted online about the Transylvania University or its community members that causes a significant on campus disruption.

The Code of Student Conduct applies to guests of community members whose hosts may be held accountable for the misconduct of their guests. The Code may also be applied to resident non-students, campers and high school bridge/extension/partner/dual-credit and continuing education programs by contractual agreements. Visitors and guests of Transylvania University

may seek resolution of violations of the Code of Student Conduct committed against them by members of Transylvania University community.

University judicial decisions are based on a **preponderance of evidence**, not proof beyond a reasonable doubt.

The accused student is innocent of all charges until finally determined to be found “responsible” and until such time will retain full student status, with all rights and privileges of the same. Exceptions to this may be taken when interim sanctions are imposed. Interim sanctions may be determined and imposed by the Dean of Students or designee (including the Title IX Coordinator). Such sanctions are meant to be temporary, to address immediate emergencies, and to preserve the safety of the community. They are in effect until the accused has the opportunity to have a hearing or appeal.

Transylvania University is not a sanctuary from the law, therefore, any violation of state or federal penal codes and statutes may be dealt with by the appropriate law enforcement agencies. The University reserves the right to use such agencies and will in no way hinder the agents from their duties.

## **Student Conduct Rights**

A student who allegedly violated a university policy will be granted these rights in order to ensure fundamental fairness in the conduct process.

1. Notice—to be informed in writing of the specific violation(s) in which the student is suspected of involvement. Such notice will include the time and place of the hearing. It is the student’s responsibility to check their Transylvania e-mail daily.
2. Procedures—to be informed in writing of the conduct process. The student has the right to review official documents in their disciplinary file in advance of a determination. The student may request a different hearing officer, which will be granted at the discretion of the Dean of Students.
3. Hearing—to have the opportunity to be heard in person before a decision is made, unless the accused student fails to appear at the hearing. In such a case, the student waives their right to review or appeal the decision.
4. Witness—to be able to offer evidence by presenting material relevant to the case and/or having witnesses speak. It is the responsibility of the parties to provide a list of witnesses to the Dean of Students or designee at least 48 hours prior to the hearing. The names of all witnesses will be exchanged between the parties in advance of the hearing. Witnesses will be notified of the expectation to attend by the Dean of Students. Exceptions to the deadline may be determined by the appropriate hearing officer/board. The University may also call witnesses not identified by the parties, again with 48 hours notice. This “power of subpoena” is limited to a formal request; a witness cannot be required to appear before the board. Witnesses are to be available for the duration of the hearing and will be called as needed throughout the hearing.
5. Supporters—to have a Transylvania University faculty member, a staff member, student, or other eligible and available individual attend the hearing in the role of a friend and supporter, but who is not permitted to speak in the hearing. All parties have the right to

have a supporter present, who may be an attorney, but who still functions only in the role of supporter. Parties will inform the Dean of Students of the identity of their advisor at least 48 hours prior to the hearing.

6. Written Decision—to have written notification of the results of the hearing and any sanction(s), as permitted by law, as soon as possible after the conclusion of the hearing. This notification will include the finding and rationale, and will be shared with all parties to the extent permitted/required by law. The notification will explain when the decision is considered final, will inform of any changes to the decision before it is finalized, and will outline all appeal options.
7. Appeal—The student's right to request an appeal is described at the end of this section.

## **Procedures**

Any member of the Transylvania University community, visitor or guest may allege a policy violation(s) by any student for misconduct according to this document. A complaint may also be filed with the Dean of Students or designee and/or to the Title IX Coordinator, when appropriate. Additionally, administrators may act on notice of a potential violation whether a formal allegation is made or not. All allegations can be submitted by a victim or a third party, and should be submitted as soon as possible after the offending event occurs.

Transylvania University has the right to pursue an allegation or notice of misconduct on its own behalf and to serve as convener of the subsequent campus conduct process. The Dean of Students or designee will assume responsibility for the investigation of the alleged violation as described in the subsection below.

Complaints/charges will be prepared in writing and submitted to the Dean of Students or designee through the Incident Reporting Form at [https://cm.maxient.com/reportingform.php?TransylvaniaUniv&layout\\_id=4](https://cm.maxient.com/reportingform.php?TransylvaniaUniv&layout_id=4). Complaints/charges should be submitted as soon as possible, but preferably within two weeks of the alleged misconduct.

### **Investigation**

The Dean of Students or designee will appoint an investigator(s) for allegations. The investigator(s) will take the following steps, if not already completed by the Dean of Students or designee:

- 1) Initiate any necessary remedial actions on behalf of the victim (if any);
- 2) Determine the identity and contact information of the party bringing the complaint, whether that person is the initiator of the complaint, the alleged victim, or a Transylvania University proxy or representative;
- 3) Conduct an immediate preliminary investigation to identify an initial list of all policies that may have been violated, to review the history of the parties, the context of the incident(s), any potential patterns and the nature of the complaint;
  - a) If the victim of the complaint is reluctant to pursue the process, determine whether the complaint should still be pursued and whether sufficient independent evidence could support the complaint without the participation of the victim;

- b) Notify the victim of whether Transylvania University intends to pursue the complaint regardless of their involvement, and inform the victim of their rights in the process and option to become involved if they so choose;
  - c) Preliminary investigation usually takes between 1-7 business days to complete;
- 4) If indicated by the preliminary investigation and authorized by the Dean of Students or designee, conduct a comprehensive investigation to determine if there is reasonable cause to believe that the responding student violated Transylvania University policy, and to determine what specific policy violations should serve as the basis for the complaint;
  - a) If there is insufficient evidence through the investigation to support reasonable cause, the allegations will be closed with no further action;
  - b) A comprehensive investigation usually takes between one day and two weeks;
- 5) Meet with the party bringing the complaint to finalize the party bringing the complaint's statement, which will be drawn up by the investigator or designee as a result of this meeting;
- 6) Commence a thorough, reliable and impartial investigation;
- 7) Interview relevant witnesses, summarize the information they are able to share and have each witness sign the summary to verify its accuracy;
- 8) Obtain documentary evidence and information that is available;
- 9) Obtain physical evidence that is available;
- 10) Complete the investigation promptly by analyzing available evidence without unreasonable deviation from the intended timeline;
- 11) Investigator presents collected information to the administrative hearing officer or hearing panel;
- 12) The administrative hearing officer or hearing panel makes a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not);

### **Hearing Options & Preparation**

The following subsections describe the Transylvania University's conduct hearing processes. No student may be found to have violated the Code of Student Conduct solely as a result of the student's failure to appear for a hearing. In all such instances, conduct hearings will proceed as scheduled and the information in support of the complaint will be presented to, and considered by, the Dean of Students or designee, AHO or panel presiding over the hearing.

Preparation for a hearing is summarized in the following guidelines:

- 1) Notice: Once a determination is made that reasonable cause exists for the Dean of Students or designee to refer a complaint for a hearing, notice will be given to the responding student. Notice will be in writing and may be delivered by one or more of the following methods: in person by the Dean of Students or designee; mailed to the local or permanent address of the student as indicated in official Transylvania University records; or emailed to the student's Transylvania University-issued email account. The letter of notice will include the alleged violation and notification of where to locate the Code of Student Conduct and Transylvania University procedures for resolution of the complaint. A meeting with the Dean of Students or designee may be arranged to explain the nature of the complaint and the conduct process.

- 2) **Alleged Victim:** If there is an alleged victim of the conduct in question, the alleged victim may serve as the party bringing the complaint or may elect to have the Transylvania University administration serve as the party bringing the complaint forward. Where there is no alleged victim, the assigned investigator or designee will serve as the party bringing the complaint forward.
- 3) **Collection of Information for Hearing:** At least 48 hours before any scheduled formal hearing:
  - a) The responding student can deliver to the Dean of Students or designee a written response to the complaint;
  - b) If the responding student desires to have witnesses at the hearing they must deliver to the Dean of Students or designee a written list of witnesses with contact information;
  - c) The responding student should deliver to the Dean of Students or designee all physical evidence the student intends to use or needs to have present at the hearing and will indicate who has possession or custody of such evidence, if known, so that the Dean of Students or designee can arrange for its presence;
  - d) If the party bringing the complaint desires to have witnesses at the hearing they must deliver to the Dean of Students or designee a written list of witnesses with contact information;
  - e) The party bringing the complaint should deliver to the Dean of Students or designee all items of physical evidence needed at the hearing and will indicate who has possession or custody of such evidence, if known, so that the Dean of Students or designee can arrange for its presence;
  - f) The party bringing the complaint and the responding student will notify the Dean of Students or designee of the names of any advisors/advocates who may be accompanying the parties at the hearing.
  - g) The Dean of Students or designee will ensure that the hearing information and any other available written documentation is shared with the parties before any scheduled hearing. In addition, for cases going before the University Conduct Board, the parties will be given a list of the names of all the panelists in advance. Should any party object to any panelist, that party must raise all objections, in writing, to the Dean of Students or designee immediately. Hearing officers will only be unseated if the Dean of Students or designee concludes that their bias precludes an impartial hearing of the complaint. Additionally, any panelist who feels they cannot make an objective determination must recuse themselves from the proceedings.

### **Panel Hearing Procedures**

The Dean of Students or designee will appoint one panelist as the Chair for the hearing. The parties have the right to be present at the hearing; however, they do not have the right to be present during deliberations. If a student cannot attend the hearing, it is that student's responsibility to provide adequate notice to the Dean of Students or designee. Except in cases of grave or unforeseen circumstances, if the responding student fails to give appropriate adequate notice or if the responding student fails to appear, the hearing will proceed as scheduled. If the party bringing the complaint fails to appear, the complaint may be dropped unless the Transylvania University chooses to pursue the allegation on its own behalf, as determined by the Dean of Students or designee.

The Dean of Students or designee, the Chair and the Panel will conduct panel hearings according to the following guidelines:

- 1) Hearings will be closed to the public.
- 2) Admission to the hearing of persons other than the parties involved will be at the discretion of the panel chair and the Dean of Students or designee.
- 3) In hearings involving more than one responding student, the standard procedure will be to hear the complaints jointly; however, the Dean of Students or designee may permit the hearing pertinent to each responding student to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each responding student.
- 4) The parties have the right to an advisor/advocate of their own choosing. Typically advisors are members of the campus community, but the parties may select whomever they wish to serve as their advisor, including faculty, parents, or attorneys. The advisor may not make a presentation or represent the party bringing the complaint or responding student during the hearing. They may confer quietly with their advisee, exchange notes, clarifying procedural questions with the chair and suggest questions to their advisee.
- 5) The party bringing the complaint, the responding student, the panel, and the Dean of Students or designee will have the privilege of questioning all present witnesses and questioning all present parties (directly or through the Chair, at the discretion of the Chair). Unduly repetitive witnesses can be limited at the discretion of the panel Chair and/or the Dean of Students or designee.
- 6) Pertinent records, exhibits, and written statements may be accepted as information for consideration by the panel and the Dean of Students or designee. Formal rules of evidence are not observed. The panel Chair and/or the Dean of Students or designee may limit the number of character witnesses presented or may accept written affidavits of character instead.
- 7) All procedural questions are subject to the final decision of the Dean of Students or designee.
- 8) After a panel hearing, the panel will deliberate and determine, by majority vote, whether it is more likely than not that the responding student has violated the Code of Student Conduct. The Dean of Students or designee will be present and available as a resource during all deliberations. Once a finding is determined, if the finding is that of a policy violation, the panel will determine an appropriate sanction(s). The Dean of Students or designee is responsible for informing the panel of applicable precedent and any previous conduct violations or other relevant pattern information about the responding student. The panel chair will provide to the student the findings along with recommended sanctions. The panel Chair will prepare a written deliberation report and deliver it to the Dean of Students or designee, detailing the recommended finding, the information cited by the panel in support of its recommendation, and any information the panel excluded from its consideration and why. This report should conclude with any recommended sanctions. This report should not exceed two pages in length and must be submitted to the Dean of Students or designee following the end of deliberations.
- 9) The Dean of Students or designee will consider the recommendations of the panel, may make appropriate modifications to the panel's report and will then render a decision and

inform the responding student and party bringing the complaint (if applicable by law or Transylvania University policy) of the final determination within seven (7) days of the hearing.

- 10) Notification will be made in writing and may be delivered by one or more of the following methods: in person by the Dean of Students or designee ; mailed to the local or permanent address of the student as indicated in official Transylvania University records; or emailed to the student's Transylvania University-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered.
- 11) There will be a single verbatim record, such as an audio recording, for all panel hearings. Deliberations will not be recorded. The record will be the property of the Transylvania University and maintained according to the Transylvania University's Retention of Student Records Policy.

### **Findings**

The following options describe how to proceed depending on whether the responding student is found responsible using a standard of preponderance of evidence.

- The Responding Student is Found "Not Responsible"

Where the responding student is found not responsible for the alleged violation(s), the investigation will be closed.

- The Responding Student is Found "Responsible"

The administrative hearing officer or the hearing panel will recommend appropriate sanctions for the violation, for approval by the Dean of Students or designee. In cases involving discrimination, recommended sanctions will act to end the discrimination, prevent its recurrence, and remedy its effects on the victim and the Transylvania University community.

### **Sexual Misconduct Judicial Procedures**

Due to the sensitive nature involved with adjudicating alleged cases of sexual misconduct, a special set of procedures are followed. The related policies and procedures are described below in the [Title IX policy](#). Questions regarding misconduct outlined in this policy as well as judicial procedures as they apply to Title IX grievances, should be directed to the [Title IX Coordinator](#).

### **Administrative Resolution**

Once notice is received, a preliminary inquiry determines whether there is reasonable cause to believe this Code has been violated. If not, this process ends. If reasonable cause is found, additional investigation may then be commenced and/or a hearing may be held. A formal notice of the complaint will be issued, and an administrative hearing will be held before an administrator determined by the Dean of Students. All sanctions are finalized by the hearing officer.

### **Board Resolution**

Once notice is received, a preliminary inquiry determines whether there is reasonable cause to believe this Code has been violated. If not, this process ends. If reasonable cause is found, additional investigation may then be commenced and/or a Board hearing may be held.

A formal notice of the complaint will be issued, and a hearing will be held before a conduct board, consisting of panelists, as determined by the Dean of Students. There are two boards: the Student Conduct Board and the University Conduct Board. An investigation will typically proceed to the University Conduct Board where the outcome may include separation from the university.

If the student is found in violation(s), sanctions will be recommended by the panel or administrator to the Dean of Students or designee who will review and finalize the sanctions, subject to the Transylvania University appeals process by any party to the complaint.

### **Student Conduct Board**

The Student Conduct Board consists of a maximum of 13 members: a hearing officer, a deputy hearing officer, and student panelists as the deputy hearing officer has a dual role as a panelist. The hearing officer will be elected by the Student Conduct Board in the spring. The hearing officer must have served at least one year on the Student Conduct Board before being eligible for the position. The student serving as hearing officer may serve in that position for only one year.

The deputy hearing officer must also serve at least one year on the conduct board before being eligible for the position and must also be a panelist at the same time. The deputy hearing officer will be elected in the fall by the hearing board after jury selection. A simple majority vote decides.

Appropriate violations will be heard by the Student Conduct Board, which consists of the hearing officer and five student panelists selected at random from the student conduct system roster by the hearing officer. The remaining student members of the student conduct system will be designated as alternates in the event that one or more of the randomly selected Student Conduct Board members cannot serve at the hearing. The hearing officer will function to ensure that the hearing procedure is performed in the spirit of fundamental fairness by facilitator of the hearing process, determining compliance with procedural guidelines, and providing past disciplinary records to the Student Conduct Board during the sanctioning process. For this purpose, the hearing officer has been deemed by the University as having a legitimate educational interest in accessing past disciplinary records of the responding party to a complaint.

The hearing officer will make a recording of the hearings, which will be kept until all appeals are resolved. In cases which result in suspension or expulsion, the recording will be maintained by the Dean of Students for seven years from the time of its creation. Additionally, the hearing officer will serve as liaison to the Student Affairs staff and will provide the recommendations of the hearings to the Dean of Students or designee for finalization.

### **University Conduct Board**

The Dean of Students or designee will be responsible for assembling the Hearing Panel according to the following guidelines

- 1) The membership of the panel is selected from the faculty, staff, and student pools and trained annually by the Dean of Students or designee. Students are selected from the



membership of the Student Conduct Board. The remaining membership will be composed of a maximum of 8 faculty and 8 staff.

- 2) For each complaint, a voting panel will be chosen from the available pool, and is usually comprised of one student, one faculty member, one staff member, and one non-voting chair. Availability may determine a different composition for the Panel, and in complaints involving discrimination or other sensitive issues, the Dean of Students or designee will usually use three faculty or staff members for the panel. The Dean of Students or designee appoints the non-voting chair of the Hearing Panel, who assures that Transylvania University procedures are followed throughout the hearing. The Chair receives special additional training for that role. The parties will have an opportunity to object to any panel member on the basis of demonstrable bias, to be determined by the chair. If any member is unseated, an alternate will be appointed. Panelists should recuse themselves, as well, if any potential for bias of conflict-of-interest is apparent to them.
- 3) The faculty and staff members described above are used as panelist for both the University Conduct Board and the Sexual Misconduct Board.
- 4) Qualifications for Faculty and Staff Members of the University Conduct Board.
  - Recommended and selected by the President of Transylvania University.
  - Participate in both student conduct and sexual misconduct training on an annual basis.
- 5) The non-voting advisor to the University Conduct Board is the Dean of Students or designee with responsibility for training the University Conduct Board, conducting preliminary investigations, and ensuring a fair process for the parties. In the event of a resignation from the University Conduct Board, the Dean of Students or designee will solicit a replacement from the group from which the representative came.

## **Sexual Misconduct Hearing Board**

The Sexual Misconduct Hearing Board will consist of current faculty/staff Judicial Council members. The Title IX Coordinator and the Dean of Students Office will convene a Sexual Misconduct Hearing Board consisting of three University community members to conduct a closed hearing. More specifically, the board will consist of current faculty/staff Judicial Council members. Members of the Sexual Misconduct Hearing Board will not all be of the same gender. All hearing board members are required to receive annual training on all issues related to domestic violence, dating violence, sexual assault, stalking, and exploitation, as well as how to conduct a hearing process that protects the safety of the parties and promotes accountability. All involved parties will be informed of the composition of the board at least five business days prior to the hearing, and can object to any member of the board for cause. Replacement of any hearing board member is at the discretion of the Title IX Coordinator and the Dean of Students.

## **Sanctions**

One or more of the following sanctions may be imposed upon any student or student organization for any single violation of the Code of Student Conduct:

- 1) Warning: An official written notice that the student or organization/group has violated Transylvania University policies and/or rules and that more severe conduct action will

- result should the student or organization/group be involved in other violations while the student is enrolled or the or organization/group is active at the Transylvania University.
- 2) Restitution: Compensation for damage caused to the Transylvania University or any person's property. This could also include situations such as failure to return a reserved space to proper condition – labor costs and expenses. This is not a fine but, rather, a repayment for labor costs and/or the value of property destroyed, damaged, consumed, or stolen.
  - 3) Fines: Reasonable fines may be imposed. Fines may include:
    - a) \$75.00 Fine - Alcohol First Violation
    - b) \$150.00+ Fine - Alcohol Second Violation
 Community/Transylvania University Service Requirements: For a student or organization/group to complete a specific supervised Community or University service hours.
  - 4) Loss of Privileges: The student or organization/group will be denied specified privileges for a designated period of time.
  - 5) Confiscation of Prohibited Property: Items whose presence is in violation of Transylvania University policy will be confiscated and will become the property of the Transylvania University. Prohibited items may be returned to the owner at the discretion of the Dean of Students or designee and/or Department of Public Safety.
  - 6) Behavioral Requirement: This includes required activities including, but not limited to, seeking academic counseling or substance abuse screening, writing a letter of apology, etc.
  - 7) Educational Program: Requirement to attend, present and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible. The audience may be restricted.
  - 8) Restriction of Visitation Privileges: May be imposed on a resident or non-resident student. The parameters of the restriction will be specified.
  - 9) Transylvania University Housing Probation: Official notice that, should further violations of Residence Life or Transylvania University policies occur during a specified probationary period, the student may immediately be removed from Transylvania University housing. Regular probationary meetings may also be imposed.
  - 10) Transylvania University Housing Reassignment: Reassignment to another Transylvania University housing facility. Residential Life personnel will decide on the reassignment details.
  - 11) Transylvania University Housing Suspension: Removal from Transylvania University housing for a specified period of time after which the student is eligible to return. Conditions for readmission to Transylvania University housing may be specified. Under this sanction, a student is required to vacate Transylvania University housing within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of the Director of Housing and Residence Life. This sanction may be enforced with a trespass action if deemed necessary. Prior to reapplication for Transylvania University housing, the student must gain permission from the Director of Housing and Residence Life (or designee). This sanction may include restrictions on visitation to specified buildings or all Transylvania University housing during the suspension. Students will be financially responsible for their room and board bill even while on suspension.

- 12) Transylvania University Housing Expulsion: The student's privilege to live in, or visit, any Transylvania University housing structure is revoked indefinitely. This sanction may be enforced with a trespass action if deemed necessary.
- 13) Transylvania University Probation: The student or organization/group is put on official notice that, should further violations of Transylvania University policies occur during a specified probationary period, the student or organization/group may face suspension or expulsion. Regular probationary meetings may also be imposed.
- 14) Eligibility Restriction: The student or organization/group is deemed "not in good standing" with the Transylvania University for a specified period of time. Specific limitations or exceptions may be granted by the Dean of Students or designee and terms of this conduct sanction may include, but are not limited to, the following:
  - a) Ineligibility to hold any office in any student organization recognized by the Transylvania University or hold an elected or appointed office at the Transylvania University; or
  - b) Ineligibility to represent the Transylvania University to anyone outside the Transylvania University community in any way including: participating in the study abroad program, attending conferences, or representing the Transylvania University at an official function, event or intercollegiate competition as a player, manager or student coach, etc.
  - c) Inability to recruit, rush, initiate new members, receive University funds, or other organization/group restrictions as appropriate.
- 15) Transylvania University Suspension: Separation from the Transylvania University for a specified minimum period of time, after which the student or organization/group is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension. For suspension of a student, the student is required to vacate the campus within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of the Dean of Students or designee. During the suspension period, the student or organization/group is banned from university property, functions, events and activities without prior written approval from the Dean of Students or designee. This sanction may be enforced with a trespass action as necessary. This sanction may be noted as a Conduct Suspension on the student's official academic transcript.
- 16) Transylvania University Expulsion: Permanent separation from the Transylvania University. The student is banned from university property and the student's presence at any Transylvania University-sponsored activity or event is prohibited. This action may be enforced with a trespass action as necessary. This sanction may be noted as a Conduct Expulsion on the student's official academic transcript. For organizations/groups, this sanction takes the form of withdrawal of University or recognition of the organization/group.
- 17) Other Sanctions: Additional or alternate sanctions may be created and designed as deemed appropriate to the offense with the approval of the Dean of Students or designee or designee.

The above sanctions may be imposed upon organizations/groups found to have violated the Code of Student Conduct. Additionally, organizations/groups may be subject to deactivation, derecognition, loss of all privileges (including status as a Transylvania University registered organizations/groups), for a specified period of time.

## **Appeals**

Any party may request an appeal of the decision of the Panel or Administrative Hearing Officer by filing a written request to the Dean of Students or designee, subject to the procedures outlined below. All sanctions imposed by the original hearing body remain in effect, and all parties should be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision.

### **GROUND FOR APPEAL REQUESTS**

Appeals requests are limited to the following grounds:

- 1) A procedural or substantive error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
- 2) To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. Failure to provide information during or participate in an investigation or a hearing, even resulting from concern over pending criminal or civil proceedings, does not make evidence “unavailable” at the time of the hearing. A summary of this new evidence and its potential impact must be included;
- 3) The sanctions imposed are substantially outside the parameters or guidelines set by the Transylvania University for this type of offense or the cumulative conduct record of the responding student.

Appeals must be filed in writing with the Dean of Students or designee within three (3) business days of the notice of the outcome of the hearing, barring exigent circumstances. Any exceptions are made at the discretion of the Dean of Students or designee.

The Dean of Students or designee will share the appeal by one party with the other party (parties) (e.g., if the responding student appeals, the appeal is shared with the complainant, who may also wish to file a response, request an appeal on the same grounds or different grounds). The Dean of Students or designee will refer the request(s) to Transylvania University’s designated Appeal Review Officer. The Dean of Students or designee will also draft a response memorandum to the appeal request(s), based on the Appeal Review Officer’s determination that the request(s) will be granted or denied, and why. All request-related documents are shared with all parties prior to submission to the Appeal Review Officer.

The designated Appeal Review Officer will conduct an initial review to determine if the appeal request meets the limited grounds and is timely. They may consult with the Dean of Students or designee on any procedural or substantive questions that arise.

If the appeal request is not timely or substantively eligible, the original finding and sanction will stand and the decision is final. If the appeal has standing, the Appeal Review Officer determines whether to refer the appeal to the Appeals Panel or to remand it to the original decision-maker(s), typically within 3-5 business days. Efforts should be made to use remand whenever possible, with clear instructions for reconsideration only in light of the granted appeal grounds.

Where the original decision-maker may be unduly biased by a procedural or substantive error, a new panel will be constituted to reconsider the matter, which can in turn be appealed, once. A full rehearing by the Appeals Panel are very rarely used. Where new evidence is presented or the sanction is challenged, the Appeals Review Officer will determine if the matter should be returned to the original decision-maker for reconsideration or if it should be reviewed by the Appeals Panel with instruction on the parameters regarding institutional consistency and any applicable legal guidelines. In review, the original finding and sanction are presumed to have been decided reasonably and appropriately, thus the burden is on the appealing party(ies) to show clear error. The Appeals Panel must limit its review to the challenges presented.

On reconsideration, the Appeals Panel or original decision-maker may affirm or change the findings and/or sanctions of the original hearing body according to the permissible grounds. Procedural or substantive errors should be corrected, new evidence should be considered, and sanctions should be proportionate to the severity of the violation and the student's cumulative conduct record.

All decisions of the Appeals Panel are to be made within five (5) days of submission to the Panel and are final, as are any decisions made by the original hearing body, Dean of Students or designee as the result of reconsideration consistent with instructions from the Appeal Review Officer.

## **THE APPEALS PANEL**

Three-member Appeals Panels are drawn from the hearing panel pool, with the following requirements to serve:

- 1) they did not serve on the Panel for the initial hearing
- 2) they were not involved in the investigation in any way
- 3) they have been properly trained in appeals procedures

The Appeal Review Officer will have final authority to approve all those serving on the panel. The parties may challenge a panelist(s) on the basis of potential bias, and any panelist who cannot render an impartial decision must recuse themselves. The Appeals Review Officer will make a determination as to the validity of any challenge or need for recusal. In the event of a recusal from the panel, the Appeals Review Officer will solicit a replacement from the pool of panelists.

The Dean of Students or designee serves as a non-voting advisor to the panel, with responsibility for training the panel, conducting preliminary investigations, and ensuring a fair process for the parties.

The presumptive stance of Transylvania University is that all decisions made and sanctions imposed by the original decision maker are to be implemented during the appellate process. At the discretion of the Dean of Students or designee when necessary, implementation of sanctions may be stayed pending review only in extreme circumstances. This does not include proximity to graduation, end of term, or exams. Instead, it refers to an overwhelming likelihood, as determined by the Appeals Review Officer and Dean of Students or designee, in consultation, that the appeal would result in a reversal of the finding and/or substantial modification of the sanctions.

## **OTHER GUIDELINES FOR APPEALS**

- All parties will be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision;
- Every opportunity to return the appeal to the original decision-maker for reconsideration (remand) should be pursued;
- Appeals are not intended to be a full rehearing of the complaint (de novo). In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal; Witnesses may be called if necessary.
- Appeals are not an opportunity for appeals panelists to substitute their judgment for that of the original decision-maker merely because they disagree with the findings and/or sanctions. Appeals decisions are to be deferential to the original decision-maker, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so.

### **Sexual Misconduct Hearing Appeals**

Appeals of the decision will go before the Hearing Appeals Officer. The Hearing Appeals Officer for students is the VP for Student and/or Academic Affairs or designee and for employees is the Vice President/President or designee. An appeal of the decision may be filed by the reporting party or the respondent or both. All requests for appeal considerations must be submitted in writing to the Title IX Coordinator within five (5) business days from the delivery of the decision letter. The Title IX Coordinator will share the appeal with the appropriate office for consideration. The original finding and responsive actions will stand if the appeal is not timely or is not based on the grounds listed below, and such a finding and responsive action(s) are final. The Title IX Coordinator or designee will ensure the appeal meets the following criteria to permit the appeal to move forward.

Appeals must be based on one of the following grounds:

- A procedural error or omission occurred that could have significantly impacted the outcome.
- There is new evidence, unknown or unavailable at the time of hearing, which could have substantially impacted the finding or sanction. A summary of this new evidence and its potential impact upon the investigation must be included in the appeal.
- The sanctions or remedies imposed are substantially disproportionate to the severity of the violation.

When a party requests an appeal, the other party (parties) will be notified and given three (3) business days to respond in writing to the Title IX Coordinator.

Where the Hearing Appeals Officer finds that at least one of the grounds is met, and proceeds with the appeal, additional principles governing the hearing of appeals include the following:

- All parties will be informed of the grounds for which the appeal has been accepted.
- Interim and/or protective actions will be imposed and/or continued as appropriate.
- Hearing Appeal Officer: Appeals are not intended to be full re-hearings of the complaint. Appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the grounds for appeal.

Upon review of all of the information, the Hearing Appeal Officer has the authority to do one of the following: uphold, reverse, or modify the sanctions recommended by the Hearing Board or remand the case back to a Hearing Board - An appeal can only be remanded to a Hearing Board due to a procedural error or new information. The Hearing Appeal Officer will generally render a decision within five business days to the Title IX Coordinator. The Hearing Appeals Officer or designee will communicate the outcome to all involved parties and all University personnel that need to know in a timely manner. Once an appeal is decided, the outcome is final; further appeals are not permitted under this policy.

### **Off-Campus Crime Reporting**

If the Lexington Police Department (LPD) is contacted about criminal activity occurring off-campus involving Transylvania students, they may notify DPS. However, there is no official LPD policy requiring such notification. Students in these cases may be subject to arrest by LPD Police and University disciplinary proceedings through the Associate Dean of Students Office. However, if notified, DPS officers may assist with the investigation in cooperation with local, state, or federal law enforcement. LPD Police routinely work and communicate with campus officers on serious incidents occurring on-campus or in the immediate neighborhoods and/or businesses surrounding campus. If LPD Police are contacted in reference to incidents occurring on University controlled property, including non-campus student housing facilities and student organizations, they will notify DPS of the incident. While LPD Police have primary jurisdiction in all areas off campus, DPS officers may and will respond to student related incidents that occur in close proximity to campus when notified by LPD Police. DPS officers only have jurisdiction on property owned/leased by Transylvania University.

### **Reportable Crimes**

The following crimes shall be reported immediately to the Department of Public Safety or Residence Life:

- Arson
- Assault & Aggravated Assault
- Burglary
- Criminal Damage to Property
- Criminal Homicide (Murder, Negligent and Nonnegligent Manslaughter)
- Menacing
- Motor Vehicle Theft
- Reckless Homicide
- Robbery
- Sex Offenses (Forcible and Non-forcible Sex Offenses)
- Domestic Violence
- Dating Violence
- Fondling
- Stalking
- Terroristic Threatening
- Theft
- Wanton Endangerment
- Weapons Possession
- Criminal Attempt for any of the above crimes

- Arrest for Liquor Law, Drug Law, and Illegal Weapons Violations

Incidents where students are referred for campus disciplinary action related to liquor law, drug law, or illegal weapons violations shall be reported at least annually.

### **Hate Crimes**

In addition to the above-referenced crimes, crimes of larceny-theft, simple assault, intimidation, destruction/damage/vandalism of property, or any other crime involving bodily injury that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability shall be reported at least annually.

### **Fire**

Every fire, fire alarm, or threat of fire (an expression of an intention to inflict something harmful in the way of destructive burning or explosions) shall immediately be reported to the Department of Public Safety, which in turn shall report the incident to the State Fire Marshal. The Department of Public Safety shall also report all threats or actual alarms to the local fire department. The Facilities Management Department shall coordinate their fire alarm reporting activities with those of the Department of Public Safety.

### **Voluntary & Confidential Reporting**

All reports will be investigated. The University does not have a Voluntary Confidential Reporting Policy. Transylvania University encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, Transylvania cannot hold reports of crime in confidence. When a potentially dangerous threat to the University community arises, Public Safety Notices or warnings will be issued through email announcements, the posting of flyers at various campus locations, or other appropriate means. For purposes of inclusion in the annual disclosure of crime statistics, confidential reports are generally made to other University CSAs who meet certain requirements and only under certain situations, i.e. pastoral and professional counselors that are acting in that role when made aware of any crime.

### **Mandatory Reporters**

Transylvania University policy defines all employees as mandatory reporters for crimes that involve Transylvania University students, faculty, and/or staff, and/or happen on campus. The following employees are exempt from some reporting requirements due to the guidelines from their profession: campus mental health counselors, health care providers and/or religious advisors.

When a mandatory reporter becomes aware of an alleged act of sexual harassment, discrimination or assault, the reporter must promptly contact the [Title IX coordinator](#).

When an employee becomes aware of any campus crimes, threats of crimes, fire, or threats of fire, they must also report these threats in a prompt manner to Department of Public Safety.



### ***Notification of a Suicidal Student***

The student's safety is our top priority; therefore, if a student expresses suicidal thoughts and/or actions to an employee, the employee must immediately contact the Department of Public Safety. If the threat does not appear to be imminent individuals are encouraged to contact the Department of Student Wellbeing at 859-281-3682 during regular operating hours. If possible, walk the student over to the center to be evaluated by a professional counselor on staff. If an employee becomes aware of a matter after hours, please contact DPS at 859-233-8118 and they will make the necessary contacts.

### ***Campus Security Authorities***

Federal and state laws require University employees that are defined as "campus security authorities" to report all campus crimes, fires, and threats of fire of which they become aware (complete list detailed below). For the purposes of this General Order, a "campus security authority" is broadly defined as an individual having responsibility for campus security and officials having significant responsibility for student and campus activities. Campus security authorities include but are not limited to:

1. Director of Public Safety and employees of the Department of Public Safety;
2. Director of Residence Life;
3. Vice President for Student Life and Dean of Students;
4. Associate Dean of Student Life ;
5. Director of Student Campus and Community Engagement;
6. Director of Student Wellbeing;
7. Director of Athletics

### ***Campus Security Authority Exceptions***

Maintenance, support, and clerical staff, are not typically considered campus security authorities. Pastoral counselors and professional counselors are not required to report when functioning within the scope of their official capacity. A "pastoral counselor" is defined as a person associated with a religious order or denomination and is recognized by that religious order or denomination as someone who provides confidential counseling. A "professional counselor" is defined as a person licensed or certified pursuant to Kentucky statute whose official responsibilities include providing mental health counseling to members of the University community. Pastoral counselor includes individuals who are not yet licensed or certified as a counselor but are acting under the supervision of a licensed or certified professional counselor. Medical professionals are not required to report under these acts.

## **Timely Warning Policy**

Students, faculty, staff, community members, and guests are encouraged to report all crimes and public safety-related incidents to Transylvania University Department of Public Safety in a timely manner to aid in providing accurate and timely warning notices to the community when appropriate, and to ensure inclusion in the annual crime statistics. In the event of a serious incident which may pose an ongoing threat to members of the Transylvania community, a Public Safety notice is sent to all students and employees on campus.

The Department of Public Safety writes the Public Safety Notices and works in conjunction with the Communications Office to disseminate the information to students and employees in a

manner that is timely. Transylvania University issues crime bulletins referred to as Public Safety Notices.

For the purposes of Public Safety Notices, DPS withholds the name and any other identifying information of victims as confidential. The Department of Public Safety determines the appropriate segment of the community to notify based on several factors, including, but not limited to, location of incident, nature of the incident, etc.

Public Safety Notices are distributed via blast email to all students, faculty, and staff. The report shall be made in a manner that aids the prevention of similar crimes. Anyone with information warranting a timely warning should report the circumstances to the Department of Public Safety, by phone (859-233-8118) or in person at the DPS office located at 439 W. Fourth St.

Public Safety notices are usually distributed for the following Uniform Crime Reporting Program (UCR/National Incident Based Reporting System (NIBRS) classifications: arson, criminal homicide, and robbery. Incidents of aggravated assault and sex offenses are considered on a case by case basis, depending on the case and whether there is a continuing threat to the campus community. Public Safety Notices may also be issued for other crime classifications, as deemed necessary.

## **Emergency Evacuation Procedures and Policies**

### **I. Policy**

#### **A. Purpose**

The basic emergency procedures outlined in the Transylvania University's Emergency Response Manual are to strengthen the protection of lives and property through effective use of campus resources. Since an emergency may be sudden and without warning, these procedures are designed to be flexible in order to accommodate contingencies of various magnitudes.

The following principles will guide the response of Transylvania University to any campus emergencies:

- Concern for students, employees and the local community
- Quick response
- Effective communication to appropriate groups
- Preparation for emergencies

The Emergency Response Plan is predicated on a realistic approach to the problems likely to be encountered on campus during a major emergency or disaster. Hence, the following are general guidelines:

1. An emergency or disaster may occur at any time of the day or night, weekend or holiday, with little or no warning.
2. The succession of events in an emergency is not predictable; hence, written support and operational plans will serve only as a guide and checklist, and may require field modification in order to meet the requirements of the emergency.
3. Specific departments may have detailed emergency response plans that will be enacted in conjunction with this emergency response plan.

4. Disasters may affect residents in the geographical location of the university, therefore city, county, and federal emergency services may not be available. A delay in on-campus emergency services may be expected up to 48 hours.
5. A major emergency may be declared if information indicates that such a condition is developing or is probable.

## B. Types of Incidents

Various incidents or occurrences on campus may be classified as emergencies. The purpose of the manual is to provide guidelines for employees and emergency response team members for the following types of incidents:

1. Student incidents (suicide, suicide attempt, death, critical or life threatening situation, or abduction)
2. Employee incidents (suicide, suicide attempt, death, critical or life threatening situation, or abduction)
3. Racial, religious, or gender based incidents
4. Belligerent behavior (angry or agitated individuals)
5. T-Alert
6. Violent or criminal behavior/hostage situations
7. Fire
8. Explosion
9. Bomb threat
10. Biological agents threat
11. Chemical spill
12. Communicable disease
13. Utility failure
14. Earthquake
15. Weather emergencies
  - a. Winter storms
  - b. Tornado/severe wind
  - c. Electrical storms
16. Evacuation procedures
17. Medical/first aid emergencies

## C. Definitions of an Emergency

The following definitions are provided as guidelines to assist employees in determining appropriate response:

1. **Critical Incident:** Any incident, potential or actual, that requires urgent action but may not seriously affect the overall functional capacity of the university. Report a minor emergency or critical incident immediately to the Dept. of Public Safety at 233-8118.
2. **Major Emergency:** Any incident, potential or actual, that will affect an entire building or buildings, and that will disrupt the overall operations of the university. Outside emergency services may be required, as well as major efforts from the university administration during times of crises. Report a major emergency immediately to the Department of Public Safety at 233- 8118 or 911 (campus phone 9-911).

3. **Disaster:** Any event or occurrence that has seriously impaired or halted the operations of the University. In some cases personnel casualties and severe property damage may be sustained. A coordinated effort of all campus-wide resources is required to effectively control the situation. Outside emergency resources will be essential. In cases of disaster, the Campus Emergency Response Team (CERT) will be activated, and the appropriate support and operational plans will be executed.

#### D. Incident Reporting

It is important that all employees assist in the reporting of incidents and emergencies. The Department of Public Safety is the primary point of emergency reporting. These services operate 24 hours per day/ 7 days per week.

1. In the event of an emergency, contact the Department of Public Safety immediately at 233- 8118.
2. Provide the following information when you report an emergency:
  - Your name
  - Location
  - Nature of the emergency
  - Nature of any injuries or other factors
3. If for some reason the Department of Public Safety cannot be reached, call 911 (campus phone 911) and report the emergency. Please be sure to identify your exact location on campus if contacting emergency services. Continue to attempt to contact the Department of Public Safety to report the incident.

### Transylvania University Emergency Response Plan

- A. **Plan Assessment:** The Campus Emergency Response Team (CERT) will review the Transylvania University Emergency Response Plan on an annual basis. The review will also be done in conjunction with drill and training records and post event debriefing.
- B. **Prevention and Risk Assessment Plan:** Transylvania University has in place several prevention and risk assessment plans. These include chemical hygiene plan, fire prevention plan, Hazard Communication plan, and other programs that are mandated by state and federal regulations.
- C. **Training and Drills:** Annual training for emergency response will be conducted for all supervisory and administrative employees. Student Life staff will be trained annually as well in conjunction with Residence Life training and other program review processes. Annual training schedule will be developed for all switchboard and security personnel. All employees will be trained in the emergency response protocol during the employee orientation program. Annual reminders (newsletter and updates) will accompany training opportunities. The Emergency Response Plan will be available in both written and electronic format for employee reference.

All employees are subject to the training parameters listed above. Specialty training needs may vary depending upon the incident type and college department. The following is a list of training parameters for each of the incident types:

1. Student incidents (suicide, suicide attempt, death, critical or life threatening situation, or abduction)
  - a. Student:

- Information provided to students in the RA Student Life Manual.
- b. Employee:  
Student Life and Dean of Students Staff trained annually. Non Residence Life employees trained during employee orientation.
  2. Employee Incidents (suicide, suicide attempt, death, critical or life threatening situation, or abduction)  
Supervisors trained annually. Employees trained upon orientation.
  3. Racial, religious, or gender based incidents  
Supervisors trained annually. Employees trained upon orientation.
  4. Violent or criminal behavior/Hostage situations  
Training will be conducted at orientations and annual retraining for DPS dispatchers, officers and "high profile" offices.
  5. Fire drills are completed across campus in the following manner:
    - a. Dormitories: One drill is to be conducted during the first month of each semester.
    - b. During scheduled fire drills the drill coordinator must arrange to have DPS notified at least 15 minutes prior to the drill. This will allow DPS enough time to contact the monitoring station and emergency dispatch that the alarm is a drill only.
  6. Explosion  
Procedures reviewed annually with personnel and upon orientation.
  7. Bomb Threat  
Annual training will be conducted to review procedures with DPS dispatchers and other phone personnel. DPS and CERT will annually review response protocol as well.
  8. Chemical Spill  
Science department staff trained annually under the chemical hygiene program. Annual review of response procedures with safety committee and CERT. Annual review of procedures with appropriate Physical Plant staff.
  9. Communicable Disease  
Training and updates provided to clinic and student life staff on an annual basis.
  10. Utility Failure Residence Life, Physical Plant, Public Safety will review procedures annually.
  11. Earthquake  
Employees will be trained during orientation. Residence Life staff to review all procedures with students. Annual reminders to be provided to all employees and students.
  12. Winter Storms  
Physical Plant maintains and reviews annually its response plan. DPS and dispatch personnel will review response procedures annually.
  13. Tornado/Severe Wind  
Annual drill conducted in conjunction with the statewide tornado drill each spring semester. Information will be distributed annually in preparation for the drill. Residence Life staff will review procedures with the residence hall students in addition to information provided to the campus.
  14. Electrical Storms  
Information to be provided annually for all employees and

students.

15. Building Evacuation Procedures

Supervisors will be responsible for ensuring that employees know the location of fire extinguishers, exits, and alarm system in the areas in which they work.

Building exit practiced in conjunction with fire drill schedule.

Specialty needs to be identified with each building. Including gas shut off and other hazardous exposures. Special attention given to evacuation of disabled individuals who will not be able to use elevators to exit the building.

16. Campus Evacuation Procedures

Procedures to be reviewed by CERT and other key personnel (safety committee, Residence Life staff, etc.) on an annual basis.

17. Medical/First Aid Emergencies

At orientation and annual reminders for all employees. First aid providers and other medical providers received training in accordance with their respective licensure schedules.



## **T-Alert (Text Message Safety Alerts)**

**Purpose:** The purpose of this Order is to establish the directives for sworn and civilian employees of the Transylvania University Department of Public Safety in using and implementing the T-ALERT Emergency Notification System.

**Definition:** The T-ALERT system is an emergency message notification system for the purpose of delivering subscription based emergency messages to the campus community. The system is designed to deliver emergency messages by text messaging cell phone subscribers, emailing all Transylvania email accounts, and displaying T-ALERT messages on digital signage throughout the campus. The fundamental goal of the T-ALERT system is to assist in promoting a safe environment for students, faculty and staff. The system is designed to be used only during emergency situations that require immediate action by the recipient.

**Emergencies:** Unplanned events that can cause physical injury to our students, faculty, staff, or the public; cause physical or environmental damage; or that can disrupt and/or damage research or educational operations. Examples would include but are not limited to:

- Dangerous Situation (active shooter, civil disturbance, hostage situation, explosion, etc.)
- Fire
- Hazardous Material Leak/Spill
- Inclement Weather Delays/Closures
- Tornado Warning
- Any activity in the immediate surrounding area of Campus that could potentially put students, faculty and/or staff in danger.

**T-Alert Policy:** It shall be the policy of Transylvania University's Department of Public Safety to restrict the use of the T-ALERT system only to the dissemination of information related to the

health and safety of people. The T-ALERT system shall not be used for non-urgent communication, general public relations or marketing. At no time may a T-ALERT be used for personal purposes. All Department of Public Safety employees are required to sign up for the T-Alert System. Employees may sign up through their TNet accounts or at <http://talert.transy.edu/>. Transylvania's Department of Public Safety and Information Technology staff are the only authorized initiators to send campus emergency messages. The Information Technology department is responsible for maintaining the T-ALERT system. All Department of Public Safety employees shall be trained in the proper use of T-ALERTS.

**T-Alert Procedure:** Upon notification of an emergency authorization to initiate a T-ALERT emergency message should be based on two key factors—threat to life/safety and response time to an immediate emergency. The decision to initiate a notification through the T-ALERT system will be based on the emergency and required immediate action. Activation of the T-ALERT emergency notification system shall be activated under the following circumstances:

1. Emergencies requiring immediate action: Department of Public Safety dispatcher will initiate notifications at the direction of the on duty supervisor or officer in charge, unless the dispatcher can confirm an immediate threat of an emergency such as shots fired, explosion, etc. Notifications will be made without delay unless, in the judgement of the on duty supervisor or officer in charge, the notification may compromise efforts to assist or to contain, respond to, or otherwise mitigate the emergency.
2. Dispatch shall immediately initiate a T-ALERT message if a weather alert is issued for a Tornado Warning.
3. Disruptions to normal campus operations: Department of Public Safety or the Information Technology staff may initiate notification regarding campus delays or closures due to inclement weather based on approval from the University Administration.

The Department of Public Safety, trained first responders available 24/7, will confirm the existence of any and all significant emergencies or dangerous situation by on-site observations, monitoring the National Weather Service radio and/or monitoring communication broadcasted by the Lexington Police Department.

Follow-up information to the initial incident will also be relayed to students, staff and faculty by T-Alert as necessary.

If an emergency requires disseminating information to the larger community, contact the on-duty Duty Commander with the Lexington Police Department at (859) 258-3600.

## **Daily Crime and Fire Log**

**Crime Log:** The University shall make available to the public, in written form and on the World Wide Web, an easily understood daily crime log that records by the date the crime was reported, any crime that occurred on campus. The log is maintained through a joint effort between the Department of Public Safety and Residence Life. The log must include the nature, date, time, and general location of each crime, and the disposition of the complaint, if known and can be found at <http://www.transy.edu/campus/safety.htm>. The Department of Public Safety may withhold information required in the log only if there is clear and convincing

evidence that the release of specific information may 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. This information shall be disclosed once the adverse effect is no longer likely to occur.

**Fire Log:** The University shall make available to the public in written form and on the World Wide Web an easily understood daily fire log that records, by date the fire was reported, and fire that occurred in on-campus student housing facilities. The log shall include the nature, date, time and general location of each fire. <http://www.transy.edu/campus/safety.htm>. The Director of Public Safety shall complete the Annual Fire Report for inclusion in the University's annual reports pursuant to the Clery/Minger Acts.

**Fire Marshal:** The Department of Public Safety is responsible for reporting fires, threats of fire and fire alarms to the State Fire Marshal's Office pursuant to the Minger Act.

Kentucky Fire Commission, 300 N. Main St., Versailles, KY, 40383. 1-800-255-2587.

The University's Department of Public Safety and Residence Life shall make reasonable, good faith efforts to obtain the required statistics from local police agencies and the State Police concerning campus crimes reported to those agencies.

- Lexington Police Department, 859-258-3600
- Fayette County Sheriff's Office, 859-252-1771
- Kentucky State Police, 502-227-2221
- Lexington Fire Department, 859-254-1120

## **Building Security**

Officers patrol the campus by foot, bicycle, golf cart, and automobile 24 hours a day. Dispatchers monitor video screens connected to over 100 cameras placed throughout campus. Most residence hall entrances are monitored by DPS staff via closed circuit television, and all halls are connected to a central monitoring fire alarm system. Dispatchers have direct radio access to DPS officers and to local fire and police departments. The University campus is equipped with numerous emergency telephones. A blue light above each outdoor emergency phone makes it easily identifiable at night. The phones on campus are widely available and automatically dials the DPS office when the handset is removed from the cradle or a button is pushed. There are some other emergency phones in various locations that have a keypad on the phone. In order to activate those particular phones you have to press 8118 on the keypad and those instructions are clearly indicated on or near the phone. A campus map displaying the locations of these phones may be viewed [here](#).

DPS maintains direct communications with the appropriate local police, fire and emergency medical response agencies in order to facilitate their responses in an emergency.

Potential criminal actions and other emergencies can also be reported to DPS by dialing 8118 from any campus telephone.



Transylvania's campus is well lighted, especially in parking lots and along main pathways and all exterior lights, including blue lights at emergency phone locations are checked by DPS officers weekly. A report of light outages is then forwarded to the Physical Plant for their attention. As an added safety service, officers are available 24 hours a day to escort students and employees by car, golf cart, or on foot within a one-block radius of campus.

Students, faculty, and staff have access to academic, recreational, and administrative facilities. All academic buildings are closed by 11 p.m. In order for students to enter after this time, they must have the permission of the Public Safety Director and the Academic Dean. The general public may attend cultural and recreational events, but visitors are limited to facilities in which those events are held.

Transylvania's well-trained residence life staff includes the director of residence life and housing, one assistant director of residence life, three area coordinators, and 19 students resident advisors. Most live in the residence halls and representatives of the staff are on call 24 hours a day. Access to residence halls is limited by swipe card access to students and their guests and each swipe of every card is recorded. Employees may have access when necessary, with certain restrictions. Residence halls are locked from midnight until 6 a.m., with the exception of the Rosenthal Complex and the 4th Street Apartments. During daytime hours, call the Department of Public Safety at 859-233-8118 or stop by the DPS office located at 439 W. Fourth Street. Special security procedures are followed during low-occupancy periods, such as holidays.

Facilities management employees have key access to all campus facilities for the purpose of addressing maintenance issues. Communication is maintained between them and DPS by radio, email and telephone and all issues of building safety and security are regularly exchanged between the groups.

## **Education Programs**

Personal safety and crime awareness is presented to students and new employees by the Director of DPS or his designee. To students it is presented during "New Student Orientation" at the beginning of each school year, during Resident Advisor training each year and during the annual "Meet and Greet". To new employees it is presented 2-3 times per year depending on the number and timing of new hires.

Topics discussed during the Personal Safety and Crime Awareness presentations include at a minimum:

- A. Safety in numbers (avoid walking alone) and call for a DPS escort
- B. How to respond and act if confronted with a personal threat
- C. Situational awareness
- D. Geographical areas to avoid
- E. What to look for and report if witnessing crime or suspicious activity
- F. How to avoid being a victim of auto theft or thefts from within your vehicle
- G. Room security
- H. Where and how to report crime

## **Security Awareness, Crime Prevention and Safety Programs**

**Promoting Safety and Security**--a list of crime prevention and security awareness programs and projects are available to the University community.

- Yellow Cab Vouchers: Transylvania and Yellow Cab Lexington work together to provide taxicab vouchers provided through both DPS and Student Wellbeing services. Available 24 hours a day if a student needs a ride to a location, from a location, or both anywhere in Fayette County. If after 4:30 pm please contact DPS for use of vouchers.
- Green Dot and Violence Prevention: The Green Dot strategy is about connection. Green Dots is about us. It is us. Looking out for each other. Creating a campus where everyone feels safe. Not tolerating power-based personal violence (sexual, relationship, and stalking violence) in any form. Whatever you do, in whatever way works for you, just get out there and get dotting! Nobody has to do everything, but everyone has to do something. We offer Green Dot discussions and Bystander Intervention Training to all interested groups on campus throughout the school year.
- Hazing Prevention: We have a system where students may anonymously report hazing incidents. Hazing awareness and hazing prevention campaigns are also provided throughout the school year on-campus.
- Alarm Systems: Over 15 panic button systems and 50 security alarm panels are installed across campus.
- Emergency Telephones: Over 70 red phones are available for use across campus in the case of an emergency. Anyone concerned about his or her personal safety or any other potentially hazardous situation can simply lift the receiver to automatically connect to DPS.
- New Student Orientation: at the beginning of each First Engagements or Fall Term during orientation information is provided regarding campus community, including personal security, how DPS works, and services that are available to the campus regarding personal safety and security.
- Text a Tip: a service offered through Transylvania and DPS, allows students, faculty and staff to text an anonymous tip to the following phone number in order to maintain the safety of the reporter and the surrounding community: (859) 351-7343.
- 24 Hour escort: an officer from DPS is available for your safety needs 24 hours a day, 7 days a week by simply picking up a red phone or dialing 859-233-8118.
- Internal Website: (T-Notes) has access to all of the information contained in the crime log.
- Website: DPS maintains a website at <http://inside.transy.edu/pages/dps/> for quick and up-to-date information on DPS and services it provides in addition to crime stats, crime prevention info, emergency procedures. Additionally, the website provides links to various law enforcement resources including the location of registered sex offenders in our area at Kentucky Sex Offender Registry (<http://kspsor.state.ky.us/>).

## **Alcohol Policy**

Transylvania provides a variety of alcohol and drug-free social and recreational opportunities. We also provide services and resources for community members who experience difficulties related to alcohol and drug use. The University provides informative prevention programs throughout the year, including a variety of workshops and lectures on alcohol and drug-related issues, to support and encourage healthy lifestyles. For students with substance abuse

problems or concerns, assistance is available at the Student Wellbeing Office. Experienced, professional counselors at the Student Wellbeing Office offer free, confidential support and guidance. They also offer individual assessments and referrals to both on and off-campus resources.

The University's alcohol policy is consistent with Kentucky State Law prohibiting the consumption and serving of alcohol by and to individuals less who are under 21 years old. Individuals who are of legal drinking age and choose to consume alcohol must do so in a responsible manner. Additionally, members of the university community are responsible for behaving in a manner that is not disruptive or endangering to the university community. Being under the influence of alcohol shall not be considered a mitigating factor for an individual's behavior.

The following descriptions of alcohol violations are taken from the Standards of Conduct and serve as the basis for university response. Each violation of the Standards of Conduct regarding alcohol will be reviewed, as well as past violations in the student's record, to determine appropriate sanctions. The sanctions provided below are guidelines and may include educational measures, fines, community restitution, and suspension from the university as a student's behavior is evaluated over the time they are enrolled at Transylvania. None of these guidelines preclude the possibility of criminal arrest and prosecution for violations of Kentucky State Law.

### **Alcohol Policy, Code of Student Conduct # 31**

Alcohol. Use, possession, or distribution of alcoholic beverages or paraphernalia except as expressly permitted by law and the Transylvania University's Alcohol Policy: All members of the Transylvania community—faculty, staff, and students—share a common cause in creating and fostering a campus culture in which there is no place for dangerous and irresponsible alcohol consumption. The university's alcohol policy is consistent with Kentucky State Law prohibiting the consumption and serving of alcoholic beverages by and to individuals who are under 21 years old. Individuals who are of legal drinking age and choose to consume alcohol must do so in a responsible manner. Additionally, members of the university community are responsible for behaving in a manner that is not disruptive or endangering to the university community. Being under the influence of alcohol will not be considered a mitigating factor for an individual's behavior. The following sanctions do not preclude the possibility of any criminal actions taken for violations of state law. Violation of the directives of the university alcohol policy including possession, and or transportation and or procurement and or distribution and or public use and or use by an individual less than 21 years of age.

- a) Underage Violation: Possession or consumption of alcohol by an individual less than 21 years of age.
- b) Quantities: Consumption on campus by individuals of age is for individual consumption. To discourage mass consumptions of alcohol, the university restricts the amount of alcohol one person may possess as part of the alcohol policy. Alcohol quantities are limited to a 6-pack of 12 oz. individual servings of beer, a 750ml bottle of wine, or a half pint of liquor. Any container larger than the above stated is strictly prohibited and considered a violation. The possession of kegs, coolers of alcoholic punch, cases of beer, or handles of liquor will be considered a more significant violation.

- c) Discrete Transportation and Possession of Unopened Alcohol: Anyone transporting alcohol through a public area must do so discreetly in a container through which one may not identify the contents. Anyone transporting alcohol by individuals age 21 or older through a public area may be required to present identification. If an ID cannot be produced, the alcohol may be disposed of as a result.
- d) Unregistered Social Event: Unregistered social events are prohibited in the residence halls. Residence Life will educate residents on the unregistered social event policy, fire code and safety during gatherings. At any given time, the number of individuals in a dwelling unit must adhere to the fire code regulations. Violation of the unregistered social event will be considered a major offense and will be sanctioned for an organization/group or individuals at the minimum of a third offense as described below. The presence of an alcohol policy violation including underage possession, consumption, transportation, intoxication or possession of alcohol by anyone in excess of permitted quantities and any of the following constitutes an unregistered social event:
- The number of people in the hallway, stairwell, bathroom, lobby, commons building or dwelling unit exceeds fire code.
  - You are unable to safely and freely move about the hallway because your path is impeded.
  - There were invitations, advertisements, an identifiable theme or loud and pervasive music throughout the floor. Examples of violations:
  - Underage consumption of alcohol.
  - Possession of alcohol in a public place (parking lot, porch, or back circle, etc.) regardless of age.
  - Providing alcohol to those under age 21.
  - Providing large quantities of alcohol to others.

### **Typical Sanctions for Alcohol Violations, Code of Student Conduct # 31**

- First violation: The student will meet with a representative from the Student Life staff or the Student Conduct Board, will receive a follow-up warning letter, and may pay a minimum fine of \$75 fine and complete an alcohol class. The Dean of Students may choose to notify parents depending on the severity of the violation.
- Second violation: A hearing will be conducted by the Student Conduct Board or a representative of the Dean of Students office. Sanctions may include a minimum fine of \$150, 10 to 20 hours of service work, referral to student counseling for an alcohol assessment, disciplinary probation status, and parent/guardian notification.
- Third violation: A hearing will be conducted by the University Conduct Board or a representative of the Dean of Students office. Sanctions may include a minimum fine of \$300, 20 to 30 hours of service work, referral to student counseling for an alcohol assessment, social probation status (may include loss of university privileges), residence hall dismissal or reassignment, parent/guardian notification, and university suspension.

## **Intoxication, Code of Student Conduct # 31f**

Intoxication: Appearing intoxicated to the degree that the individual may endanger themselves or another person, or creating a nuisance. Examples of violations:

- Intoxication in community spaces such as lounges, hallways, parking lots or back circle.
- Under the influence of alcohol and causing damage to property (exit signs, doors, electronic entrance devices, vehicles, etc).
- Under the influence of alcohol to the extent that assistance of others is needed.
- Under the influence of alcohol and causing a disruption (verbally harassing others, fighting with others, misconduct at university events, or generally disturbing the peace).

## **Typical Sanctions for Intoxication Violations, Code of Student Conduct # 31f**

- First violation: Depending on the severity of the incident, a hearing will be conducted by the Student Conduct Board, the University Conduct Board, or a representative of the Dean of Students office. Sanctions may include a fine of \$75, 20 to 30 hours of service work, social probation (may include loss of university privileges), completion of an alcohol class, referral to student counseling, and parent/guardian notification.
- Second violation: A hearing will be conducted by the University Conduct Board or representative of the Dean of Students office. Sanctions for repeat intoxication violations without any other violations will result in the maximum sanctions as described in the first violation. A repeat intoxication violation along with additional violations such as vandalism or verbal harassment may result in suspension or expulsion from the university.

## **Medical Amnesty Policy:**

When a student's health and safety are in jeopardy as a result of alcohol or other drug consumption, immediate medical attention should be sought by calling the Department of Public Safety (233-8118) or 911 for assistance. Formal disciplinary action for a violation of the alcohol policy will not be taken for those who seek or receive medical assistance for themselves or others, though violation of other student conduct rules such as vandalism, disorderly conduct, and sexual misconduct may still apply. A student who receives medical assistance from the Department of Public Safety or medical service providers will be required to meet with the Dean of Students (or designee) and counseling services, and parent/guardians may be informed.

## **Drug Policy**

Illicit drugs are prohibited and will be responded to in a manner consistent with and in cooperation with the local community and its officials, enforcing Federal and State laws. The Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989 require all federal contractors, federal grant recipients, and recipients of any federal funds whatsoever to implement a comprehensive substance and alcohol abuse policy. Transylvania University shall comply with all provisions of these acts. This policy shall apply to all university employees. Transylvania University prohibits the possession,

manufacture, distribution, dispensation, or use of illicit drugs, and the unlawful use, possession, or distribution of alcohol or controlled substances on all university property, at any locations where employees or students are conducting university related business or activities, when using university vehicles, and when using private vehicles on university business or in the conduct of university activities.

Individuals who need assistance relating to the use or abuse of alcohol or drugs may contact the Woodland Group at (859) 255-4864 or the 24 hour crisis line, 1-800-350-6438. The Woodland Group is the provider for the faculty and staff assistance program. The program offers employees and dependents 8 sessions per person, for each problem, per year at no cost. Subscribers to the health insurance plan may also take advantage of the mental health benefits associated with the plan.

A faculty or staff member who violates this policy is subject to disciplinary action up to and including termination of employment. Any individual who retains employment will receive a mandatory referral to the faculty and staff assistance program and shall be expected to comply with the counselor's course of treatment. In compliance with the Federal Drug-Free Workplace Act of 1988, an employee shall notify the immediate supervisor if the employee is convicted of a criminal drug offense occurring in the workplace or while on University business within five days of the conviction. The University shall take appropriate sanction and remedies in accordance within its policies. The provisions of this section are applicable to students who are employees of the University. If the employee is under a federal contract or grant, the University shall notify the contracting or granting agency of the conviction and of its actions. This section of this policy is also applicable to students who receive a Pell grant (federal grant).

### **Drugs, Code of Student Conduct # 32**

Drugs. Use, possession or distribution of illegal drugs and other controlled substances or drug paraphernalia except as expressly permitted by law and the Transylvania University's Drug Policy:

- a) Illicit drugs are prohibited and will be responded to in a manner consistent with and in cooperation with the local community and its officials, enforcing Federal and State laws. In order to enforce our policy, Assistant Directors of Residence Life, the Department of Public Safety, and the Dean of Students' staff may enter a student's residential room if there is sufficient reason to suspect possession or use of illicit drugs. Staff will announce to the student that unless immediate entry to the room is provided by the occupant, staff will unlock the door and enter to continue the investigation.

### **Typical Sanctions for Illegal Substance/Drug Violations, Code of Student Conduct #32**

- First violation: Depending on the severity of the incident, a hearing will be conducted by the University Conduct Board or a representative of the Dean of Students office. Sanctions may include a fine of at least \$125, 20 to 30 hours of service work, social probation (which may include loss of university privileges), completion of an alcohol/substance class, referral to student counseling, and parent/guardian notification.

- Second violation: A hearing will be conducted by the University Conduct Board or representative of the Dean of Students office. Sanctions for repeat drug violations without any other violations may result in the maximum sanctions as described in the first violation. A repeat drug violation along with additional violations may result in suspension or expulsion from the university.

## **Associated Risks**

- Physical – Use/abuse of alcohol and other drugs often is accompanied by accidents and personal injury including but not limited to cuts, sprains, bruises, and broken bones. Personal injury may be caused by self or others. Sexually transmitted diseases (STDs), physical violence and assaults have a high correlation to the misuse/abuse of alcohol and other drugs. Poisoning can and often does occur because of these substances, and can result in death.
- Continued and long-term use/abuse of alcohol and controlled substances have been demonstrated to have a negative effect on almost every major body organs and systems. Persons who regularly use or abuse these substances have decreased ability to fight off normal germs, and therefore have a higher incidence of illnesses requiring personal and medical treatment. The ingestion of alcohol also leads to impaired sleep. The use of alcohol or controlled substances has further been related to weight gain and poor nutrition. The ability to tolerate alcohol is identified as both a physical risk and psychological risk, which may be one of the first indicators of developing alcoholism.
- Psychological – The use/abuse of alcohol or controlled substances very often leads to forgetfulness, the inability to concentrate, impaired decision-making skills, the inability to recall previously known information or events (blackouts), anxiety, paranoia, and hallucinations.
- Interpersonal/Social – Problems with personal identity, failure to meet personal goals, loss of student status, loss of job (work study or other), loss of scholarships, and ineffective communication skills with both friends and family are some of these risks. Accountability for actions is an adult characteristic. Persons who are under the influence of alcohol or other controlled substances continue to be held accountable for their actions regardless of the level of drug-induced impairment.
- Other – Destruction of personal property or community property is a risk to all who misuse these substances. Responsibility for another person's actions secondary to enabling maladaptive behavior may result in a financial obligation to all persons present.

## **Resources:**

Transylvania provides special assistance for substance abuse and chemical dependency through its counseling services. Mental Health counselors are available by appointment or referrals may be made off campus. On-campus educational programs and extended education

for offenders are scheduled periodically for students. Additional educational benefits are coordinated through the office of Student Wellbeing. Staff may obtain counseling from the Woodland Group at their own expense, or faculty and staff members who participate in the employee group health insurance plan may be able to obtain partial reimbursement for private counseling and rehabilitation. This is a directed provider plan so the employee should consult the literature of health care plans for details. This coverage is available whether or not a faculty or staff member is found to be in violation of these policies. Other resources exist within the community:

- Ridge Behavioral Health Services - inpatient and outpatient services are offered to anyone with alcohol and/or substance abuse problems. They are available 24 hours a day (call 859-269-2325). Costs are assumed by the patient.
- Self-help groups (ACA, Alanon, Alateen, AA, etc.) are active in the community and are open to anyone. For more information please contact the Office of Student Wellbeing

## Reporting

The community is encouraged to report any student concerns either directly to the Dean of Students and/or by using the confidential [students of concern form](#). For additional information on reporting see Voluntary and Confidential Reporting.

## Resources

Transylvania provides special assistance for substance abuse and chemical dependency through its counseling services. In addition, several Student Life staff have been trained to use BASICS (Brief Alcohol Screening Intervention for College Students). If someone is concerned about their alcohol or other drug use they can contact Student Life. Trained counselors are available by appointment or through a 24-hour community crisis line that is provided.

On-campus educational programs are scheduled periodically for students and employees. Additional educational benefits are coordinated through Student Wellbeing and by our campus nurse. Benefit eligible employees and their families may obtain counseling from the Woodland Group through our Employee Assistance Program. In addition, faculty and staff may be able to obtain partial reimbursement for private counseling and rehabilitation through their insurance. This is a directed provider plan so the employee should consult the literature of Humana healthcare plans for details. This coverage is available whether or not a faculty or staff member is found to be in violation of these policies.

Other resources exist within the community:

1. Ridge Behavioral Health Services inpatient and outpatient services are offered to anyone with alcohol and/or substance abuse problems. They are available 24 hours a day (call 269-2325). Costs are assumed by the patient.
2. Self-help groups (ACA, Alanon, Alateen, AA, etc.) are active in the community and are open to anyone.

## **Counseling Services**

Transylvania provides on-campus counseling services **Monday - Friday** located in the back of the W.T. Young Campus Center, behind the pool. Services include individual and couples' counseling and referrals to other types of mental health services. Services are confidential and



are not a part of a student's academic record. Sessions typically last 50 minutes and may occur weekly, bi monthly, or as arranged by you and your counselor. Scheduling an appointment ahead of time is recommended, to ensure that a counselor is available to see you (and not with another student) when you arrive. For more information about student counseling services call 859-281-3682 or email [counseling@transy.edu](mailto:counseling@transy.edu).

## **Transylvania University Sexual Misconduct Policy (Title IX Policy)**

**Effective:** August 1<sup>st</sup> 2018

**Definition of Terms:** Reporting Party (alleged victim) Respondent (alleged perpetrator)

**Purpose:** Transylvania University is committed to providing members of the campus community with an educational and working environment free of discrimination, harassment, and retaliation.

**Title IX Policy Statement:** Transylvania University is committed to complying with [Title IX](#) of the [Education Amendments of 1972](#), which prohibits sex and gender-based discrimination in educational programs that receive federal funds. Sexual misconduct is a form of gender discrimination that, like other forms of unlawful discrimination, the University will not tolerate. The Title IX Coordinator for Transylvania University oversees the investigation of all sexual misconduct complaints filed with the University. In addition, there are trained Title IX Investigators and Process Advisors. This policy provides information about the definitions of prohibited behaviors that constitute sexual misconduct, as well as resources, reporting, and resolution procedures for incidents covered by this policy.

Persons whom the University determines more likely than not (preponderance of evidence standard) have violated this policy are subject to sanctions up to and including dismissal or separation from the University, regardless of whether they are also facing criminal or civil charges before a government agency or a court of law. The University will respond promptly and effectively to reports of sexual misconduct and will take appropriate action to prevent, correct and, when appropriate, to discipline behavior that violates this policy. The University will also take steps in the event of sexual misconduct to remedy its discriminatory effects on the victim and others, if appropriate. Nothing contained in this policy should be construed to supplant or modify existing laws of the Commonwealth of Kentucky and the United States.

**Equal Opportunity Policy Statement:** Transylvania University's Title IX policies exist as part of its broader commitment to equal opportunity for all, which states "Transylvania University is committed to ensuring that the institution is free of harassment and discrimination on the basis of race, color, citizenship status, sex, age, disability, pregnancy, creed, sexual orientation, gender identity, gender expression, marital status, national or ethnic origin, religion or religious belief, veteran's status, or any other category protected by applicable state or federal law or local ordinance. This policy applies to, but is not limited to, recruitment and admission of students, recruitment and employment of faculty and staff, the operation of any of its programs, promotion, demotion, transfer, position advertising, reduction in force, termination, rates of pay, and selection for training. Consistent with this policy, the University does not tolerate discrimination or harassment of employees, students or other individuals associated with the University. In addition, the University prohibits unprofessional and discourteous actions that may affect a professional and congenial work environment. For this reason, derogatory racial, ethnic,

religious, ageist, sexual, or other inappropriate remarks, slurs, or jokes will not be tolerated. This policy applies to all faculty, staff, administration, supervisors, employees, students, applicants, volunteers, and visitors to campus, including guests, patrons, independent contractors, vendors or clients of Transylvania University.” (Cabinet approved 4/27/16)

**Jurisdiction/Application:** This policy applies to all University students, faculty, and staff, as well as third parties who interact with members of the University community, and all University-sponsored programs, events, and activities, regardless of where the alleged sexual misconduct occurs.

In some cases the University’s ability to take action as to some persons or situations covered by this policy (such as guests, independent contractors or vendors, or situations occurring off-campus) may be limited; however, the University will make a good faith effort to adequately investigate and address such cases. The University will take steps to make this policy available to all students, faculty and staff through annual distribution. Upon request, this policy can be translated for those with disabilities and/or for whom English language is a second language.

**Statement of Rights for Reporting Party and Respondents:** As described in further detail below, parties involved in incidents and proceedings covered by this policy will be afforded the following rights:

*Both the reporting party and the respondent have the right to*

- be treated with respect by University officials
- experience a safe educational and work environment - Remedial accommodations can be provided through the Title IX Coordinator.
- be free from retaliation – Any act of retaliation for reporting alleged sexual misconduct or participating in an investigation or proceeding under this policy will result in appropriate disciplinary action (see **Retaliation**). This includes pre- and post-resolution.
- take advantage of campus support resources such as Counseling Services and University Health Services for students, or [Employee Assistance Provider services](#) for employees
- have an advisor present throughout the process; however, advisors may not directly participate in hearings
- speak on their own behalf - Invoking the right not to speak will not be considered an admission of responsibility.
- a formal resolution process using a preponderance of evidence standard (more likely than not) for determining the outcome of investigations
- access information and evidence directly related to them within a reasonable time before a hearing under this policy
- attend a hearing conducted under this policy - The University may proceed with a hearing even if a party declines to exercise his or her right to attend.
- notice of the specific allegations at issue in a case, including notice of anticipated witnesses and evidence to be addressed in a hearing under this policy
- introduce evidence and question witnesses at a hearing conducted under this policy; provided, however, that the reporting party and the respondent will not be allowed to directly question each other
- appeal the outcome of a formal hearing (within the guidelines of the appeals process - see section G)

The reporting party has the right to

- pursue criminal and legal action, in addition to or in lieu of pursuing University proceedings under this policy - In no case should a reporting party be dissuaded from reporting sexual misconduct to law enforcement. The University will conduct an investigation under its own policy regardless of whether a reporting party elects to file a criminal report. If the respondent is someone outside the campus community, such as student or faculty member from another institution, the University reserves the right to contact that institution for further investigation.
- choose whether or not to file a complaint with the University - However, when the University is made aware of an allegation of sexual misconduct, it may have to investigate and take action to protect the reporting party or other members of the University community.

The respondent has the right to

- be notified of an investigation of alleged Title IX policy violations prior to meeting with the Title IX Coordinator – The Title IX Coordinator will provide written notice to the responding party of the allegations constituting a potential violation of Transylvania Universities Title IX Policy, including sufficient details and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved (when applicable), the specific section of the code of conduct allegedly violated, the precise conduct allegedly constituting the potential violation, and the date and location of the alleged incident (when applicable).

**Role of the Title IX Coordinator and/or designee:** The Title IX Coordinator is charged with coordinating the University's response to reports of sexual misconduct under this policy. At times a trained designee may be appointed to investigate complaints filed with the University.

The role of the Title IX Coordinator or designee is a complex role that

- works to ensure a fair and neutral process for all parties
- explains options for resolution, both formal and informal to both parties
- determines appropriate remedies or sanctions in informal resolutions
- communicates the provisions for confidentiality
- provides both parties information on options for obtaining advocacy, medical and counseling services, and remedial actions available
- assists with making criminal reports when applicable
- coordinates with other campus officials to take appropriate interim actions such as no contact orders, academic accommodations, and rearrangement of housing, dining, and work assignments when applicable
- monitors outcomes of sexual misconduct reporting parties
- identifies and addresses patterns and assesses the effects of sexual misconduct on campus climate so the University can address issues that affect the wider University community
- monitors compliance with the reporting, complaint, investigation, hearing, and appeals processes outlined in this policy
- determines whether campus-wide remedies are needed in response to sexual misconduct complaints, including but not limited to revision of policies, increased monitoring, supervision, or security, and increased education and prevention efforts

- reviews sanctions issued under this policy to ensure that they, along with any remedial accommodations made, are reasonably calculated to stop the sexual misconduct and prevent their reoccurrence.

### **Definitions of Prohibited Conduct**

**Discrimination (In General):** Sexual misconduct is a form of gender discrimination prohibited by [Title IX](#). Acts of discrimination constituting sexual misconduct covered by this policy are defined below. The determination of what constitutes sexual misconduct will vary with the facts and circumstances of each case. For acts of discrimination that are not addressed in this policy, including gender discrimination that does not involve sexual misconduct, please see the University's other policies on discrimination.

### **Sexual Misconduct**

- **Sexual Harassment:** Sexual harassment can take one of two forms; the first form involves unwelcome verbal, electronic, physical and/or visual conduct based on sex, which both (1) unreasonably interferes with a person's work or educational performance, and (2) creates an environment that both a reasonable person and the specific person being harassed would find intimidating, hostile or objectively offensive. This form may come from a supervisor, an educator or from any other person at the University. The second form involves either (1) submission to unwelcome advances of a supervisor or educator as an express or implied condition of receiving work or educational benefits, or (2) a tangible work or educational detriment resulting from a person's failure or refusal to submit to a sexual demands of a supervisor or educator. The more severe the conduct, the less need there is to show repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. A single or isolated incident of sexual violence may create a hostile environment. Examples of sexual harassment include (but are not limited to):
  - Unwelcome sexual flirtation or advances
  - Offering employment, promotions, grades or other benefits in exchange for sexual favors.
  - Making or threatening reprisals for refusing sexual advances.
  - Unwelcome visual and/or electronic conduct such as leering; making sexual gestures; displaying sexually suggestive objects or pictures, cartoons or posters; and suggestive or obscene letters, notes or invitations.
  - Unwelcomes verbal or electronic conduct such as derogatory comments; epithets; slurs; sexual innuendo; sexual jokes; graphic verbal commentaries about a person's body; and sexually degrading words used to describe a person.
  - Unwelcome physical conduct such as unwarranted, suggestive or offensive touching; and impeding or blocking movement.
- **Sexual Assault:** Sexual assault refers to any sexual act directed against another person, forcibly and/or against the person's will; or not forcibly or against the person's will where the survivor is incapable of giving consent, as well as incest or statutory rape. Examples of sexual assault for purposes of this policy include but are not limited to:
  - Intentional touching of another person's intimate parts without that person's consent.
  - Coercing, forcing, or attempting to coerce or force a person to touch another person's intimate parts without that person's consent.

- Rape, which is penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object; or (2) the mouth of a person by a sex organ of another person, without that person's consent.
- **Sexual Exploitation:** One person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include (but are not limited to):
  - Invasion of sexual privacy.
  - Non-consensual digital, video, or audio recording of nudity or sexual activity.
  - Unauthorized sharing or distribution of digital, video, or audio recording of nudity or sexual activity.
  - Engaging in voyeurism.
  - Going beyond the boundaries of consent.
  - Knowingly exposing someone to or transmitting an STI, STD, or HIV to another person.
  - Intentionally or recklessly exposing one's genitals in non-consensual circumstances, or including another to expose their genitals.
  - Sexually-based stalking and/or bullying may also be forms of sexual exploitation.
- **Stalking:** Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.
 

In Kentucky, stalking means an intentional "course of conduct" towards a "specific person" that does not serve a legitimate purpose, seriously alarms, annoys, intimidates or harasses that person, and would cause a reasonable person to suffer substantial mental distress.

(a) Course of conduct is defined as two or more acts, including, but not limited to, acts in 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) Substantial emotional distress is defined as significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

(c) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- **Relationship/Dating Violence:** Relationship/Dating Violence is any pattern of behavior used to establish power and control over another person within the context of a current or previous intimate relationship. Categories can include but are not limited to: physical battering, sexual assault, emotional or psychological abuse.
  - (a) Dating Violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
  - (b) 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.

(c) 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.

- **Domestic Violence:** Domestic Violence means violence committed by
  - (a) a person who is a current or former spouse or intimate partner with the victim
  - (b) a person with whom the victim shares a child in common
  - (c) a person who is cohabitating with or who has cohabitated with the victim as a spouse or intimate partner
  - (d) any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws where the violence occurred

**Criminal Definitions:** Section 304 of the [Violence Against Women Reauthorization Act \(VAWA\)](#), known as the [SaVE Act provisions](#), obligates the University's policy to include the definitions used by Kentucky's penal code (KRS Chapters 500 to 534) for "domestic violence," "dating violence," "sexual assault," "stalking," and "consent" with respect to sexual offenses. Kentucky's penal code does not define domestic violence or dating violence, although other crimes may apply to those circumstances. Kentucky's penal code defines sexual abuse in lieu of sexual assault, stalking, and lack of consent, which are set forth in **Appendix A**. Please note that the Kentucky penal code definitions are for your information only as required by federal law or purposes of applying the University's policy, the definitions for this policy, set out above, will govern.

### **Consent**

Consent is **informed**. Consent is an affirmative, knowing unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity.

Consent is **voluntary**. Consent must be given without coercion, force, threats, or intimidation. Consent means a positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will. Even though consent does not necessarily need to be verbal, relying purely on non-verbal communication can lead to misunderstandings. A spoken agreement is the most clearly indicated form of consent. It may not, in any way, be inferred from silence, passivity, lack of resistance or lack of an active response alone. Assuming that consent was given by the absence of a "no" is wrong.

Consent is **revocable**. Consent to some form of sexual activity does not imply consent to other forms of sexual activity. Consent to sexual activity on one occasion is not consent to engage in sexual activity on another occasion. A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be mutual consent to engage in sexual activity. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Once consent is withdrawn, the sexual activity must stop immediately.

Consent cannot be given when a person is **incapacitated**. A person cannot consent if they are unconscious or coming in and out of consciousness. A person cannot consent if they are under the threat of violence, bodily injury or other forms of coercion. A person cannot consent if their

understanding of the act is affected by a physical or mental impairment. Consent must be given with rational and reasonable judgement, so if the individual were physically incapacitated from the consumption of alcohol or other drugs, unconsciousness, or any other kind of inability, consent cannot be obtained.

**Unwelcome Conduct** does not have to include intent to harm, be directed at a specific target or involve repeated incidents, and can involve persons of the same or opposite sex. Participation in conduct or the failure to complain does not always mean the conduct was welcome. The fact that a person has welcomed some conduct does not necessarily mean a person welcomed other conduct. Similarly, the fact that a person may have invited, requested or otherwise consented to conduct on one occasion does not necessarily mean the conduct is welcome on a later occasion.

**Consensual Relationships:** The Office of Civil Rights dictates that consensual romantic and/or sexual relationships where a power differential exists, whether real or perceived, will be assumed nonconsensual when a complaint is filed. The effect of such a relationship may render an individual's work, academic, or social environment intimidating, offensive, or hostile. Hence, all University employees are strongly discouraged from entering into romantic and/or sexual relationships which could lead to the creation of a hostile educational, social, and/or work environment for other members of the University community.

**Reporting:** Any person may file a complaint of sexual misconduct at any time. Early reporting is encouraged to preserve evidence and provide alleged victims of sexual misconduct with information about rights, options, and resources available under this policy and state/federal laws.

The Title IX Coordinator will provide alleged victims of sexual misconduct with information about available services and resources, and also assist alleged victims in notifying law enforcement, including local police, if the alleged victim elects to do so. Victims are not required to report to area law enforcement in order to receive assistance from or pursue options within the University. Reporting sexual misconduct to the police does not commit an alleged victim to further legal action. The sooner, however, an incident is reported, the easier it will be for the police to investigate if the alleged victim decides to proceed with criminal charges.

**Responsible Employees:** Transylvania University encourages all employees to report known or suspected incidents of sexual misconduct to the Title IX Coordinator. In addition, Transylvania University requires such reporting of all "Responsible Employees" at the University. Responsible Employees include the President, Vice Presidents and Members of the Cabinet, Directors, Student Affairs Professional Staff members, Athletic administrators and coaching staff, office staff, faculty, and Resident Advisors. Members of the campus community who wish to report an incident of sexual misconduct are encouraged to speak either to the Title IX Coordinator or to a Responsible Employee, who in turn will promptly notify the Title IX Coordinator. Details of a report can include but may not be limited to the names of the alleged perpetrator(s), complainant(s), witnesses; and facts such as date(s), time(s), and location(s). Campus Mental Health Counselors in Health and Wellness, and Health Professionals in Health Services are not considered Responsible Employees for purposes of this policy.

**Confidentiality:** Reports and personal information will be kept as confidential as possible to the extent the law allows and to the extent confidentiality is consistent with the University's need to protect the safety of the University community. Requests for confidentiality will be evaluated by the Title IX Coordinator. Complete confidentiality cannot be promised as the University will need to thoroughly investigate the case, and may need to share some information with relevant administrators of the University in order to further protect and prevent incidents. Reports to law enforcement may be shared with the University's Title IX Coordinator. The University may be required by law to publish non-identifying information on campus crime statistics.

All University employees (with the exception of those who may be bound by confidentiality laws or privileges as further addressed in this policy) should share information that they learn of regarding a report of sexual misconduct with the Title IX Coordinator so they can investigate the matter and determine whether steps are needed to ensure the safety of the University community.

It is the reporting party's choice as to whether they participate in an investigation; however, the University may proceed with an investigation without the reporting party's participation.

**Retaliation:** The University seeks to create an environment where its students and employees are free, without fear of reprisal, to use its procedures to determine if there has been a violation of their rights under this policy. Any act of retaliation for reporting sexual misconduct or participating in an investigation or proceeding under this policy will result in appropriate disciplinary action. Both the reporting party and the respondent have the right to be free from retaliation before, during, and after an inquiry or investigation into alleged misconduct.

Retaliation is defined as any materially adverse action taken against a person based upon their participation in a protected activity. Retaliation against an individual for alleging a violation of this policy, supporting a complainant, or for assisting in providing information relevant to a claim, is a serious violation of this policy. Retaliatory behavior is not limited to behavior by the respondent, and covers behavior by their associates, as well as third parties. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator. Retaliation is considered an independent allegation that may lead to interim measures and/or disciplinary action if found responsible. Reports of retaliation in violation of this policy will be processed under this policy the same as other alleged violations of this policy.

## **Direct Reporting Options**

- 1. Direct/Formal Reporting:** Alleged victims of sexual misconduct are strongly encouraged to report allegations of sexual misconduct directly to the Title IX Coordinator or to a Responsible Employee. Responsible Employees must promptly report known or suspected incidents of sexual misconduct to the Title IX Coordinator. Formal reports initiate a direct course of immediate action. Reporting parties have the right, and can expect to have complaints taken seriously by the University when formally reported and to have those incidents investigated and addressed through these procedures. Formal reporting still affords privacy to all those involved as information will be shared on a need-to-know basis with a small group of officials, witnesses, and the respondent(s). The number of people with this knowledge will be kept as low as reasonably possible to preserve the privacy of those involved. If a person decides to make a formal complaint, a detailed (written, typed, emailed,



or handwritten) statement of the alleged incident(s) should be submitted to the Title IX Coordinator. This statement should be signed and dated, and should be specific as possible, including dates, times, locations, a description of the alleged misconduct and the name(s) of the respondent(s), and further include a list of persons who may have information that may be helpful to the University's investigation of the matter.

**2. Police Reporting:** Reports may also be made to the police, especially if a crime is or may be involved by calling the following numbers:

- Emergency 9-1-1
- Lexington Police Department- [Special Victims Services](#)
- Sheriff's Office: 859-252-1771
- [Department of Public Safety](#) 859-233-8118 (on-campus incidents)

Individuals are encouraged to call 9-1-1, if someone is in immediate danger. Allegations of possible criminal conduct can be reported to law enforcement even when it is not clear whether the conduct rises to the level of a crime. Regardless, law enforcement can assist with obtaining medical care, getting immediate law enforcement response and protection, connecting the individual with victim advocate services and counseling support, initiating a criminal investigation as appropriate, and answering questions about the criminal process. The result of an external criminal investigation does not impact whether a violation of University policy has occurred, and therefore will not take the place of a University investigation. The University will not wait for the conclusion of a criminal investigation to begin conducting its own independent investigation, take interim measures to protect the University or any member of the University community, or when necessary, to initiate formal resolution options outlined below.

### **Indirect Reporting Options**

**1. Anonymous and Third Party Reporting:** The Title IX Coordinator accepts anonymous and third-party reports of conduct alleged to violate this policy and will follow up on such reports in a timely manner. The individual making the report is encouraged to provide as much detailed information as possible to allow the Title IX Coordinator or designee to investigate and respond as appropriate. The University may be limited in its ability to investigate an anonymous or third party report unless sufficient information is provided. To file an anonymous report click [here](#).

**2. Confidential Disclosure:** If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with personnel not designated as a Responsible Employee, including counselors, health service providers, [victim services advocates](#), [domestic violence resources](#), local or state assistance agencies, or members of the clergy who are permitted by law to maintain confidentiality (except in extreme cases of immediate threat or danger or abuse of a minor). Such resources may submit anonymous statistical information without identifying information to our reporting bodies to permit the University to send out a timely warning and for Clery Act reporting purposes. If a reporting party is unsure of a resource's ability to maintain confidentiality, the reporting party is advised to ask the individual before talking to them. [On-Campus Counseling](#) is available for students and/or the [Employee Assistance Program](#) is available to employees both free of charge.

3. **Red Flag Reporting** is available to the campus community as a reporting method for those that are not comfortable with existing internal reporting channels. To file a report using Red Flag Reporting go to [www.redflagreporting.com](http://www.redflagreporting.com) or call 1-877-64-RedFlag (1-877-647-3335).

**Following the Report Filed:** Subject to the parties' respective rights and the University's obligation to investigate and redress violations, every reasonable effort will be made to maintain the confidentiality of all those involved in complaints under this policy. In all cases, the University will give consideration to the reporting party with respect to whether the complaint is pursued but reserves the right, when necessary to protect the community, to investigate and to pursue a resolution when a reporting party chooses not to initiate or participate in a formal complaint. In cases where a reporting party advises that he or she does not want to pursue a complaint, the ability of the University to investigate and address the situation may be limited. Even if a reporting party does not want to pursue a complaint, under some circumstances the University may have an obligation to pursue it anyway. When determining whether to go forward with a complaint, the Title IX Coordinator may consider factors such as the seriousness of the allegations, the age of the respondent, and the rights of the respondent to receive information about the reporting party and the allegations if a hearing and possible sanctions may result from pursuing a complaint. The University will evaluate a person's request that his or her name not be revealed in the context of its responsibility to provide a safe and nondiscriminatory environment for members of the campus community. In the event a reporting party requests that the University inform the respondent they asked the University not to investigate or seek discipline, the University will honor this request and inform the respondent that the University made the decision to go forward.

There is no fixed time frame under which a school must complete a Title IX investigation, however the Title IX Coordinator will make every effort to resolve the complaint in a timely manner. Reasons for a delay in investigating and resolving a complaint will be detailed in the investigative report.

**Remedial Assistance:** Several remedial assistance options are available to both the reporting party and the respondent, including but not limited to, classroom assistance, no contact orders, no trespass orders, counseling services, residential living assistance, and/or other assistance options that can help create an increased sense of safety. In addition, if the University feels that the respondent is a continued threat on our campus, the University has the right to temporarily suspend until resolution of the investigation. The Title IX Coordinator determines which assistance options are appropriate on a case-by-case basis. The Title IX Coordinator may ask a reporting party or his/her counselor, provider, or advisor what assistance options, if any, are sought. If the reporting party seeks assistance that is not already provided by the University, the Title IX Coordinator will consider whether the request can be granted.

The University is also committed to ensuring that orders of protection issued by courts are upheld on all University-owned, used, and controlled property, as well as properties immediately adjacent to the University. Therefore, if any member of the University community obtains an order of protection or restraining order, he or she should promptly inform the Title IX Coordinator and provide him/her with a copy of that order so the University can enforce it.

**Federal Timely Warning Obligations:** Parties reporting sexual misconduct should be aware that University administrators must issue crime alerts for incidents reported to them that represent a serious or continuing threat to students or employees, per the [Clery Act](#). Should University administrators judge that a crime alert is warranted, the University will withhold a victim's name and other identifying information while providing enough information for community members to make safety decisions in light of the potential danger.

**Reporting of Offenses—Drug and Alcohol Amnesty:** The University will not pursue disciplinary action for improper use of alcohol or other drugs against a party reporting sexual misconduct or against another student who shares information as either a witness or as a reporter of sexual misconduct as long as the report is made in good faith. The University may, however, refer the student to counseling services.

Deliberately false and/or malicious accusations of discrimination, harassment, or retaliation, (as opposed to complaints which, even if erroneous, are made in good faith) are just as serious an offense as discrimination, harassment, or retaliation and will be subject to appropriate disciplinary action.

Title IX Advisor: Individuals involved in a Title IX investigation regardless if they choose to go through the informal or formal resolution processes described below are permitted to utilize an advisor of their choice. A [Faculty/Staff Process Advisor](#) is a Transylvania administrator or faculty member who is trained to support and assist both the reporting party and respondent throughout the University Process. Individuals can choose from a diverse [list](#) of potential Process Advisors and may switch Process Advisors at any point should they choose. Those choosing to use an outside advisor should be reminded that only one advisor is allowed to be present and the advisor is only permitted to serve as a silent support person and may not speak on their behalf.

**Investigation and Resolution Process:** The University will respond to any alleged violation of this policy received by the Title IX Coordinator. The Title IX Coordinator will initially review all filed complaints to ensure the complaint states a violation of this policy. Each complaint will be evaluated on a case-by-case basis, taking into account the relevant circumstances of each case. Any complaint that concerns alleged conduct covered by this policy will be assigned to a trained investigator. The investigation process may include interviews, reviewing student/employee files, and gathering and examining other relevant evidence. Both parties may present witnesses or evidence during the investigation process. The investigation process will be balanced and fair giving both the reporting party and the respondent a chance to discuss their involvement in the reported incident. An investigative report will document information gathered throughout the process and will be made available to both parties.

If the investigation concludes that evidence exists to suggest that a violation of this policy more likely than not occurred (preponderance of evidence standard), the investigator along with the Title IX Coordinator will refer the case to a hearing before the Sexual Misconduct Hearing Board. If, however, the investigation concludes that sufficient evidence does not exist, the matter will be closed without further proceedings under this policy. Regardless of the outcome, the reporting party and the respondent will be notified of the findings in writing. If the individual being charged is an employee, the respondent's department head/director, Dean, Vice President, and the President will also be notified of the findings.

**Informal Resolution Process:** Informal resolution is a process overseen by the Title IX Coordinator, the primary goal of which is to end sexual misconduct, prevent the recurrence, and remedy any known impact on the campus community. The Title IX Coordinator will determine if informal resolution is appropriate, based on the willingness of the parties, the information gathered during the investigation, and the nature of the alleged conduct. Sanctions are generally not pursued as the result of an informal resolution process, though the parties may agree to appropriate remedies.

Anyone participating in the informal resolution process can stop that process at any time and request to continue through the formal resolution process. In addition, the University reserves the right to change an informal resolution process to a formal resolution process if informal resolution efforts are not feasible or productive, or if sufficient evidence suggests the need to do so. It is not necessary to pursue an informal resolution process first in order to initiate a formal resolution process.

**Sexual Misconduct Hearing Board:** If the investigation concludes that evidence exists to suggest that a violation of this policy more likely than not occurred (preponderance of evidence standard), the investigator along with the Title IX Coordinator will refer the case to a hearing before the Sexual Misconduct Hearing Board. For those cases brought before a sexual misconduct hearing board the following procedures outline the process.

**Sexual Misconduct Hearing Board Panel:** The Title IX Coordinator and the Dean of Students Office will convene a Sexual Misconduct Hearing Board consisting of three Transylvania community members to conduct a closed hearing. More specifically, the board will consist of current faculty/staff Judicial Council members. Members of the sexual misconduct hearing board will not all be of the same gender. All hearing board members are required to receive annual training on all issues related to domestic violence, dating violence, sexual assault, stalking, and exploitation, and how to conduct a hearing process that protects the safety of the complainants and promotes accountability. All involved parties will be informed of the composition of the board at least five (5) business days prior to the hearing, and can object to any member of the board for cause. Replacement of any hearing board member is at the Title IX Coordinators and the Dean of Students office discretion. Any misconduct concurrent with Title IX will also be adjudicated through the Title IX resolution process.

**The Hearing:** With the exception of an advisor/advocate, hearings are closed meetings. All hearings will be recorded by a transcriber.

The order of the hearing will typically be as follows:

1. Introduction and reading of the alleged violations
2. Opening statement by complainant
3. Opening statement by respondent
4. Presentation of witnesses by complainant
5. Presentation of witnesses by respondent
6. Questions from the hearing board
7. Closing statement by the respondent
8. Closing statement by the complainant
9. Closed deliberation by the hearing board
10. Rendering of decision by the hearing board

The Title IX Coordinator or designee will ensure both parties, as well as, the Dean of Students office, and the sexual misconduct hearing board receive all evidence through Maxient before the hearing. As with all University judicial system cases, a hearing may proceed even if one or both parties fail to attend the hearing.

**Special Accommodations:** Either party may request to present their case outside the physical presence or line of sight of the other party. Every effort will be made to accommodate such requests. Either party wishing to make a request for special accommodations must submit in writing their request at least two (2) business days prior to the hearing to the Title IX Coordinator and/or the Dean of Students office.

**Notice of Hearing:** If a matter is referred to a hearing before the Sexual Misconduct Board, the Dean of Students office and/or the Title IX Coordinator will send both the reporting party and the respondent a written notice of hearing. The notice will address the following: (1) the specific allegations, witnesses, and evidence to be addressed at the hearing, including a copy of the investigative summary; (2) the date, time, and location for the hearing; (3) the parties' right to attend the hearing, although the University may proceed with a hearing even if a party declines to exercise his or her right to attend; (4) the parties' right to access information and evidence directly related to them at a pre-hearing meeting (below) to be held within a reasonable time before the hearing; (5) the parties' right to have an advisor of their choosing present at the hearing, as well as access to the University's advisor list; (6) the parties' right to speak out on their own behalves, although invoking the right not to speak will not be considered an admission of responsibility; and (7) the parties' right to introduce evidence and present/question witnesses at the hearing, provided that the reporting party and respondent will not be allowed to directly question each other.

**Pre-Hearing Meeting:** Following the delivery of the notice of hearing, the Title IX Coordinator along with a representative from the Dean of Students office will meet with the reporting party and respondent separately to: (1) review the investigative report; and (2) discuss the hearing process. Any witnesses and evidence that a party may wish to present that are not already listed in the notice of hearing must be received by the Title IX Coordinator no later than one (1) business day following the pre-hearing meetings. A respondent may choose to accept responsibility and proposed sanctions or remedies from the Title IX Coordinator for the alleged policy violations at the prehearing meeting or any other time prior to hearing. In preparing proposed sanctions or remedies, the Title IX Coordinator may confer with the parties prior to finalizing them. There is no right of appeal if a respondent accepts responsibility and proposed sanctions or remedies prior to hearing.

**Witness:** Any persons having specific knowledge of the matter may be called as a witness by either the reporting party or the respondent. Disclosure of witnesses and evidence will be handled through the pre-hearing process outlined above and/or in a supplemental letter sent to both parties prior to the hearing date. No surprise witnesses and/or guests will be permitted at the hearing. Witnesses' testimony must be relevant to the issues for hearing.

Once all witness lists and documentary evidence have been shared among both the reporting party and the respondent, both are invited to submit questions in writing for the sexual misconduct hearing board to consider asking during the hearing. These questions are due one (1) business days before the hearing. Whether these questions will be introduced at the hearing

is at the discretion of the board. In addition, both parties will also be given the opportunity at the hearing to propose questions to the sexual misconduct hearing board for consideration.

**Hearing Board Outcome:** Following the hearing, the decision of whether a policy violation has occurred will be determined by using a preponderance of the evidence standard. A finding of a policy violation by a preponderance of the evidence means that it is more likely than not that the policy violation occurred. If, following the hearing, the decision is that the evidence does not support a finding that a policy violation has occurred the process will end. Regardless of the outcome, the reporting party, the respondent, and the Title IX Coordinator will be notified of the findings in writing once the findings letter is generated.

If an individual is found in violation of University policy, the sexual misconduct hearing board will recommend appropriate disciplinary sanctions to be considered by the Dean of Students or designee. The Dean of Students or designee will notify the respondent, the reporting party, and the Title IX Coordinator in writing of the outcome.

PLEASE NOTE: To ensure all things are considered, some sanctions might take up to seven (7) business days to fully define and to determine the parameters of the particular sanction given.

**Recommended Sanctions and Remedies:** What sanctions and remedies are appropriate will depend on the individual circumstances of each case, but all sanctions and remedies should be reasonably calculated to stop the sexual misconduct at issue, prevent its recurrence, and remedy its effects on the reporting party; and where appropriate, the campus community.

Common Student Sanctions and Remedies: Sanctions or remedies for a student who has violated the Title IX Policy may include, but are not limited to, verbal or written warning, required educational program, social probation, loss of privileges, counseling, no contact order, residence hall relocation, suspension or expulsion, limited access to campus, service hours, online education, parental notification, alcohol and drug assessment/counseling, discretionary sanctions, academic suspension, and/or academic expulsion.

Common Employee Sanctions and Remedies: Sanctions for an employee who has violated the Title IX Policy may include, but are not limited to, verbal or written warning, probation, performance improvement/management process, educational training, mental health counseling, loss of privileges, reduction in pay, loss of annual raise, discretionary sanctions, loss of supervisory or oversight of responsibilities, paid or unpaid leave, suspension, and/or termination.

Failure to Complete Sanctions and Remedies: All respondents are expected to comply with conduct sanctions and remedies within the time frame specified in their written notice. The Dean of Students Office or designee will monitor the completion of sanctions. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions and/or suspension, expulsion, and/or termination from the University. For students, failure to comply may result in suspension and/or hold to prevent future registration.

**Student Withdrawal While Charges Pending:** Should a responding student decide to withdraw from the University and/or not participate in the investigation and/or hearing, the individual charged will not be permitted to return to the University unless any and all sanctions

have been satisfied. The Title IX Coordinator will continue to act to promptly and effectively remedy the effects of the conduct upon the reporting party and the community.

**Employee Resignation While Charges Pending:** Should a responding employee resign while charges are pending, the records of the Title IX Coordinator will reflect that status, as will University responses to any future inquiries regarding employment references for that individual. Should an employee decide to leave and not participate in the investigation and/or hearing, that employee will not be permitted to return to the University unless any and all sanctions have been satisfied. The Title IX Coordinator will continue to act to promptly and effectively remedy the effects of the conduct upon the reporting party and the community.

**Appeals:** Appeals of the decision will go before the Hearing Appeals Officer. The Hearing Appeals Officer for students is the VP for Student and/or Academic Affairs or designee and for employees is the Vice President/President or designee. An appeal of the decision may be filed by the reporting party or the respondent or both. All requests for appeal considerations must be submitted in writing to the Title IX Coordinator within five (5) business days from the delivery of the decision letter. The Title IX Coordinator will share the appeal with the appropriate office for consideration. The original finding and responsive actions will stand if the appeal is not timely or is not based on the grounds listed below, and such a finding and responsive action(s) are final. The Title IX Coordinator or designee will ensure the appeal meets the following criteria to permit the appeal to move forward.

Appeals must be based on one of the following grounds:

- A procedural error or omission occurred that could have significantly impacted the outcome.
- There is new evidence, unknown or unavailable at the time of hearing, which could have substantially impacted the finding or sanction. A summary of this new evidence and its potential impact upon the investigation must be included in the appeal.
- The sanctions or remedies imposed are substantially disproportionate to the severity of the violation.

When a party requests an appeal, the other party (parties) will be notified and given three (3) business days to respond in writing to the Title IX Coordinator. Where the Hearing Appeals Officer finds that at least one of the grounds is met, and proceeds with the appeal, additional principles governing the hearing of appeals include the following:

- All parties will be informed of the grounds for which the appeal has been accepted.
- Interim and/or protective actions will be imposed and/or continued as appropriate.
- Hearing Appeal Officer: Appeals are not intended to be full re-hearings of the complaint. Appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the grounds for appeal.

Upon review of all of the information, the Hearing Appeal Officer has the authority to do one of the following: uphold, reverse, or modify the sanctions recommended by the Hearing Board or remand the case back to a Hearing Board - An appeal can only be remanded to a Hearing Board due to a procedural error or new information.

The Hearing Appeal Officer will generally render a decision within five (5) business days to the Title IX Coordinator. The Hearing Appeals Officer or designee will communicate the outcome to

all involved parties and all University personnel that need to know in a timely manner. Once an appeal is decided, the outcome is final; further appeals are not permitted under this policy.

**Records:** In implementing this policy, records of all complaints, resolutions, and hearings will be kept by the Title IX Coordinator indefinitely in the Title IX Office.

**Bystanders:** The University strongly encourages bystanders to “step up” on behalf of another person’s wellbeing and safety. The reporting options listed in this policy are available for bystanders as well. There are also safe and positive options for bystanders who intervene during an incident in order to prevent harm when there was a risk or act of violence. These options include:

**Be aware** of what is going on around you. Trust your instincts. Assume personal responsibility and say or do something – don’t assume that someone else will help.

**Assess the situation.** You have to decide what the safest way is for you and others involved to help. Gauge whether the situation requires calling authorities. When deciding to intervene, your personal safety should be the #1 priority. When in doubt, call for help. Other possible people to reach out to for assistance in helping are faculty, staff, supervisors, counselors, etc.

**Decide** whether to use direct or indirect action to resolve the problem. For example:

- Direct Actions: Point out someone’s behavior in a manner that will help de-escalate the situation, talk to a friend to ensure he/she is okay, call the police.
- Indirect Action: Make up an excuse to help someone get away from a potential offender, and call the local authorities.

**Intervene** – with reinforcements. If you gauge it is safe to intervene, you’re likely to have a greater influence on the parties involved when you work together with someone or several people. Your safety is increased when you stay with a group of friends that you know well.

**Remember, 911 is often the best way to intervene if there is a question of safety for anyone.**

- Try to intervene in a compassionate, non-threatening manner.
- Be aware of the available resources for assisting persons on campus and in the community.
- Encourage them to seek assistance and offer them resources for assistance.

## Resources

### On campus Resources:

Title IX Coordinator

Amber D. Morgan

859-233-8502 (office)

352-870-1864 (24hrs)

admorgan@transy.edu

Department of Public Safety

859-233-8118 (24hrs)



### Student Wellbeing

Health Services and Counseling Services (confidential resource)

859-281-3682

[counseling@transy.edu](mailto:counseling@transy.edu)

### **Community Resources:**

[Lexington Metro Police](#)

911 or 859-258-3600

[Ampersand Sexual Violence Resource Center of the Bluegrass](#)

859-253-2615

[Greenhouse 17 - Bluegrass Domestic Violence Program](#)

1-800-544-2022

**Additional Resources:** Some forms of harassment and discrimination may violate federal and state laws, and a reporting party or respondent may choose to contact the following agencies regarding their complaint:

Philadelphia Office for Civil Rights - [U.S. Department of Education](#)

The Wanamaker Building

100 Penn Square East, Suite 515

Philadelphia, PA 19107-3323

Phone: (215) 656-8541

TDD: 1-877-521-2172

Email: [ocr.Philadelphia@ed.gov](mailto:ocr.Philadelphia@ed.gov)

**If someone experiences sexual misconduct (immediate steps):** A person who experiences sexual misconduct may respond to the experience in many different ways, including feeling confused, vulnerable, out of control, embarrassed, angry, or depressed. The University and community provide a variety of resources to assist individuals who have experienced sexual misconduct; both to address the effects of the incident, and to help them identify the options available to them for making a complaint about the incident and offer assistance if requested.

1. Go to a safe place and speak with someone you trust. Tell this person what happened. If there is any immediate danger, call the University's [Department of Public Safety](#) if you are on-campus and/or 911 if you are not.
2. Consider contacting the [Ampersand Sexual Violence Resource Center of the Bluegrass](#) for professional support to assist you in the crisis. [On-campus counseling](#) is also available to all current students M-F 9am-5pm and can be reached by emailing [counseling@transy.edu](mailto:counseling@transy.edu). The Woodland Group is available to employees and can be reached by calling 1-800-350-6438. Additional resources are available through any of the before mentioned contacts.
3. For your safety and well-being, immediate medical attention is encouraged. The medical centers, both on and off campus, provide treatment of injuries, STI screenings, and pregnancy testing. If you wish to have an evidence kit collected ("rape kit"), you can do so at any local hospital. If possible, do not shower, brush your teeth, urinate, eat, drink or change clothes until after evidence is collected.

4. Evidence of violence, such as bruising or other visible injuries, should be documented by taking photographs. Evidence of stalking or exploitation, including communications such as written notes, emails, voice mails, or other electronic communications sent by the alleged stalker or exploiter, should be saved and not altered in any way.
5. You may request police to remain at the scene of an incident until your safety is otherwise secured. You can also request that a police officer assist you by arranging transportation or by taking you to a safe place such as a shelter or a family member or friend's residence.
6. You may obtain a copy of the police report from your incident at no cost from the police department.
7. Consider your reporting and support options. No survivor of sexual misconduct is required to make a report or take legal action. However, you can choose to report to the Title IX Coordinator and/or local law enforcement. If you contact the Title IX Coordinator, that person can assist you with University concerns, such as no-contact orders or other protective measures on campus, and/or provide you with a full list of support services and options both on campus and in the community. Either the Title IX Coordinator or the Department of Public Safety can assist you in contacting law enforcement, if you desire.

**Training and Education:** All students, faculty, and staff must annually complete University-sponsored training on sexual misconduct issues within the dates and times arranged by the Title IX Coordinator. Failure to do so may result in corrective action. Annual training will, at a minimum, cover the following:

- University policies and procedures for reporting and addressing sexual misconduct
- reminders that the University prohibits the offenses of domestic violence, dating violence, sexual assault, sexual exploitation, and stalking
- the definitions for domestic violence, dating violence, sexual assault, sexual exploitation, stalking, and consent
- training on safe and positive options for bystander intervention that may be carried out by a person to prevent harm or to intervene when there is a risk of sexual misconduct against a person other than such person
- information on risk reduction to recognize warning signs of abusive behavior and harm reduction
- possible sanctions or protective measures that may be imposed following a finding of determination of an institutional disciplinary procedure regarding sexual misconduct
- procedures survivors should follow if sexual misconduct has occurred
- procedures for institutional disciplinary action in cases of alleged sexual misconduct
- information about existing counseling, health, mental health, survivor advocacy, legal assistance, and other services available both on campus and in the community
- information about survivor options for, and available assistance in, changing academic, living, transportation, and working situations, if so requested by the survivor and if such accommodations are reasonably available, regardless of whether the survivor chooses to report the crimes to campus police or local law enforcement

The Office of Student Wellbeing and the Title IX Coordinator organize training and awareness programs for the Transylvania community. Awareness programs include, but are not limited to, increased understanding of sexual misconduct, stalking, partner violence, and consent. Students are required to complete Everfi's Sexual Assault Prevention course prior to their arrival on campus. Everfi's Sexual Assault Prevention course provides a brief overview of the effects of

trauma and the role alcohol and other drugs can play in sexual violence. Students are also required to attend mandatory orientation sessions for Title IX and Green Dot. The Title IX orientation program helps students understand the school's grievance procedures and reporting options including both formal and confidential disclosure options. The training also provides students with an understanding of what constitutes a hostile environment and encourages students to report without the need of determining what does and does not create a hostile environment. Students are also informed of the confidential reporting resources both on and off campus. All employees (including students) are required to complete online trainings provided by Everfi. Student athletes and athletic staff, Greek life leaders, and other student organizations on campus receive in person training from the Title IX Coordinator throughout each academic year. Failure to complete training required under this policy may result in disciplinary or corrective action consistent with University policy. The Title IX Coordinator is also available for on-demand training to answer any additional questions.

**Revisions:** These policies and procedures will be reviewed and updated regularly by the Title IX Coordinator. The Title IX Coordinator may make minor modifications to procedures that do not materially change the process. However, the Title IX Coordinator may also vary procedures materially with notice (on the University's policy website, with appropriate date of effect identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure. Policy in effect at the time of the offense will apply even if the policy is changed subsequently, unless the parties consent to be bound by the current policy or applicable law requires otherwise.

## **APPENDIX A: STATE LAW DEFINITIONS**

***These state law definitions are for informational purposes only. For purposes of the University's Sexual Misconduct Policy, the University will follow its own definitions as set out in that policy.***

### **Domestic Violence**

#### **KRS 403.720 Definitions for KRS 403.715 to 403.785 (effective January 1, 2016)**

(1) "Domestic violence and abuse" means physical injury, serious physical injury, stalking, sexual abuse, assault, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, or assault between family members or members of an unmarried couple;

(2) "Family member" means a spouse, including a former spouse, a grandparent, grandchild, a parent, a child, a stepchild, or any other person living in the same household as a child if the child is the alleged victim;

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(5) "Member of an unmarried couple" means each member of an unmarried couple which allegedly has a child in common, any children of that couple, or a member of an unmarried couple who are living together or have formerly lived together;

### **Dating Violence**

#### **KRS 456.010 Definitions for chapter (effective January 1, 2016)**

(1) "Dating relationship" means a relationship between individuals who have or have had a relationship of a romantic or intimate nature. It does not include a casual acquaintanceship or ordinary fraternization in a business or social context. The following factors may be considered in addition to any other relevant factors in determining whether the relationship is or was of a romantic or intimate nature:

- (a) Declarations of romantic interest;
- (b) The relationship was characterized by the expectation of affection;
- (c) Attendance at social outings together as a couple;
- (d) The frequency and type of interaction between the persons, including whether the persons have been involved over time and on a continuous basis during the course of the relationship;
- (e) The length and recency of the relationship; and
- (f) Other indications of a substantial connection that would lead a reasonable person to understand that a dating relationship existed;

(2) "Dating violence and abuse" means physical injury, serious physical injury, stalking, sexual assault, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, or assault occurring between persons who are or have been in a dating relationship;

## Sexual Assault

### **KRS 456.010 Definitions for chapter (effective January 1, 2016)**

(6) "Sexual assault" refers to conduct prohibited as any degree of rape, sodomy, or sexual abuse under KRS Chapter 510 or incest under [KRS 530.020](#);

### **KRS 510.040 Rape in the first degree**

(1) A person is guilty of rape in the first degree when:

- (a) He engages in sexual intercourse with another person by forcible compulsion; or
- (b) He engages in sexual intercourse with another person who is incapable of consent because he:
  - 1. Is physically helpless; or
  - 2. Is less than twelve (12) years old.

(2) Rape in the first degree is a Class B felony unless the victim is under twelve (12) years old or receives a serious physical injury in which case it is a Class A felony.

### **KRS 510.050 Rape in the second degree**

(1) A person is guilty of rape in the second degree when:

- (a) Being eighteen (18) years old or more, he engages in sexual intercourse with another person less than fourteen (14) years old; or
- (b) He engages in sexual intercourse with another person who is mentally incapacitated.

(2) Rape in the second degree is a Class C felony.

### **KRS 510.060 Rape in the third degree**

(1) A person is guilty of rape in the third degree when:

- (a) He or she engages in sexual intercourse with another person who is incapable of consent because he or she is an individual with an intellectual disability;
- (b) Being twenty-one (21) years old or more, he or she engages in sexual intercourse with another person less than sixteen (16) years old;
- (c) Being twenty-one (21) years old or more, he or she engages in sexual intercourse with another person less than eighteen (18) years old and for whom he or she provides a foster family home as defined in [KRS 600.020](#);
- (d) Being a person in a position of authority or position of special trust, as defined in [KRS 532.045](#), he or she engages in sexual intercourse with a minor under eighteen (18) years old with whom he or she comes into contact as a result of that position; or
- (e) Being a jailer, or an employee, contractor, vendor, or volunteer of the Department of Corrections, Department of Juvenile Justice, or a detention facility as defined in [KRS 520.010](#), or of an entity under contract with either department or a detention facility for

the custody, supervision, evaluation, or treatment of offenders, he or she subjects a person who he or she knows is incarcerated, supervised, evaluated, or treated by the Department of Corrections, Department of Juvenile Justice, detention facility, or contracting entity, to sexual intercourse.

(2) Rape in the third degree is a Class D felony.

### **KRS 510.070 Sodomy**

(1) A person is guilty of sodomy in the first degree when:

(a) He engages in deviate sexual intercourse with another person by forcible compulsion; or

(b) He engages in deviate sexual intercourse with another person who is incapable of consent because he:

1. Is physically helpless; or
2. Is less than twelve (12) years old.

(2) Sodomy in the first degree is a Class B felony unless the victim is under twelve (12) years old or receives a serious physical injury in which case it is a Class A felony.

### **KRS 510.110 Sexual abuse in the first degree**

(1) A person is guilty of sexual abuse in the first degree when:

(a) He or she subjects another person to sexual contact by forcible compulsion; or

(b) He or she subjects another person to sexual contact who is incapable of consent because he or she:

1. Is physically helpless;
2. Is less than twelve (12) years old; or
3. Is mentally incapacitated; or

(c) Being twenty-one (21) years old or more, he or she:

1. Subjects another person who is less than sixteen (16) years old to sexual contact;

2. Engages in masturbation in the presence of another person who is less than sixteen (16) years old and knows or has reason to know the other person is present; or

3. Engages in masturbation while using the Internet, telephone, or other electronic communication device while communicating with a minor who the person knows is less than sixteen (16) years old, and the minor can see or hear the person masturbate; or

(d) Being a person in a position of authority or position of special trust, as defined in KRS 532.045, he or she, regardless of his or her age, subjects a minor who is less than eighteen (18) years old, with whom he or she comes into contact as a result of that position, to sexual contact or engages in masturbation in the presence of the minor and knows or has reason to know the minor is present or engages in masturbation while

using the Internet, telephone, or other electronic communication device while communicating with a minor who the person knows is less than sixteen (16) years old, and the minor can see or hear the person masturbate.

### **KRS 510.120 Sexual abuse in the second degree**

(1) A person is guilty of sexual abuse in the second degree when:

- (a) He or she subjects another person to sexual contact who is incapable of consent because he or she is an individual with an intellectual disability;
- (b) He or she is at least eighteen (18) years old but less than twenty-one (21) years old and subjects another person who is less than sixteen (16) years old to sexual contact; or
- (c) Being a jailer, or an employee, contractor, vendor, or volunteer of the Department of Corrections, Department of Juvenile Justice, or a detention facility as defined in KRS 520.010, or of an entity under contract with either department or a detention facility for the custody, supervision, evaluation, or treatment of offenders, he or she subjects a person who is at least eighteen (18) years old and who he or she knows is incarcerated, supervised, evaluated, or treated by the Department of Corrections, Department of Juvenile Justice, detention facility, or contracting entity, to sexual contact.

(2) In any prosecution under subsection (1)(b) of this section, it is a defense that:

- (a) The other person's lack of consent was due solely to incapacity to consent by reason of being less than sixteen (16) years old; and
- (b) The other person was at least fourteen (14) years old; and
- (c) The actor was less than five (5) years older than the other person.

### **KRS 510.130 Sexual abuse in the third degree**

(1) A person is guilty of sexual abuse in the third degree when he or she subjects another person to sexual contact without the latter's consent.

(2) In any prosecution under this section, it is a defense that:

- (a) The other person's lack of consent was due solely to incapacity to consent by reason of being less than sixteen (16) years old; and
- (b) The other person was at least fourteen (14) years old; and
- (c) The actor was less than eighteen (18) years old.

### **KRS 530.020 Incest**

(1) A person is guilty of incest when he or she has sexual intercourse or deviate sexual intercourse, as defined in [KRS 510.010](#), with a person whom he or she knows to be an ancestor, descendant, uncle, aunt, brother, or sister. The relationships referred to herein include blood relationships of either the whole or half blood without regard to legitimacy, relationship of parent and child by adoption, relationship of stepparent and stepchild, and relationship of step-grandparent and step-grandchild.

(2) (a) Incest is a Class C felony if the act is committed by consenting adults.

(b) Incest is a Class B felony if committed:

1. By forcible compulsion as defined in [KRS 510.010\(2\)](#); or
2. On a victim who is:
  - a. Less than eighteen (18) years of age; or
  - b. Incapable of consent because he or she is physically helpless or mentally incapacitated.

(c) Incest is a Class A felony if:

1. Committed on a victim less than twelve (12) years of age; or
2. The victim receives serious physical injury.

### **Stalking**

#### **KRS 456.010 Definitions for chapter (effective January 1, 2016)**

(7) “Stalking” refers to conduct prohibited as stalking under [KRS 508.140](#) or [508.150](#);

#### **KRS 508.130 Definitions for KRS 508.130 to 508.150**

As used in KRS 508.130 to 508.150, unless the context requires otherwise:

(1) (a) To “stalk” means to engage in an intentional course of conduct:

1. Directed at a specific person or persons;
2. Which seriously alarms, annoys, intimidates, or harasses the person or persons; and
3. Which serves no legitimate purpose.

(b) The course of conduct shall be that which would cause a reasonable person to suffer substantial mental distress.

(2) “Course of conduct” means a pattern of conduct composed of two (2) or more acts, evidencing a continuity of purpose. One (1) or more of these acts may include the use of any equipment, instrument, machine, or other device by which communication or information is transmitted, including computers, the Internet or other electronic network, cameras or other recording devices, telephones or other personal communications devices, scanners or other copying devices, and any device that enables the use of a transmitting device. Constitutionally protected activity is not included within the meaning of “course of conduct.” If the defendant claims that he was engaged in constitutionally protected activity, the court shall determine the validity of that claim as a matter of law and, if found valid, shall exclude that activity from evidence.



(3) "Protective order" means:

- (a) An emergency protective order or domestic violence order issued under KRS 403.715 to 403.785;
- (b) A foreign protective order, as defined in KRS 403.7521(1);
- (c) An order issued under KRS 431.064;
- (d) A restraining order issued in accordance with KRS 508.155; and
- (e) Any condition of a bond, conditional release, probation, parole, or pretrial diversion order designed to protect the victim from the offender.

**KRS 508.140 Stalking in the first degree**

(1) A person is guilty of stalking in the first degree,

(a) When he intentionally:

1. Stalks another person; and

2. Makes an explicit or implicit threat with the intent to place that person in reasonable fear of:  
a. Sexual contact as defined in KRS 510.010;  
b. Serious physical injury; or  
c. Death; and

(b) 1. A protective order has been issued by the court to protect the same victim or victims and the defendant has been served with the summons or order or has been given actual notice;  
or

2. A criminal complaint is currently pending with a court, law enforcement agency, or prosecutor by the same victim or victims and the defendant has been served with a summons or warrant or has been given actual notice; or

3. The defendant has been convicted of or pled guilty within the previous five (5) years to a felony or to a Class A misdemeanor against the same victim or victims; or

4. The act or acts were committed while the defendant had a deadly weapon on or about his person.

**KRS 508.150 Stalking in the second degree**

(1) A person is guilty of stalking in the second degree when he intentionally:

(a) Stalks another person; and

(b) Makes an explicit or implicit threat with the intent to place that person in reasonable fear of:

1. Sexual contact as defined in KRS 510.010;

2. Physical injury; or

3. Death.

## **Consent**

### **KRS 510.020 Lack of consent**

- (1) Whether or not specifically stated, it is an element of every offense defined in this chapter that the sexual act was committed without consent of the victim.
- (2) Lack of consent results from:
  - (a) Forcible compulsion;
  - (b) Incapacity to consent; or
  - (c) If the offense charged is sexual abuse, any circumstances in addition to forcible compulsion or incapacity to consent in which the victim does not expressly or impliedly acquiesce in the actor's conduct.
- (3) A person is deemed incapable of consent when he or she is:
  - (a) Less than sixteen (16) years old;
  - (b) An individual with an intellectual disability or an individual that suffers from a mental illness;
  - (c) Mentally incapacitated;
  - (d) Physically helpless; or
  - (e) Under the care or custody of a state or local agency pursuant to a court order and the actor is employed by or working on behalf of the state or local agency.
- (4) The provisions of subsection (3)(e) of this section shall not apply to persons who are lawfully married to each other and no court order is in effect prohibiting contact between the parties.

## **Kentucky State Sex Offender Registry**

In accordance to the "Campus Sex Crimes Prevention Act" of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, the Department of Public Safety is providing a link to the Kentucky State Police Sex Offender Registry. This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student. Pursuant to KRS 17.580, the Kentucky State Police provides sex offender registration information to the public through this website. The link to the Kentucky State Police sex offender registry is <http://www.kentuckystatepolice.org/sor.htm>.

## **Missing Student Policy & Procedures**

When students deposit with the university, they are provided the option to provide emergency contact information and missing persons information in case they end up missing as these two sets of contacts may be different. The form for this information is found on TNET in the Faculty/Staff Information section and is titled, "Emergency Information." As with all student

information on TNET, this information is confidential and this is accessible only to authorized campus officials and law enforcement officials acting in the process of a missing persons investigation. This link is permanently available to students and the contact information may be changed at any given time by a student as they so choose.

When a student has been missing for 24 hours the Department of Public Safety must be immediately notified. Where it is determined that the reported student is a resident of an on-campus housing complex, the Dean of Students shall be notified immediately and given the exact time the student was determined missing. The Dean of Students Office is responsible for notifying individuals on the Emergency Information form found on TNET within the next 24 hours. If the student is under 18 years of age and is not emancipated, the Dean of Students will notify the student's custodial parent or guardian and any other designated contact person within 24 hours. The Dean of Students Office will also notify the Lexington Police Department that a student is missing within 24 hours.

**Procedures:**

1. Officers responding to a call reference an abducted victim shall ensure that the following criteria are met before initiating an Amber Alert:
  - a. Confirmation that the victim is seventeen (17) years of age or less.
  - b. Confirmation that the abduction has occurred and the officer and his/her supervisor believes that the circumstances surrounding the abduction are true.
  - c. There is reason to believe that the victim is in immediate danger of serious physical injury or death.
  - d. There is sufficient descriptive information available to disseminate to the general public that could assist in the safe recovery of the victim and/or apprehension of the suspect.
2. Officers shall notify their supervisor and the Director of Public Safety that the criteria has been met, and must receive his/her approval in order to initiate an Amber Alert.
3. Officers shall notify the various law enforcement agencies along with LPD.
4. After obtaining complete information and command approval, officers shall then deliver the victim's information and photograph directly to Dispatch, who will submit the information and victim photograph directly to the Kentucky State Police. The Kentucky State Police will verify that alert criteria have been met and initiate the Amber Alert statewide and notify the National Center for Missing and Exploited Children. Intra-agency alerts will be made by Dispatch.
5. If the victim is located, an alert cancellation shall be immediately Issued to local media and the Kentucky State Police.
6. The Transylvania University Department of Public Safety will utilize every resource available to investigate and facilitate the safe return of all abducted people/children.
7. The Transylvania University Department of Public Safety will advise the university administration and Communications Office of the incident and keep them abreast of any status of the investigation.

**Whistleblower Protection & Anti-Retaliation**

Transylvania University is committed to protecting the safety, and, when appropriate, the identity of the person or persons reporting the crimes included in this report. Transylvania University is committed to providing all members of the University community, including students, faculty,

staff, alumni, vendors, and guests, with a safe and productive environment. If any member of the University community has a reason to believe or reasonably suspects that the University or any of its agents are acting contrary to any applicable federal, state or local laws or regulations, or contrary to any established University policy, he or she should feel welcome and encouraged to report such action or activity without fear of reprisal or retaliation. It is in the best interest of the University and the whole University community for this information to be brought forward immediately and dealt with promptly.

**Employees:** Any employee with reasonable suspicion of such illegal or improper activity should notify his/her immediate supervisor. If the complaint involves the immediate supervisor, the employee should contact his or her next higher level of supervisor and/or the Director of Human Resources. In addition to notification of supervisory personnel, any University employee with such a complaint may notify the President's office. For purposes of this policy, all faculty and staff are referred to as "employees."

**Students:** Any student with reasonable suspicion of such illegal or improper activity should notify the Dean of Students. In addition to notification of the Dean of Students, any student with such a complaint may notify the President.

**Visitors:** Alumni, vendors and guests may notify the President's office.

Any University employees receiving such a report of suspected illegal or improper activity will report it to the President's office. The President's office will then conduct an appropriate investigation. All such allegations shall be logged and kept under seal.

Retaliation against anyone bringing forward a report of suspected illegal or improper activity will not be tolerated and is, itself, against the law. Should retaliation actually occur, such act shall be considered a serious violation of University policy and will be subject to disciplinary and/or legal action. Encouraging others to retaliate is also a violation of this policy. At the same time, those who file fraudulent or bad faith complaints pursuant to this policy will be subject to disciplinary and/or legal action as well.

## **Definition of Crimes**

The following are definitions of crimes under The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) and are included in this report. These definitions come from the Federal Bureau of Investigation's "Uniform Crime Reporting" (UCR).

**Murder & Non-Negligent Manslaughter:** The willful killing of one human being by another.

**Negligent Manslaughter:** The killing of another person through gross negligence.

**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 is usually accompanied by the

use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could, and probably would result in serious personal injury if the crime were successfully completed.)

**Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned, including joyriding.)

**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.

**Arrests for Weapon Law Violations:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

**Arrests for Drug Abuse Violations:** Violations of State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics and other dangerous non narcotic drugs.

**Arrests for Liquor Law Violations:** The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness & driving under the influence are not included in this definition.)

**Hate Crimes:** Any criminal offense committed against a person or property which is motivated, in whole or part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation or ethnicity/national origin.

**Sex Offenses-Forcible:** Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

**Sex Offenses-Non-forcible:** Unlawful, non-forcible sexual intercourse.

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

**Domestic Violence:** Felony or misdemeanor crimes of violence committed:

1. By a current or former spouse or intimate partner of the victim;
2. By a person whom the victim shares a child in common;
3. By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
4. 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
5. By any other person against an adult or youth victim who is protected from the person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

The Commonwealth of Kentucky has the below listed definitions for use in domestic violence situations:

As used in KRS 403.715 to 403.785:

1. "Domestic violence and abuse" means physical injury, serious physical injury, sexual abuse, assault, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, or assault between family members or members of unmarried couple:
2. "Family member" means a spouse, including a former spouse, a grandparent, a parent, a child, a stepchild, or any other person living in the same household as a child if the child is the alleged victim;
3. "Global positioning monitoring system" means a system that electronically determines a person's location through global positioning satellite technology, radio frequency technology, or a combination thereof and reports the location of an individual through the use of a transmitter or similar device worn by that individual and that transmits latitude and longitude data to a monitoring entity. The term does not include any system that contains or operates global positioning system technology, or any other similar technology, that is implanted or otherwise invades or violates the individual's body; and 1 34 C.F.R. Part 668, Appendix E to Part 668.47.
4. "Member of an unmarried couple" means each member of an unmarried couple which allegedly has a child in common, any children of that couple, or a member of an unmarried couples who are living together or formerly lived together.

**Dating Violence:**

Violence committed by a person-

1. Who is or has been in a social relationship of a romantic or intimate nature with the victim and;
2. 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-

1. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
2. Dating violence does not include acts covered under the definition of domestic violence.

## Crime Statistics

<b>Offense</b> (Reported By Hierarchy)	<b>Year</b>	<b>On Campus</b>	<b>Residential Facilities*</b>	<b>Non-Campus</b>	<b>Public Property</b>	<b>Unfounded Crimes</b>
Murder/Non Negligent Manslaughter	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Negligent Manslaughter	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Rape	2018	2	2	0	0	0
	2017	0	0	0	2	0
	2016	1	1	0	2	0
Fondling	2018	0	0	0	0	0
	2017	1	1	0	0	0
	2016	1	1	0	0	0
Incest	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Statutory Rape	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Robbery	2018	0	0	1	0	0
	2017	1	1	0	0	0
	2016	1	0	0	0	0
Aggravated Assault	2018	0	0	0	0	0
	2017	2	0	0	0	0
	2016	0	0	0	0	0
Burglary	2018	3	2	0	0	0
	2017	0	0	0	0	0

	2016	4	3	0	0	0
Motor Vehicle Theft	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Liquor Law Arrests	2018	7	0	0	0	0
	2017	1	0	0	0	0
	2016	5	0	0	0	0
Drug Law Arrests	2018	6	0	0	0	0
	2017	8	0	0	0	0
	2016	0	0	0	0	0
Weapons Law Arrests	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2018	59	59	0	0	0
	2017	38	35	0	0	0
	2016	48	42	0	0	0
Drug Law Violations Referred for Disciplinary Action	2018	19	15	4	0	0
	2017	20	20	2	0	0
	2016	34	34	2	0	0
Weapons Law Violations Referred for Disciplinary Action	2018	0	0	0	0	0
	2017	0	0	0	0	1
	2016	0	0	0	0	0

*\*Note: Residential Facility Crime Statistics are a subset of the On Campus Category, i.e. they are counted in both categories.*

<b>Offense (Crimes Not Reported By Hierarchy)</b>	<b>Year</b>	<b>On Campus</b>	<b>Residential Facilities*</b>	<b>Non-Campus</b>	<b>Public Property</b>	<b>Unfounded Crimes</b>
Arson	2018	0	0	0	0	0
	2017	0	0	0	0	0



	2016	0	0	0	0	0
Domestic Violence	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Dating Violence	2018	1	1	0	0	0
	2017	3	3	0	0	0
	2016	3	3	2	0	0
Stalking	2018	4	4	2	0	0
	2017	0	0	0	0	0
	2016	2	2	0	0	0

*\*Note: Residential Facility Crime Statistics are a subset of the On Campus Category, i.e. they are counted in both categories.*

#### **HATE CRIMES:**

There were no reported Hate Crimes for the year 2016 or 2017.

2018: One on-campus Intimidation incident characterized by Race.

#### **UNFOUNDED:**

There were no unfounded crimes for 2016, 2017, or 2018.

### **Fire Safety**

In accordance with Kentucky Fire Prevention Code, it is the policy of the University that a building be immediately evacuated upon the activation of the fire alarm system. Transylvania University evacuation policy does make exceptions for persons with disabilities that may require assistance during an emergency. The University does the following to ensure fire safety;

- Fire evacuation plan: In the event of a fire alarm, all occupants are required by law to evacuate the building. Failure to do so can result in both municipal charges and university sanctions. If you see a fire, pull the fire alarm immediately, notify the RA or AC on duty, and leave the building. Any fire, even if extinguished, should be reported to DPS. False alarms will lead not only to disciplinary action by the University, but to prosecution by local authorities. According to Section 14028 of the Code of Ordinances of Lexington, persons making false alarms can be fined \$20-\$100 or be imprisoned for five to 30 days, or be fined and imprisoned. During the first month of each term, compulsory floor meetings are held by the residence life staff to discuss emergency evacuation plans. Fire drills are also held to instruct residents in the safe, quick, and orderly evacuation of residence halls. Floor plans are posted on each hallway illustrating escape routes for each hall. Evacuation plans are located in every campus building, in addition every residence hall dorm room has a copy of the evacuation plan on the back of every door.

- Fire prevention: Department of Public Safety hosts several Safe Transy Events each year, which includes burn trailer demonstration and an annual fire drill for each campus building.
- Fire suppression system: Transylvania has two fire suppression systems, one which is located in the Rafskeller kitchen and the other is located on the second floor of the Brown Science building in the electromagnetic room. Fire sprinkler systems are located in Brown Science, Hazelrigg Residence Hall, Cowgill, Beck, Library, Glenn Building, Little Theatre, Dalton-Voigt Residence Hall, Commons Building basement, Poole Residence Hall, Thomson Residence Hall, Kincaid Residence Hall, Bassett Hall, and the 4th street Athletic Complex.
- Fire extinguishers and fire alarms: Every building on campus has a fire alarm system and extinguishers.
- Safety inspections: Fire equipment is inspected annually by preferred vendor. monthly fire extinguisher inspections, monthly emergency egress and exit sign inspections, annual alarm testing.
- Portable Electrical Appliances and Open Flames policy: Lighted candles or other burning materials (incense) are a major cause of fire and may not be used in student rooms. Because of the danger of fire, only certain electrical appliances are permitted in student rooms. You may have radios, stereos, televisions, clocks, lamps, hair dryers, electric razors, coffee pots with automatic shut-offs and fans. Refrigerators over three feet tall and microwaves drawing more than 700 watts, hot plates, toaster ovens, other open-burner cooking units, ceiling fans, and electric space heaters are not permitted. The residence hall staff has the authority to remove unauthorized or potentially dangerous electrical devices.

## **Fire Incident Report**

### **Fires – On Campus Student Housing Facilities**

<b><u>Name of Facility</u></b>	<b><u>Street Address</u></b>	<b><u>Number of Fires</u></b>
Forrer Hall	345 N. Broadway	0
Bassett Hall	420 W. Fourth St.	0
Pioneer Hall	424 W. Fourth St.	0
Thomson Hall	430 W. Fourth St.	0
4th Street Apartments	453 W. Fourth St..	0
4th Street Apartments	457 W. Fourth St.	0
Dalton-Voigt Hall	416 W. Fourth St.	0
Rosenthal Complex	425 W. Fourth St.	0
Poole Residence Center	408 Kenilworth Ct.	0

International House	331 N. Broadway	0
Hazelrigg Hall	331 N. Upper St.	0

**Fires – Summary**

<b>Summary of Fires</b>									
	<b>2016</b>			<b>2017</b>			<b>2018</b>		
<b><u>Name of Facility</u></b>	<i>Fires</i>	<i>Injuries</i>	<i>Deaths</i>	<i>Fires</i>	<i>Injuries</i>	<i>Deaths</i>	<i>Fires</i>	<i>Injuries</i>	<i>Deaths</i>
Forrer Hall	0	0	0	0	0	0	0	0	0
Hazelrigg Hall	0	0	0	1	0	0	0	0	0
Poole Residence Center	0	0	0	0	0	0	0	0	0
Rosenthal Complex	0	0	0	0	0	0	0	0	0
Thomson Hall	0	0	0	0	0	0	0	0	0
International House	0	0	0	1	0	0	0	0	0
4 <sup>th</sup> Street Apartments (457)	0	0	0	0	0	0	0	0	0
4th Street Apartments (453)	0	0	0	0	0	0	0	0	0
Dalton-Voigt Hall	0	0	0	0	0	0	0	0	0
Bassett Hall	0	0	0	1	0	0	0	0	0
Pioneer Hall	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**2019 Report for Calendar Year 2018**

## **Preparation of the Annual Fire Safety and Security Report**

The Annual Campus Fire Safety & Security Report is a combined effort in preparing the annual report by the Department of Public Safety, Title IX, and the Dean of Students Office. This report is to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, and prepared in cooperation with our local law enforcement agencies surrounding our campus. Campus crime, arrest and referral statistics include those reported to the Department of Public Safety, designated campus officials (including but not limited to directors, deans, department heads, designated Student Life staff, judicial affairs, advisors to students/student organizations, athletic coaches), and local law enforcement agencies. The full text of this report can be located on the Department of Public Safety's webpage, <http://www.transy.edu/campus/safety.htm>. The report is completed and made available to our campus community on October 1st of every year. The Annual Campus Fire Safety and Security Report will be posted on the Transylvania University website and accessible through the daily university inner campus web page referred to as TNotes at [inside.transy.edu](http://inside.transy.edu).

If have any questions or want more information on the Annual Campus Fire Safety and Security Report please contact the Department of Public Safety at 859-233-8118.

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### References:

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC 10929(f), 34 CFR Part 668.46)  
Michael Minger Act (KRS 164.948 to 164.9489; KRS 164.993) 13 KAR 2:100