



Annual Security and Fire Safety Report 2025

Transylvania University Report for Calendar Year 2024

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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



Steven Herold, Director of Public Safety/Chief of Police

Chief Herold began his law enforcement career with the Racine Police Department in Wisconsin, serving with distinction for 24 years, including 17 years in a supervisory capacity. During this time, he held multiple leadership roles, including Sergeant of Police in Patrol, Traffic, Training and Technology units. He was instrumental in implementing technological innovations, overseeing training initiatives, and managing multi-agency operations. He served as a leader in their police explorer post. He served two years as a part-time police officer in Wind Point, Wisconsin.

Following his tenure in municipal policing, Chief Herold transitioned to state-level service as a Law Enforcement Instructor and later, Training Supervisor with the Kentucky Department of Criminal Justice Training (DOCJT), where he led curriculum development, instructional design, Basic Officer Training, Court Security Training, De-escalation Training and instructed law enforcement leadership training. Chief Herold's dedication to instructional excellence extends to academia. He serves as an Adjunct Instructor for Northwestern University's School of Police Staff and Command, where he teaches decision-making, training management, and project Planning.

A decorated Army Reserve veteran with 32 years of service, Mr. Herold has held roles from Battalion Commander to Chief Operational Officer, overseeing training centers, financial management, and international deployments.

Mr. Herold holds a Master of Science in Criminal Justice Administration from the University of Wisconsin-Platteville and an Executive Certificate in Criminal Justice from Liberty University. He is currently completing a Doctoral of Strategic Leadership program with Liberty University. He is a certified instructor in de-escalation, general

patrol, general investigations, leadership, and instructional design. His career reflects a consistent commitment to ethical leadership, instructional innovation, and service to community and country.

About the Department of Public Safety

Mission Statement: The mission of the Transylvania University Department of Public Safety is to enhance the quality of life for the university community by providing professional and dedicated services that promote a safe and secure environment for students, faculty, staff, and visitors. Our success is rooted in strong community partnerships and a commitment to a community policing philosophy. The department operates with the highest standards of honesty and integrity and values open, effective communication with those we serve.

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 upholding the following core values, which guide all aspects of its operations and interactions:

1. Integrity
 - Upholding the highest ethical standards in every action and decision, fostering a culture of honesty, transparency, and honor.
2. Accountability
 - Taking responsibility for actions and outcomes, while using departmental resources wisely to fulfill obligations to the university community.
3. Respect
 - Treating all individuals with dignity, fairness, and cultural sensitivity, regardless of background, identity, or affiliation.
4. Professionalism
 - Demonstrating excellence through continuous training, expertise, and adherence to best practices in campus safety and law enforcement.
5. Customer Service
 - Responding to community needs promptly and courteously, ensuring high-quality support in all situations.
6. Collaboration
 - Working cooperatively with university departments, students, faculty, staff, and external agencies to promote a unified approach to campus safety.
7. Service Orientation
 - Embracing a service-first mindset by prioritizing the well-being of the campus community in all public safety initiatives.
8. Inclusivity
 - Promoting a welcoming environment where diversity is valued, and where all individuals feel safe, heard, and protected.
9. Preparedness

- Maintaining readiness to respond to emergencies and unexpected events through ongoing training, strategic planning, and resilience-building efforts.
10. Innovation
- Leveraging technology, data, and continuous improvement strategies to proactively enhance safety and efficiency.

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.

DPS officers not only undergo rigorous law enforcement training but also participate in leadership development programs to ensure they are equipped to serve as role models and effective community partners.

The department is committed to utilizing a variety of community policing strategies to actively engage with the Transylvania University community, build professional relationships, and foster mutual trust. These initiatives are designed to promote safety through visibility, approachability, and collaboration.

Examples of such programs may include:

- Community safety forums and town halls provide opportunities for open dialogue and feedback. The department is always open to suggestions and will work with other organizations like student life to address concerns.
- Safety public service announcements and safety flyers addressing concerns.
- Joint safety walks or campus safety audits with student and staff participation. The campus safety and emergency response programs are enhanced by this active feedback.
- Informal meet-and-greet events, such as “Coffee with a Cop,” to create approachable interactions in non-crisis settings.

These efforts reflect DPS’s dedication to a proactive, community-centered approach to campus safety.

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 Erik Emery, Clery Compliance Officer, at emery@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: Transylvania University’s Clery Compliance Officer has 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 Clery Compliance Officer is also responsible for issuing the annual reports and for coordinating the release of all Campus Crime Bulletins with the designated CSAs. To help ensure compliance, the Clery Compliance Officer works with a variety of offices, which include but not limited to, the Department of Public Safety, Housing and Residence Life, Human Resources, Athletics, Dean of Students, Student Life staff, and Title IX.

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 visit our campus.

Enforcement Authority: All Peace Officers with Transylvania University receive their law enforcement authority through the Justice and Public Safety Cabinet by the provisions of 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 peace officers once appointed and sworn-in include the 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, Peace Officers of the Department of Public Safety 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.
- 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 is staffed twenty-four (24) hours a day, seven (7) days a week. 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. 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 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](#) as described below. 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 and staff pools and trained annually by the Dean of Students or designee. The 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. 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 panelists 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 or a cabinet member.
 - 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 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 ViolationCommunity/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.

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 Lexington 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. Lexington 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 Lexington 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 Lexington 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
- Hazing
- 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 has designated all employees as mandatory reports. Mandatory reports are obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator.

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 or other identified Official with Authority.

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 the 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. Director of Student Campus and Community Engagement;
5. Director of Student Wellbeing;
6. 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 (859) 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 (859) 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 practice 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 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 employees 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. The Department of Public Safety 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 situations 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 communicated 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 connected to the DPS office when the handset is removed from the receiver 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 lit, 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 facilities 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.

- **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 organ and system. 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.

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. If a student is concerned about their alcohol or other drug use they can contact Student Wellbeing. Trained counselors are available by appointment or crisis services may be accessed by calling the national crisis line, 988 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 practitioner. 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 mid August-end of May** located on the second floor of the Campus Center, in the Student Wellbeing Suite. Services include individual 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.

Transylvania University Sexual Misconduct Policy (Title IX Policy)

POLICY AND PROCEDURES

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POLICY: Equal Opportunity, Harassment, and Nondiscrimination

1. Glossary

- *Advisor* means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination¹ for the party at the hearing, if any.
- *Complainant* means an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.
- *Complaint (formal)* means a document filed/signed by a Complainant or signed by the Title IX Coordinator alleging harassment or discrimination based on a protected class or retaliation for engaging in a protected activity against a Respondent and requesting that Transylvania University investigate the allegation.
- *Confidential Resource* means an employee who is not a Mandated Reporter of notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority status).
- *Day* means a business day when Transylvania University is in normal operation.
- *Education program or activity* means locations, events, or circumstances where exercises substantial control over both the Respondent and the context in which the sexual harassment or discrimination occurs and also includes any building owned or controlled by a student organization that is officially recognized by Transylvania University .
- *Final Determination*: A conclusion by a preponderance of the evidence that the alleged conduct occurred and whether it did or did not violate policy.
- *Finding*: A conclusion by a preponderance of the evidence that the conduct did or did not occur as alleged.
- *Formal Grievance/Administrative Process* means a method of formal resolution designated by Transylvania University to address conduct that falls within the policies included below, and which complies with the requirements of 34 CFR Part 106.45.

¹ The Title IX regulations do not permit a party to conduct cross-examination on their own behalf in any hearing under this policy, but instead require that examination be conducted by the party's advisor.

- *Grievance Process Pool* includes any investigators, hearing officers, appeal officers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).
- *Hearing Decision Panel* refers to those who have decision-making and sanctioning authority within Transylvania University 's Formal Grievance process.
- *Investigator* means the person or persons charged by Transylvania University with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.
- *Mandated Reporter* means an employee of Transylvania University who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator.²
- *Notice* means that an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
- *Official with Authority* (OWA) means an employee of Transylvania University explicitly vested with the responsibility to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of Transylvania University. At Transylvania University, an OWA, is the Title IX Coordinator and/or the VP of Institutional Effectiveness.
- *Parties* include the Complainant(s) and Respondent(s), collectively.
- *Process A* means the Formal Grievance Process for alleged violations that are applicable under Title IX as outlined by the Federal Government.
- *Process B* means the process applicable when the Title IX Coordinator determines Process A is inapplicable, or offenses subject to Process A have been dismissed. This is detailed in Appendix B.
- *Transylvania University* means a postsecondary education program that is a Transylvania University of federal funding.
- *Remedies* are post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to Transylvania University 's educational program.
- *Respondent* means an individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.
- *Resolution* means the result of an informal or Formal Grievance Process.
- *Retaliation* means any intentional, adverse action taken by an accused individual or allied third party, absent legitimate nondiscriminatory purposes, as reprisal against a participant in a civil rights grievance proceeding".
- *Sanction* means a consequence imposed by Transylvania University on a Respondent who is found to have violated this policy.
- *Sexual Harassment* is the umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence. [See Section 17.b.](#), for greater detail.

² Mandated Reporters under this policy do not necessarily include persons mandated by state law to report child abuse, elder abuse, and/or abuse of individuals with disabilities to appropriate officials, though these responsibilities may overlap with those who have mandated reporting responsibility under this Policy.

- *Title IX Coordinator* is the individual designated by Transylvania University to ensure compliance with Title IX and Transylvania University's Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.
- *Title IX Team* refers to the Title IX Coordinator, any deputy coordinators, and any member of the Grievance Process Pool.

2. Rationale for Policy

Transylvania University is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from discrimination, harassment, and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, Transylvania University has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment on the basis of protected class status, and for allegations of retaliation. Transylvania University values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

3. Applicable Scope

The core purpose of this policy is the prohibition of all forms of discrimination. Sometimes, discrimination involves exclusion from activities, such as admission, athletics, or employment. Other times, discrimination takes the form of harassment or, in the case of sex-based discrimination, can encompass sexual harassment, sexual assault, stalking, sexual exploitation, dating violence or domestic violence. When an alleged violation of this anti-discrimination policy is reported, the allegations are subject to resolution using Transylvania University's "Process A" or "Process B," as determined by the Title IX Coordinator, and as detailed below.

When the Respondent is a member of the Transylvania University community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the Transylvania University community. This community includes, but is not limited to, students,³ student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, invitees, and campers. The procedures below may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this policy.

4. Title IX Coordinator

The Title IX/ADA Coordinator oversees implementation of Transylvania University's equal Opportunity, harassment, and nondiscrimination policy as well as disability compliance. The Title IX Coordinator has the primary responsibility for coordinating Transylvania University's efforts

³ For the purpose of this policy, Transylvania University defines "student" as any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and who maintains an ongoing relationship with Transylvania University.

related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy. The Title IX Coordinator provides training to the campus community in accordance with federal Title IX regulations, VAWA, and Clery. The Title IX Coordinator also assists, upon request, in supporting prevention programming efforts with various departments on campus.

5. Independence and Conflict-of-Interest

The Title IX Coordinator manages the Title IX Team and acts with independence and authority free from bias and conflicts of interest. The Title IX Office is not part of an office of legal counsel, public safety, nor is it a victim advocacy office. The Title IX Coordinator oversees all resolutions under this policy and these procedures. The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias or conflict of interest by the Title IX Coordinator, contact Transylvania University President Brien Lewis. Concerns of bias or a potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator.

Reports of misconduct or discrimination committed by the Title IX Coordinator should be reported to Transylvania University VP of Institutional Effectiveness. Reports of misconduct or discrimination committed by any other Title IX Team member should be reported to the Title IX Coordinator.

6. Administrative Contact Information

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and procedures, may be made internally to:

Lisa Ladanyi
Title IX / Accessibility Coordinator
238 Young Campus Center
300 North Broadway, Lexington KY
(859)233-8502-office
titleix@transy.edu
<https://www.transy.edu/campus/campus-safety/title-ix/>
<https://www.transy.edu/campus/student-services/disability-services/>

Transylvania University has determined that the following administrators are Officials with Authority (OWA), Michael Covert. OWA's have been vested with the authority of the University President to address and correct harassment, discrimination, and/or retaliation when the Title IX Coordinator is not available. In addition to the Title IX Coordinator, these other listed Officials with Authority may also accept notice or complaints on behalf of Transylvania University .

Transylvania University has also classified many employees as Mandated Reporters of any knowledge they have that a member of the community is experiencing harassment, discrimination, and/or retaliation (regardless of whether or not that discrimination has occurred

on campus). The section below on Mandated Reporting details which employees have this responsibility and their duties, accordingly.

Inquiries may be made externally to:

Office for Civil Rights (OCR) U.S. Department of Education 400 Maryland Avenue, SW Washington, D.C. 20202-1100 Customer Service Hotline #: (800) 421-3481 Facsimile: (202) 453-6012 TDD#: (877) 521-2172 Email: OCR@ed.gov Web: http://www.ed.gov/ocr	U.S. Department of Justice 950 Pennsylvania Avenue, NW Washington, DC 20530-0001 Department Comment Line: 202-353-1555 Department of Justice Main Switchboard: 202-514-2000 TTY/ASCII/TDD: 800-877-8339 Electronic Contact Form: https://www.justice.gov/doj/webform/your-message-department-justice Web: https://www.justice.gov/
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For complaints involving employees: [Equal Employment Opportunity Commission](#) (EEOC):

Louisville Area Office
600 Dr. Martin Luther King, Jr. Place
Suite 268
Louisville, KY 40202
United States
Phone: 1-800-669-4000
Fax: 502-582-5895
TTY: 1-800-669-6820
ASL Video Phone: 844-234-5122

7. Notice/Complaints of Discrimination, Harassment, and/or Retaliation

Notice or complaints of discrimination, harassment, and/or retaliation may be made using any of the following options:

1) File a complaint with, or give written notice to the Title IX Coordinator. Such a report may be made at any time (including during non-business hours) online (see below), by emailing titleix@transy.edu, or by mail to the office address listed for the Title IX Coordinator.

[2] **PREFERRED METHOD:** Report online, using the reporting form posted at https://cm.maxient.com/reportingform.php?TransylvaniaUniv&layout_id=20

Individuals choosing to make a report can remain anonymous. It is important, however, to provide the names of the Complainant involved when known, as the university will not be able to reach out and provide supportive measures or inform them of their rights under this policy if their identity is kept anonymous. Because reporting carries no obligation to initiate a formal response, and as Transylvania University respects Complainant requests to dismiss complaints unless

there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of privacy by making a report that allows Transylvania University to discuss and/or provide supportive measures.

A Formal Complaint means a document filed/signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that Transylvania University investigate the allegation(s). A complaint may be filed with the Title IX Coordinator in writing in person, by using [this form](#), by mail, or by email at titleix@transy.edu. As used in this paragraph, the phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by Transylvania University) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint.

If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

On Campus Contact Information:

Lisa Ladanyi
Title IX/Accessibility Coordinator
238 Young Campus Center
300 North Broadway, Lexington KY
(859)233-8502
titleix@transy.edu

8. Supportive Measures

Transylvania University will offer and implement appropriate and reasonable supportive measures, as needed, to the parties upon notice of alleged harassment, discrimination, and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to Transylvania University’s education program or activity, including measures designed to protect the safety of all parties or Transylvania University’s educational environment, and/or deter harassment, discrimination, and/or retaliation.

The Title IX Coordinator will promptly make appropriate supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, Transylvania University will inform the Complainant, in writing, that they may file a formal complaint with Transylvania University either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

Transylvania University will maintain the privacy of the supportive measures, provided that privacy does not impair Transylvania University’s ability to provide the supportive measures. Transylvania University will act to ensure as minimal an academic impact on the parties as possible. Transylvania University will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- No Trespass or Be-On-the-Lookout (BOLO) orders
- [Timely warnings](#)
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

9. Emergency Removal

Transylvania University can act to remove a student or employee entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by individuals outside of the Title IX Office who have been trained to assess risk analysis using an objective violence risk assessment procedure.

In all cases in which an emergency removal is imposed, the student or employee will be given notice of the action by the Dean of Students and the option to respond in writing and/or request a meeting to object to the action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of any sexual misconduct or discrimination allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested [in a timely manner], objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so. This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions. Violation of an emergency removal under

this policy will be grounds for discipline, which may include expulsion or termination.

Transylvania University will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. These actions could include, but are not limited to: removing a student from a residence hall, temporarily re-assigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Academic Dean, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

10. Promptness

All allegations are acted upon promptly by the Title IX Coordinator once they have received notice or a formal complaint. There is no timeline for completion of the grievance process, however, the office works to resolve complaints as soon as possible. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but Transylvania University will avoid all undue delays within its control.

Transylvania University will provide written notice to the parties during the course of the grievance process regarding the status of the process, a notice of any delay to the process, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

11. Privacy

Every effort is made by Transylvania University to preserve the privacy of reports.⁴ If anonymity is requested, Transylvania University will not share the identity of any individual who has made a report or complaint of harassment, discrimination, or retaliation; any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

Transylvania University reserves the right to designate which Transylvania University officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the complaint, including but not limited to, the Office for Academic Affairs, Office of Student Life, Transylvania University Department of Public Safety, and individuals conducting threat assessments. Information will be shared as necessary with Investigators, Hearing Panel members/Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

Transylvania University may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk, but will usually consult with the student first before doing so.

⁴ For the purpose of this policy, privacy and confidentiality have distinct meanings. **Privacy** means that information related to a complaint will be shared with a limited number of Transylvania University employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report. All employees who are involved in Transylvania University's response to notice under this policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), as outlined in Transylvania University's FERPA policy. The privacy of employee records will be protected in accordance with Human Resources policies. **Confidentiality** exists in the context of laws that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses. Transylvania University has designated individuals who have the ability to have privileged communications as Confidential Resources. For more information about Confidential Resources, see page 26. When information is shared by a Complainant with a Confidential Resource, the Confidential Resource cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when: (i) the individual gives written consent for its disclosure; (ii) there is a concern that the individual will likely cause serious physical harm to self or others; or (iii) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or individuals with disabilities. Non-identifiable information may be shared by Confidential Resources for statistical tracking purposes as required by the federal Clery Act. Other information may be shared as required by law.

Confidentiality and mandated reporting are addressed more specifically in *section 19 Mandated Reporting*.

Should parties seek access to and intended use of any record related to reports, information, and/or investigations, parties must submit a subpoena seeking those records. Upon receipt of any such subpoena the University will provide notice to any current or former student(s) identified or identifiable within the records sought and providing the student(s) ten (10) days from the date of such notice in which to seek protective action with the court issuing the subpoena in advance of any production. In the event the tenth day falls on a Saturday, Sunday or federal holiday, the affected student(s) shall have until the next calendar day when the court is open in which to file any objection. Should no objection be made, the subpoenaed records will be provided. If an objection is made, the University will comply with any resulting order of the court.

12. Jurisdiction of Transylvania University

Process A as outlined in this policy applies to the education program and activities of Transylvania University, to conduct that takes place on the campus or on property owned or controlled by Transylvania University, at Transylvania University sponsored events, or in buildings owned or controlled by Transylvania University's recognized student organizations. The Respondent must be a member of Transylvania University's community in order for its policies to apply under process A.

This policy can also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to Transylvania University's educational program.

If the Respondent is unknown or is not a member of Transylvania University community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report.

Further, even when the Respondent is not a member of Transylvania University's community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator.

In addition, Transylvania University may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from Transylvania University property and/or events.

All vendors serving Transylvania University through third-party contracts are subject to the policies and procedures of their employers, or to these policies and procedures to which their employer has agreed to be bound by their contracts.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

Similarly, the Title IX Coordinator may be able to advocate for a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to Transylvania University where sexual harassment or nondiscrimination

policies and procedures of the facilitating or host organization may give recourse to the Complainant.

13. Time Limits on Reporting

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the Transylvania University's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When notice/complaint is affected by significant time delay, Transylvania University will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint.

14. Online Harassment and Misconduct

The policies of Transylvania University are written and interpreted broadly to include online and cyber manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on Transylvania University's education program and activities or use Transylvania University networks, technology, or equipment.

While Transylvania University may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to Transylvania University, it will engage in a variety of means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via Snaps or other social media, unwelcome sexting, revenge porn, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of Transylvania University community.

Public Recipients: Any online postings or other electronic communication by students, including cyber-bullying, cyber-stalking, cyber-harassment, etc., occurring completely outside of Transylvania University's control (e.g., not on Transylvania University networks, websites, or between Transylvania University email accounts) will only be subject to this policy when such online conduct can be shown to cause a substantial in-program disruption.

Otherwise, such communications are considered speech protected by the First Amendment. Supportive measures for Complainants will be provided, but protected speech cannot legally be subjected to discipline.

Off-campus harassing speech by employees, whether online or in person, may be regulated by Transylvania University only when such speech is made in an employee's official or work-related capacity].

15. Policy on Nondiscrimination

Transylvania University adheres to all federal and state civil rights laws and regulations prohibiting discrimination in both public and private institutions of higher education.

Transylvania University does not discriminate against any employee, applicant for employment, student, or applicant for admission on the basis of:

- Race
- Religion
- Color
- Sex
- Pregnancy
- Religion
- Ethnicity
- National origin (including ancestry)
- Citizenship
- Physical or mental disability (including perceived disability)
- Age
- Sexual orientation
- Gender identity and expression (including preferred pronouns)
- Veteran or military status (including disabled veteran, recently separated veteran, active duty wartime or campaign badge veteran, and Armed Forces Service Medal veteran)
- Predisposing genetic characteristics
- or any other protected category under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any grievance process on campus, with the Equal Employment Opportunity Commission, or other human rights agencies.

This policy covers nondiscrimination in both employment and access to educational opportunities. Therefore, any member of Transylvania University community whose acts deny, deprive, or limit the educational or employment [or residential and/or social] access, benefits, and/or opportunities of any member of Transylvania University community, guest, or visitor on the basis of that person's actual or perceived membership in the protected classes listed above is in violation of Transylvania University policy on nondiscrimination.

When brought to the attention of Transylvania University, any such discrimination will be promptly and fairly addressed and remedied by Transylvania University according to the appropriate grievance process described below.

16. Policy on Disability Discrimination and Accommodation

Transylvania University is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973, which

prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws and regulations pertaining to individuals with disabilities.

Under ADA and its amendments, a person has a disability if they have a physical or mental impairment that substantially limits a major life activity.

ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by Transylvania University, regardless of whether they currently have a disability. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself.

Rebecca Thomas has been designated as Transylvania University's ADA/504 Coordinator responsible for overseeing efforts to comply with these disability laws, including responding to grievances and conducting investigations of any allegation of noncompliance or discrimination based on disability.

Any participant, beneficiary, applicant, or employee, including a student, staff member, or faculty who believes they have been subjected to discrimination on the basis of a disability (or is unsatisfied with accommodations provided) may file a grievance under this procedure. It is against the law for Transylvania University to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance. The ADA/504 Coordinator should be notified immediately if anyone associated with the grievance procedure is subjected to retaliation as a result of that person's participation in the grievance process.

Transylvania University has both informal and formal mechanisms in place to resolve a grievance pertaining to disability discrimination, denial of access to services, accommodation required by law, or an auxiliary aid the Grievant believes they should have received ("disability-related issues"), such as: disagreements regarding a requested service, accommodation, modification of a University practice or requirement, denial of a request, or inaccessibility of a program or activity, or violation of privacy in the context of a disability. If an individual has reason to believe that they have been denied equal access to any campus program, service or activity including requests for accommodation, there are mechanisms in place to assist in bringing about a timely resolution. The burden of proof that an accommodation was wrongly denied must be sustained by the Grievant.

a. Informal Mechanism for ADA Complaints

Transylvania University encourages a student Grievant with concerns about a disability-related issue to first discuss the matter with the Coordinator of Student Accessibility Services who will attempt to facilitate a resolution through mediation. Non-student Grievants with concerns about a disability-related issue are encouraged to first discuss the matter with the Director of Human Resources.

If the Coordinator of Student Accessibility Services or Director of Human Resources (for non-students) is not successful in achieving a satisfactory resolution or the complaint is against the Office itself, a formal grievance may be filed as described below.

The purpose of the *Informal Mechanism* is to make a good faith effort to resolve the issue quickly and efficiently; however, the Grievant may ask to implement the *Formal Mechanism* at any time during the *Informal Mechanism* or instead of the *Informal Mechanism* process.

b. Formal Mechanism (Grievance) for ADA Complaints

A formal grievance must be filed with the ADA/Title IX Coordinator within five (5) working days of the date of the disposition of an Informal decision, if applicable, or otherwise within thirty (30) calendar days of the occurrence of the disability-related issue. The grievance must be in writing and include all of the following:

1. The Grievant's name, campus address (or personal address if not an employee), email address and telephone number
2. A full description of the situation
3. A description of the efforts which have been made to resolve the issue informally, if any
4. A statement of the requested remedy, e.g. requested accommodation

The ADA/Title IX Coordinator and/or Director of Human Resources may also require the individual with the grievance to provide additional information that is specific to the accommodation(s) being requested.

The ADA/Title IX Coordinator and/or Director of Human Resources will review the grievance for timeliness and appropriateness under the *Formal Mechanism* grievance procedure and notify the Grievant if the grievance has been accepted.

If the grievance meets the requirements specified above, the ADA/Title IX Coordinator and/or Director of Human Resources will work with the grievant to either a.) assess and address the accommodation(s) being requested, or b.) if the grievant is reporting discrimination based on a disability, commence an investigation or select a trained investigator who will promptly commence an investigation. The investigator will be an individual who is a trained Civil Rights Investigator⁵. In undertaking the investigation, the investigator may interview, consult with and/or request a written response to or statement about issues raised in the grievance from any individual the investigator believes to have relevant information, including but not limited to faculty, staff, students, and visitors to Transylvania University. All parties will have an opportunity to provide the investigator with information or evidence that the party believes is relevant to their grievance. All parties involved will receive a fair and equitable process and be treated with care and respect. An investigative report will document information gathered throughout the process and the outcome will be made available to the parties with a legitimate need to know. There is

⁵ The ADA/Title IX Coordinator may act as the investigator and/or mediator so long as there is no noted conflict of interest by the coordinator or any of the participating parties.

no fixed time frame under which a school must complete a Civil Rights investigation, however, every effort will be made to resolve the grievance in a timely manner. See Appendix B for more information on the investigation process for complaints that are not applicable for review under Process A.

Within five (5) working days of the completion of the investigation, the investigator will make a recommendation regarding appropriate actions to be taken. The investigator will summarize the evidence that supports the recommendation, and those parties with a legitimate need to know will be advised in writing of the outcome of the investigation. The ADA/Title IX Coordinator or Director of Human Resources, for employees, will review the recommendation with the Vice President and/or President of the University, who will make the final determination.

c. Appeal

Within seven (7) business days of receiving the determination from ADA/Title IX Coordinator and/or Director of Human Resources, the grievant or the party against whom the grievance is directed, if any, may appeal the determination. To appeal, the grievant must file a written request for review with the ADA/Title IX Coordinator and/or Director of Human Resources for employees. The written request for appeal must be based on the grounds of either improper procedure or new evidence that was unavailable at the time the formal grievance was filed, or both. The ADA/Title IX Coordinator and/or Director of Human Resources will refer this appeal to a Hearing Appeals Officer if one or both grounds for appeal are met.

The Hearing Appeals Officer will review the record, including any statement submitted with the appeal, to determine if the individual appealing the decision established standing for the appeal consideration. If this criteria has been met, the Hearing Appeals Officer will generally render a decision within five (5) business days after receiving the appeal from ADA/Title IX Coordinator and/or Director of Human Resources. The Hearing Appeals Officer may request a response from the party who did not appeal. If the Hearing Appeals Officer needs more than five (5) business days, they will notify the parties. 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

Filing a complaint within the University grievance system in no way precludes an individual's right to file a grievance with the Department of Education or the Department of Justice (see pages 4 and 5).

a. Students with Disabilities

Transylvania University is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs, facilities, and activities of Transylvania University.

All accommodations are made on an individualized basis. A student requesting any accommodation should first contact the Coordinator of Student Accessibility Services, who coordinates services for students with disabilities. Transylvania University is not obligated to accommodate requests that will lower or effect substantial modifications to essential course or program requirements.

The Coordinator(s) of Student Accessibility Services reviews documentation provided by the student and, in consultation with the student, determines which accommodations are appropriate for the student's particular needs and academic program(s).

b. Employees with Disabilities

Pursuant to the ADA, Transylvania University will provide reasonable accommodation(s) to all qualified employees with known disabilities when their disability affects the performance of their essential job functions, except when doing so would be unduly disruptive or would result in undue hardship to Transylvania University .

An employee with a disability is responsible for submitting a request for an accommodation to the Director of Human Resources and or designee and providing necessary documentation. The Director of Human Resources will work with the employee's supervisor to identify which essential functions of the position are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties. Consultation with the ADA/Title IX Coordinator can be made in conjunction with the Director of Human Resources upon request by the Director of Human Resources or the individual seeking accommodations.

17. Policy on Discriminatory Harassment

Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discriminatory harassment. Transylvania University's harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane but controversial or sensitive subject matters protected by academic freedom.

The sections below describe the specific forms of legally prohibited harassment that are also prohibited under Transylvania University policy. When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of Transylvania University policy, though supportive measures will be offered to those impacted.

a. Discriminatory Harassment

Discriminatory harassment constitutes a form of discrimination that is prohibited by Transylvania University policy. Discriminatory harassment is defined as unwelcome conduct by any member or group of the community on the basis of actual or perceived membership in a class protected by policy or law.

Transylvania University does not tolerate discriminatory harassment of any employee, student, visitor, or guest. Transylvania University will act to remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a “hostile environment⁶.” A hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual’s educational or employment access, benefits, or opportunities.⁷ This discriminatory effect results from harassing verbal, written, graphic, or physical conduct that is severe or pervasive **and** objectively offensive.

When discriminatory harassment rises to the level of creating a hostile environment, Transylvania University may also impose sanctions on the Respondent through application of the [appropriate] grievance process below.

Transylvania University reserves the right to address offensive conduct and/or harassment that 1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature and not based on a protected status. Addressing such conduct will not result in the imposition of discipline under Transylvania University policy, but may be addressed through respectful conversation, remedial actions, education, and/or other informal resolution mechanisms.

b. Sexual Harassment

The Department of Education’s Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of Kentucky regard Sexual Harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice.

Transylvania University has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community, which consists not only of employer and employees, but of students as well.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

Conduct on the basis of sex that satisfies one or more of the following:

1) Quid Pro Quo:

- a. an employee of Transylvania University ,
- b. conditions the provision of an aid, benefit, or service of Transylvania University ,
- c. on an individual’s participation in unwelcome sexual conduct; and/or

2) Sexual Harassment:

- a. unwelcome conduct,
- b. determined by a reasonable person,
- c. to be so severe, and
- d. pervasive, and,

⁶ In some instances the ADA/Title IX Coordinator may be required to dismiss and/or refer complaints that do not rise to the level of discriminatory harassment to another office or the individual’s supervisor for review. If this occurs, the complainant will be provided with written notice of which office and/or supervisor their complaint should be directed towards.

⁷ This definition of hostile environment is based on Federal Register / Vol. 59, No. 47 / Thursday, March 10, 1994: [Department of Education Office for Civil Rights, Racial Incidents and Harassment Against Students](#).

- e. objectively offensive,
 - f. that it effectively denies a person equal access to Transylvania University's education program or activity.⁸
- 3) Sexual assault, defined as:
- a) Sex Offenses, Forcible:
 - i) Any sexual act directed against another person,
 - ii) without the consent of the Complainant,
 - iii) including instances in which the Complainant is incapable of giving consent.
 - b) Forcible Rape:
 - i) Penetration,
 - ii) no matter how slight,
 - iii) of the vagina or anus with any body part or object, or
 - iv) oral penetration by a sex organ of another person,
 - v) without the consent of the Complainant.
 - c) Forcible Sodomy:
 - i) Oral or anal sexual intercourse with another person,
 - ii) forcibly,
 - iii) and/or against that person's will (non-consensually), or
 - iv) not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age⁹ or because of temporary or permanent mental or physical incapacity.
 - d) Sexual Assault with an Object:
 - i) The use of an object or instrument to penetrate,
 - ii) however slightly,
 - iii) the genital or anal opening of the body of another person,
 - iv) forcibly,
 - v) and/or against that person's will (non-consensually),
 - vi) or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 - e) Forcible Fondling:
 - i) The touching of the private body parts of another person (buttocks, groin, breasts),
 - ii) for the purpose of sexual gratification,
 - iii) forcibly,
 - iv) and/or against that person's will (non-consensually),
 - v) or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

⁸ Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is below the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

⁹ Per state law.

- f) Sex Offenses, Non-forcible:
 - i) Incest:
 - 1) Non-forcible sexual intercourse,
 - 2) between persons who are related to each other,
 - 3) within the degrees wherein marriage is prohibited by Kentucky law.
 - ii) Statutory Rape:
 - 1) Non-forcible sexual intercourse,
 - 2) with a person who is under the statutory age of consent of 16.
- 4) Dating Violence, defined as:
 - a. violence,
 - b. on the basis of sex,
 - c. committed by a person,
 - d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
 - i. The existence of such a relationship shall be determined based on the Complainant'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—
 - ii. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - iii. Dating violence does not include acts covered under the definition of domestic violence.
- 5) Domestic Violence, defined as:
 - a. violence,
 - b. on the basis of sex,
 - c. committed by a current or former spouse or intimate partner of the Complainant,
 - d. by a person with whom the Complainant shares a child in common, or
 - e. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
 - f. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Kentucky, or
 - g. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Kentucky.

*To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

- 6) Stalking, defined as:
 - a. engaging in a course of conduct,
 - b. on the basis of sex,
 - c. directed at a specific person, that
 - i. would cause a reasonable person to fear for the person's safety, or

- ii. the safety of others; or
- iii. Suffer substantial emotional distress.

For the purposes of this definition—

- (i) Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent 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.
- (ii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- (iii) Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling

b. Expectations Regarding Unethical Relationships

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as faculty member and student or supervisor and employee). These relationships may, in reality, be less consensual than perceived by the individual whose position confers power or authority. Similarly, the relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Circumstances may change, and conduct that was once welcome may, at some point in the relationship, become unwelcome.

Even when both parties have initially consented to romantic or sexual involvement, the possibility of a later allegation of a relevant Policy violation still exists. The Recipient does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the Recipient. However, for the personal protection of members of this community, relationships in which power differentials are inherent (e.g., faculty-student, staff-student) are generally discouraged. They may also violate standards of professionalism and/or professional ethics.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or otherwise evaluative role over the other party are inherently problematic. Therefore, persons with direct supervisory or otherwise evaluative responsibilities who are involved in such relationships must bring these relationships to the timely attention of their supervisor and/or the Title IX Coordinator. The existence of this type of relationship will likely result in removing the supervisory or evaluative responsibilities from the employee or shifting a party from being supervised or evaluated by someone with whom they have established a consensual relationship. When an affected relationship existed prior to adoption of this policy, the duty to notify the appropriate supervisor still pertains.

This type of relationship includes Resident Advisors (RAs) and students over whom the RA has direct responsibility. While no relationships are prohibited by this policy, failure to timely self-report such relationships to a supervisor as required can result in disciplinary action for an employee. The Title IX Coordinator will determine whether to refer violations of this provision to the Director of Human Resources for resolution, or to pursue resolution under this Policy, based on the circumstances of the allegation.

Transylvania University reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this policy.

c. Force, Coercion, Consent, and Incapacitation¹⁰

As used in the offenses above, the following definitions and understandings apply:

Force: Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” “Okay, don’t hit me, I’ll do what you want.”).

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Coercion: Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Consent is:

- knowing, and
- voluntary, and
- clear permission
- by word or action
- to engage in sexual activity.

Since individuals may experience the same interaction in different ways, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied.

¹⁰ Under Kentucky law, there is no consent if there is forcible compulsion, incapacity to consent or, in the case of 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. This definition is applicable to criminal prosecutions for sex offenses in Kentucky but may differ from the definition used on campus to address policy violations. KRS 510.020.

For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on Transylvania University to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

Consent in relationships must also be considered in context. When parties consent to BDSM¹¹ or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, so Transylvania University’s evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

Incapacitation: A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard which assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

d. Other Civil Rights Offenses

¹¹ Bondage, discipline/dominance, submission/sadism, and masochism.

In addition to the forms of sexual harassment described above, which fall within the coverage of Title IX, Transylvania University additionally prohibits the following offenses as forms of discrimination outside of Title IX when the act is based upon the Complainant's actual or perceived membership in a protected class.

- Sexual Exploitation, defined as: taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under this policy. Examples of Sexual Exploitation include, but are not limited to:
 - Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
 - Invasion of sexual privacy.
 - Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent), including the making or posting of revenge pornography
 - Prostituting another person
 - Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI), without informing the other person of the infection
 - Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
 - Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections
 - Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
 - Knowingly soliciting a minor for sexual activity
 - Engaging in sex trafficking
 - Creation, possession, or dissemination of child pornography
- Threatening or causing physical harm, extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of any person;
- Discrimination, defined as actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities;
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to

any person within Transylvania University community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Hazing Policy found in the Student Handbook);

- Bullying, defined as:
 - Repeated and/or severe
 - Aggressive behavior
 - Likely to intimidate or intentionally hurt, control, or diminish another person, physically
and/or mentally
 - That is not speech or conduct otherwise protected by the First Amendment.

Violation of any other Transylvania University policies may constitute a Civil Rights Offense when a violation is motivated by actual or perceived membership in a protected class, and the result is a discriminatory limitation or denial of employment or educational access, benefits, or opportunities.

Sanctions for the above-listed Civil Rights Offenses range from reprimand through expulsion/termination.

18. Retaliation

Protected activity under this policy includes reporting an incident that may implicate this policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. Transylvania University is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

Charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

19. Mandated Reporting

Transylvania University has designated the following individuals as Mandated Reporters, all cabinet members (with the exception of the VP of Diversity and Inclusion), department supervisors, faculty chairs, coaches [academic and athletic], Housing and Residence Life staff

[including Area Coordinators and Resident Advisors], and all staff who work for the Department of Public Safety. These individuals are employees of Transylvania University who are obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator.

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality and are not required to report actual or suspected discrimination or harassment. They may offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report crimes and/or policy violations, and these employees will immediately pass reports to the Title IX Coordinator (and/or police, if desired by the Complainant), who will take action when an incident is reported to them.

The following sections describe the reporting options at Transylvania University for a Complainant or third-party (including parents/guardians when appropriate):

a. Confidential Resources

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with:

- On-campus licensed professional counselors
- On-campus licensed health service provider
- On-campus members of the clergy/chaplain working within the scope of their licensure or ordination
- Off-campus (non-employees):
 - o Licensed professional counselors and other medical providers
 - o Local rape crisis counselors
 - o Domestic violence resources
 - o Local or state assistance agencies
 - o Clergy/Chaplains
 - o Attorneys

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials, except in extreme cases of immediacy of threat or danger or abuse of a minor/elder/individual with a disability, or when required to disclose by law or court order.

An Employee Assistance Program for employees is available to help free of charge and may be consulted on an emergency basis during normal business hours.

Transylvania University employees who are confidential will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient, or parishioner.

a. Mandated Reporters

The following are Mandated Reporters under this policy:

- active cabinet members
- department supervisors

- faculty chairs
- coaches (academic and athletic)
- Housing and Residence Life staff (including Area Coordinators and Resident Advisors)
- Department of Public Safety

b. Mandated Reporters and Formal Notice/Complaints

Mandated Reporters must promptly share with the Title IX Coordinator all known details of a report made to them in the course of their employment (regardless of whether or not the alleged conduct occurred on campus and/or if the respondent is a member of the campus community).

Mandated Reporters must also promptly share all details of behaviors under this policy that they observe or have knowledge of, even if not reported to them by a Complainant or third-party.

Complainants may want to carefully consider whether they share personally identifiable details with non-confidential Mandated Reporters, as those details must be shared with the Title IX Coordinator.

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at rallies and/or marches and/or speak-outs do not provide notice that must be reported to the Title IX Coordinator by employees, unless the Complainant clearly indicates that they desire a report to be made or a seek a specific response from Transylvania University .

Supportive measures may be offered as the result of such disclosures without formal Transylvania University action. The Title IX Coordinator and/or designee are the officials with the jurisdiction to offer supportive measures to a complainant.

A Mandated Reporter who is themselves a target of harassment or other misconduct under this policy is not required to report their own experience, though they are, of course, encouraged to do so.

20. When a Complainant Does Not Wish to Proceed

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus, to stop the reported behavior, prevent a recurrence, and to comply with state or federal law.

The Title IX Coordinator has ultimate discretion over whether Transylvania University proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process when there is evidence to support a compelling risk to health and/or safety that requires Transylvania University to pursue formal action to protect the community and/or a when evidence suggests climate/culture concerns that are a violation of University policy. A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence.

The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and Transylvania University's ability to pursue a Formal Grievance Process fairly and effectively.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy.

When Transylvania University proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant.

Note that Transylvania University's ability to remedy and respond to notice may be limited if the Complainant does not want Transylvania University to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing Transylvania University's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow Transylvania University to honor that request, Transylvania University will offer informal resolution options (see below), supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date.

21. Federal Timely Warning Obligations

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, Transylvania University must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

Transylvania University will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

22. False Allegations and Evidence

Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence after being directed to preserve such evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under Transylvania University policy.

23. Amnesty for Complainants and Witnesses

The Transylvania University community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, complainants or witnesses are hesitant to report to Transylvania University officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the Transylvania University community that Complainants choose to report misconduct to Transylvania University officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, Transylvania University maintains a policy of offering parties and witnesses amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty to a Respondent is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to Respondent with respect to a Complainant.

Students: Sometimes, students are hesitant to assist others for fear that they may get in trouble themselves (for example, an underage student who has been drinking or using marijuana might hesitate to help take an individual who has experienced sexual misconduct to the appropriate resources, such as the Campus Police).

Transylvania University maintains a policy of amnesty for students who offer help to others in need. [While policy violations cannot be overlooked, Transylvania University may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need. This is at the discretion of the Dean of Students]

Employees: Sometimes, employees are hesitant to report harassment or discrimination they have experienced for fear that they may get in trouble themselves. For example, an employee who has violated the consensual relationship policy and is then assaulted in the course of that relationship might hesitate to report the incident to Transylvania University officials.

Transylvania University may, at its discretion, offer employee Complainants amnesty from such policy violations (typically more minor policy violations) related to the incident. Amnesty may also be granted to Respondents and witnesses on a case-by-case basis. This is at the discretion of the Director of Human Resources.

24. Federal Statistical Reporting Obligations

Certain campus officials – those deemed Campus Security Authorities – have a duty to report the following for federal statistical reporting purposes (Clery Act):

- a) All “primary crimes,” which include homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
- b) Hate crimes, which include any bias motivated primary crime as well as any bias motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property;
- c) VAWA¹²-based crimes, which include sexual assault, domestic violence, dating violence, and stalking; and
- d) Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug abuse-related law violations.

All personally identifiable information is kept private, but statistical information must be passed along to [campus law enforcement] regarding the type of incident and its general location (on or off-campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log.

Campus Security Authorities include: student life staff, campus law enforcement, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities.

PROCESS A: TITLE IX RESOLUTION PROCESS

1. Overview

Transylvania University will act on any formal or informal notice/complaint of violation of the policy on Equal Opportunity, Harassment, and Nondiscrimination (“the Policy”) that is received by the Title IX Coordinator¹³ or any other Official with Authority by applying these procedures, known as “Process A.”

The procedures below apply **only** to qualifying allegations of sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) involving students, staff, administrator, or faculty members.

If other policies are invoked, such as policies on protected class harassment or discrimination above, please see Process B for a description of the procedures applicable to the resolution of such offenses that do not fall under Process A.

Process B can also apply to sexual harassment (including sexual assault, dating violence,

¹² VAWA is the Violence Against Women Act, enacted in 1994 codified in part at 42 U.S.C. sections 13701 through 14040.

¹³ Anywhere this procedure indicates “Title IX Coordinator,” Transylvania University may substitute a trained designee.

domestic violence, and stalking, as defined above) when jurisdiction does not fall within Process A, as determined by the Title IX Coordinator.

The procedures below may be used to address collateral misconduct arising from the investigation of or occurring in conjunction with reported misconduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by the Policy will be addressed through procedures elaborated in the student, faculty, and staff handbooks.

2. Notice/Complaint

Upon receipt of a complaint or notice to the Title IX Coordinator of an alleged violation of the Policy, Transylvania University will initiate at least one of three responses:

- 1) Offering supportive measures because the Complainant does not want to proceed formally; and/or
- 2) An informal resolution; and/or
- 3) A Formal Grievance Process including an investigation and a hearing.

The investigation and grievance process will determine whether or not the Policy has been violated. If so, Transylvania University will implement remedies designed to address any determined harassment or discrimination, their potential recurrence, or their effects.

3. Initial Assessment

Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator¹⁴ engages in an initial assessment. The steps in an initial assessment can include:

- If notice is given, the Title IX Coordinator seeks to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired.
 - If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint because a risk assessment indicates a compelling threat to health and/or safety.
- If a formal complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
 - If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes and then seeks to facilitate implementation. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.

¹⁴ If circumstances require, the President or Title IX Coordinator will designate another person to oversee the process below should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

- o If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, [which informal mechanism may serve the situation best or is available] and may seek to determine if the Respondent is also willing to engage in informal resolution.
- o If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX:
 - If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address:
 - an incident, and/or
 - a pattern of alleged misconduct, and/or
 - a culture/climate issue, based on the nature of the complaint.
 - If it does not, the Title IX Coordinator determines that Title IX does not apply (and will “dismiss” that aspect of the complaint, if any), assesses which policies may apply and refers the matter for resolution under applicable policy, if any.

a. Risk Assessment

In many cases, the Title IX Coordinator may pass along information to Student Life to request that risk assessment be performed to determine whether the particular facts and circumstances arising from sexual harassment allegations under this policy support emergency removal of a student or employee on the basis of immediate threat to the physical health/safety of one or more individuals.

Threat assessment is the process of assessing the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A risk assessment is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

Additional information regarding a risk assessment and an emergency removal that might result from such an assessment can be found section 9, *Emergency Removal*.

b. Dismissal (Mandatory and Discretionary)¹⁵

Transylvania University must dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

- 1) The conduct alleged in the formal complaint would not constitute sexual harassment as defined in the Policy hereinabove, even if proved; and/or
- 2) The conduct did not occur in an educational program or activity controlled by Transylvania University (including buildings or property controlled by recognized student organizations), and/or Transylvania University does not have control of the Respondent; and/or
- 3) The conduct did not occur against a person in the United States; and/or

¹⁵ These dismissal requirements are mandated by the 2020 Title IX Regulations, 34 CFR Part 106.45.

- 4) At the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of Transylvania University .

Transylvania University may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

- 1) A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or
- 2) The Respondent is no longer enrolled in or employed by Transylvania University¹⁶ ; or
- 3) Specific circumstances prevent Transylvania University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, Transylvania University will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision is appealable by any party under the procedures for appeal below. The decision not to dismiss is also appealable by any party claiming that a dismissal is required or appropriate. A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

For students, a Respondent who withdraws or leaves while the process is pending may not return to Transylvania University in any capacity. The Registrar's Office, Admissions Office, and/or Human Resources will be notified accordingly.

For employees, a Respondent who resigns with unresolved allegations pending is not eligible for academic admission or rehire at Transylvania University in any capacity. The Registrar's Office, Admissions Office, and/or Human Resources will be notified accordingly.

All records retained by the Title IX Coordinator will reflect the withdrawal and resignation status of the Respondent.

All responses to future inquiries regarding employment references or information requests related to the NCAA attestation process will include that the Respondent left Transylvania University pending a disciplinary matter and that the Respondent is not eligible to return.

4. Counterclaims

Transylvania University is obligated to ensure that the grievance process is not abused for retaliatory purposes. Transylvania University permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by the Respondent may be made in good faith, but are, on occasion, also made for purposes of retaliation. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

¹⁶ Transylvania University may continue the resolution process when, at the discretion of the Title IX Coordinator, doing so may be necessary to address safety and/or remedy any ongoing effects of the prohibited conduct or determine whether a degree should be issued or revoked.

5. Right to an Advisor

The parties may each have an Advisor of their choice present with them for all meetings and interviews within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available.

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker(s).

a. Who Can Serve as an Advisor

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to have advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the Transylvania University community.¹⁷

The Title IX Coordinator will also offer to assign a trained Advisor for any party if the party so chooses. If the parties choose an Advisor from the pool available from Transylvania University, the Advisor will be trained by Transylvania University and be familiar with Transylvania University's resolution process. A list of trained advisors can be found at <https://www.transy.edu/campus/campus-safety/title-ix/>, or you can contact the Title IX Coordinator for a list of advisors.

If the parties choose an Advisor from outside the pool of those identified by Transylvania University, the Advisor may not have been trained by Transylvania University and may not be familiar with Transylvania University policies and procedures.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

b. Advisors in Hearings/Transylvania University -Appointed Advisor

Under U.S. Department of Education regulations applicable to Title IX, cross-examination is required during the hearing, but must be conducted by the parties' Advisors. The parties are not permitted to directly cross-examine each other or any witnesses. If a party does not have an Advisor for a hearing, Transylvania University will appoint an Advisor for the limited purpose of conducting any cross-examination.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct cross-examination, Transylvania University will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses will also be conducted by the Decision-makers during the hearing.

¹⁷ The Title IX regulations do not permit a party to conduct cross-examination on their own behalf in any hearing under this policy, but instead require that examination be conducted by the party's advisor.

c. Advisor's Role

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

Transylvania University cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, Transylvania University is not obligated to provide an attorney.

d. Pre-Interview Meetings

Advisors may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and Transylvania University's policies and procedures.

e. Advisor Violations of Transylvania University Policy

All Advisors are subject to the same Transylvania University policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. [Advisors should not address Transylvania University officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or actively represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-makers except during a hearing proceeding, during cross-examination.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

f. Sharing Information with the Advisor

Transylvania University expects that the parties may wish to have Transylvania University share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process.

If the parties wish for an investigator and/or Coordinator to share information directly with their Advisor, the individual party must consent to the release of information to the Advisor in writing

(an email will suffice) to the Title IX Coordinator and/or designee. This must be completed before Transylvania University is able to share records with an Advisor.

If a party requests that all communication be made through their attorney Advisor, Transylvania University will comply with that request.

g. Privacy of Records Shared with Advisor

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by Transylvania University. Transylvania University may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by Transylvania University's privacy expectations.

h. Expectations of an Advisor

Transylvania University generally expects an Advisor to adjust their schedule to allow them to attend Transylvania University meetings when planned, but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

Transylvania University may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

i. Expectations of the Parties with Respect to Advisors

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.

j. Assistance in Securing an Advisor

Transylvania University maintains a listing of local attorneys who may offer discounted or pro bono services in the Central Kentucky area. Individuals can also visit <http://kyjustice.org/probono> for additional information.

The following list is intended for use as a resource only. Transylvania does not endorse or imply direction of parties to any particular counsel.

<u>Legal Aid of the Bluegrass</u> Email: legalaids@lablaw.org Phone: (859)431-8200 Web: https://lablaw.org/	<u>AppalReD Legal Aid</u> Online Application: https://www.ardfky.org/node/29/online-application Phone: 1-866-277-5733 Web: https://www.ardfky.org/node/8/	<u>Kentucky Equal Justice Center</u> Phone: (859)233-3840 Web: https://www.kyequaljustice.org/contact-us
<u>Kentucky Volunteer Lawyer Program. The Access to Justice Foundation</u> email: jduncan@mis.net Phone: 859-255-9913 x12	<u>Volunteer Lawyers for Veterans Program</u> Email: sdennis@laslou.org Phone: 502-614-3133	

6. Resolution Processes

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with Transylvania University policy. While there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose. Transylvania University encourages parties to discuss this with their Advisors before doing so.

a. Informal Resolution (Appendix A)

Informal Resolution is a process, such as mediation or restorative practices, by which a mutually agreed upon resolution of an allegation is reached by both parties. Informal Resolution is encouraged as an alternative to the Administrative Resolution/Formal Grievance process to resolve conflicts. It may be used for less serious, yet inappropriate, behaviors, but can be used to address other more serious behaviors if at the time of the allegation the university does not determine there is an ongoing threat to the Complainant or campus community and/or if the Complainant wishes to pursue this process.

Information about the Informal Resolution process can be found in Appendix A.

b. Respondent Accepts Responsibility for Alleged Violations

The Respondent may accept responsibility for all or some of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for any aspect of the alleged misconduct, the formal process will be paused and the Complainant will be notified in writing. The Title IX Coordinator will provide the case file to the Dean of Students or designee for students, and the Director of Human Resources and VP for faculty /staff who will determine appropriate remedies or responsive disciplinary actions. Responsive disciplinary action can include but are not limited to warnings, probation, suspension, or expulsion for students and can include but are not limited to warnings, probation, loss of job responsibilities, demotions, or termination for faculty/staff.

If the Respondent accepts responsibility for all of the alleged policy violations, the case will be

considered resolved and the grievance process will end. The parties can continue to receive supportive measures as necessary.

If the Respondent accepts responsibility for some of the alleged policy violations and the Dean of Students or designee for students and the Director of Human Resources and VP for faculty/staff has determined appropriate remedies or responsive disciplinary actions, which are promptly implemented, for those violations, then the remaining allegations will continue to be investigated. The parties are still able to seek an Informal Resolution on the remaining allegations, subject to the stipulations above.

The result of a Respondent accepting responsibility for some or all of the allegations made for violation of this policy is not subject to appeal once the Respondent has accepted responsibility for the allegations in writing and the Dean of Students or designee for students and the Director of Human Resources and VP for faculty/staff has issued appropriate remedies or responsive disciplinary action in writing to the Respondent. The Respondent's conduct record for students and Human Resources record for faculty/staff will indicate they have accepted responsibility for violating all or some of this policy and will contain the remedies or responsive disciplinary actions implemented.

7. Formal Grievance/Administrative Process: Notice of Investigation and Allegations

The Title IX Coordinator will provide written notice of the investigation and allegations (the "NOIA") to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent's ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A meaningful summary of all of allegations,
- The identity of the involved parties (if known),
- The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies implicated,
- A description of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,
- A statement that Transylvania University presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- A statement about Transylvania University's policy on retaliation,
- Information about the privacy of the process,
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor,
- A statement informing the parties that Transylvania University's Policy prohibits knowingly making false statements, including knowingly submitting false information

- during the resolution process,
- Detail on how the party may request disability accommodations during the interview process,
- A link to Transylvania University's Equal Opportunity, Harassment, and Nondiscrimination Policy
- If available at the time of notice, the name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have, and
- An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and generally, will be emailed to the parties University issued email account. Notice may also be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the parties as indicated in official Transylvania University records. Once emailed, mailed, and/or received in-person, notice will be presumptively delivered.

8. Resolution Timeline

Transylvania University will make a good faith effort to complete the resolution process in a timely manner, however, each situation is unique and various factors (university/office closures, availability of parties and witnesses for interviews, office caseload, Informal Resolution negotiations, etc.) affect the length of the grievance process. The Title IX Coordinator will communicate regularly with the parties to update them on the progress and timing of the grievance process.

9. Appointment of Investigators

Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints an investigator to conduct the investigation. The Title IX Coordinator can appoint a one or two person team to commence a formal investigation. The Title IX Coordinator can also act as a co-investigator. If the Title IX Coordinator acts as an investigator they are excluded from participating in any informal resolution process and must appoint a third party to act as a mediator.

If the investigator(s) cannot be secured prior to sending the initial Notice of Investigation and Allegation (NOIA), the Title IX Coordinator will contact the parties via their Transylvania University issued email notifying them of the identities of the investigator(s) once they have been secured. Parties will be contacted in advance of the interview process to assess any conflict of interest, if any, exist.

10. Ensuring Impartiality

Any individual materially involved in the administration of the resolution process [including the Title IX Coordinator, Investigator(s), and Decision-maker(s)] may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the Title IX Coordinators direct supervisor for employees or the Vice President of the University for students.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence which supports that the Respondent engaged in a policy violation and evidence which supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

Transylvania University operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof.

11. Investigation Timeline

Investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

Transylvania University will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

12. Delays in the Investigation Process and Interactions with Law Enforcement

Transylvania University may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include, but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions.

Transylvania University will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary. Transylvania University will promptly resume its investigation and resolution process as soon as feasible. During such a delay, Transylvania University will implement supportive measures as deemed appropriate.

Transylvania University action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

13. Steps in the Investigation Process

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
- Assist the Title IX Coordinator with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties
- Meet with the Complainant to finalize their interview/statement, if necessary
- Prepare the initial Notice of Investigation and Allegation (NOIA) [this can also come from the Title IX Coordinator], The NOIA may be amended with any additional or dismissed allegations
 - Notice should inform the parties of their right to have the assistance of an Advisor, who could be a member of the Pool or an Advisor of their choosing present for all meetings attended by the party
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings
- When participation of a party is expected, provide that party with written notice via their Transylvania University issued email of the date, time, and location of the meeting, as well as the expected participants and purpose
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions.
- Provide regular status updates to the parties throughout the investigation [this can also come from the Title IX Coordinator]
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding [this can also come from the Title IX Coordinator]

- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence [this can also come from the Title IX Coordinator]. Appendices including relevant physical or documentary evidence will be included.
- The Investigator(s) gather, assess, and synthesize evidence, and make conclusions regarding whether a complaint(s) should be dismissed or referred to a formal hearing panel.
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which Transylvania University does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days.
- The Investigator(s) may elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses
- The Investigator(s) will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period
- The Investigator will incorporate any relevant feedback, and the final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report

14. Role and Participation of Witnesses in the Investigation

Witnesses (as distinguished from the parties) who are employees of Transylvania University are expected to cooperate with and participate in Transylvania University's investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline.

15. Recording of Interviews

Investigators may choose to record interviews with the knowledge and consent of all involved parties. Individuals participating in interviews will be allowed to view a transcript of the interview recording and make notations, if necessary, with the understanding that they may need to be re-interviewed regarding the notations. It is up to the discretion of the investigator(s) whether to re-interview a party based on a notation made to an interview transcript.

No unauthorized audio or video recording of any kind is permitted during interviews. If participants are found to be in possession of unauthorized recordings they can face disciplinary charges with the Dean of Students Office for students and Human Resources if an employee.

16. Evidentiary Considerations in the Investigation

The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

17. Referral for Hearing

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing.

The hearing cannot be less than ten (10) business days from the conclusion of the investigation—when the final investigation report is transmitted to the parties and the Decision-maker—unless all parties and the Decision-maker agree to an expedited timeline.

The Title IX Coordinator will select appropriate Decision-makers from the Pool depending on whether the Respondent is an employee or a student.

18. Hearing Decision-maker Composition

Transylvania University will designate a three-member panel from the Pool. One of the three members of the Pool will be appointed as Chair by the Title IX Coordinator. The university reserves the right to utilize outside individuals to serve as hearing decision makers when there is conflict of interest and/or when members of the university Pool are unavailable to serve.

The Decision-makers will not have had any previous involvement with the investigation. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the resolution process in the event that a substitute is needed for any reason.

The Title IX Coordinator may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will convene at a time determined by the Chair or designee.

19. Evidentiary Considerations in the Hearing

Any evidence that the Decision-makers determine(s) is relevant and credible may be considered. The hearing does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual

behavior with respect to the Respondent and are offered to prove consent.

Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility, assuming Transylvania University uses a progressive discipline system. This information is only considered at the sanction stage of the process.

The parties may each submit a written impact statement prior to the hearing for the consideration of the Decision-makers at the sanction stage of the process when a determination of responsibility is reached. The Title IX Coordinator or designee will collect impact statements from the parties prior to the hearing and will turn them over to the Decision-makers only if a determination of responsibility is made.

After post-hearing deliberation, the Decision-makers render a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

20. Notice of Hearing

No less than ten (10) business days prior to the hearing, the Title IX Coordinator or the Chair will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.
- Any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-makers and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least two (2) business days prior to the hearing.
- Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will not be considered by the Decision-makers. For compelling reasons, the Chair may reschedule the hearing.
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an Advisor, and

Transylvania University will appoint one. Each party must have an Advisor present. There are no exceptions.

- A copy of all the materials provided to the Decision-makers about the matter, unless they have been provided already.¹⁸
- An invitation to each party to submit to the Title IX Coordinator an impact statement pre-hearing that the Decision-makers will review only if a determination of responsibility is made by the Decision-makers.
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed.

In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this Policy is not in good standing to graduate.

21. Hearing Logistics

All hearings will be live and all will take place virtually. Parties will be required to leave their camera's on during the course of the hearing. Additional information regarding a link for the hearing will be sent to the parties and their advisor prior to the hearing. If a party requires alternative arrangements, requests should be made to the Title IX Coordinator at least five (5) business days prior to the hearing.

22. Pre-Hearing Preparation

The Title IX Coordinator after any necessary consultation with the parties, or Investigator(s), will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing unless all parties and the Title IX Coordinator agree to an expedited timeline.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s), or have proffered a written statement or answered written questions, unless all parties and the Chair assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Chair do not assent to the admission of evidence newly offered at the hearing, the Chair will delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence.

The parties will be given a list of the names of the Decision-makers at least five (5) business days in advance of the hearing. All objections to any Decision-maker must be raised in writing,

¹⁸ The final investigation report may be shared using electronic means that preclude downloading, forwarding, or otherwise sharing.

detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than forty-eight hours prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Title IX Coordinator will give the Decision-makers a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings. If a Decision-maker is unsure whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

23. Pre-Hearing Meetings

The Chair may convene a pre-hearing meeting(s) with the parties and/or their Advisors to invite them to submit the questions or topics they (the parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking at the hearing for reconsideration based on any new information or testimony offered at the hearing. The Chair must document and share their rationale for any exclusion or inclusion at this pre-hearing meeting.

The Chair, **only** with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.

At each pre-hearing meeting with a party and their Advisor, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Chair may consult with legal counsel and/or the Title IX Coordinator, or ask either or both to attend pre-hearing meetings.

24. Hearing Procedures

At the hearing, the Decision-makers have the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the discrimination, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the policy on Equal Opportunity, Harassment, and Nondiscrimination.

Participants at the hearing will include the Chair, two additional panelists, the hearing facilitator [typically the Title IX Coordinator or designee], the parties (or three (3) organizational representatives when an organization is the Respondent¹⁹), Advisors to the parties, any called

¹⁹ Subject to Transylvania University 's Code of Organizational Conduct.

witnesses, and anyone providing authorized accommodations or assistive services.

The hearing panelists and or either party may request the Investigator(s) who conducted the investigation be called as a witness at any point during the hearing to answer procedural questions regarding the investigation. Neither the parties nor the Decision-makers should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-makers and the parties and will then be excused.

The parties can choose to submit an impact statement to the hearing facilitator at least twenty-four (24) hours prior to the hearing itself. If there is a finding of responsibility on one or more of the allegations, the hearing facilitator will provide the statements to the Decision-makers who may then consider the impact statements in determining appropriate sanction(s). The Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Decision-makers may – at their discretion – consider the statements, but they are not binding.

25. Joint Hearings

In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

26. The Order of the Hearing - Introductions and Explanation of Procedure

The Chair explains the procedures, introduces the participants, and outlines the accusations of prohibited conduct as noted in this policy. This may include a final opportunity for challenge or recusal of the Decision-makers on the basis of bias or conflict of interest. The Chair will rule on any such challenge unless the Chair is the individual who is the subject of the challenge, in which case the Title IX Coordinator will review and decide the challenge.

At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process are managed by a non-voting hearing, typically the Title IX Coordinator or designee. The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is

working as intended; copying and distributing materials to participants, as appropriate, etc.

27. Testimony and Questioning

Once the Chair has explained the procedures, introduces the participants, and outlined the accusations of prohibited conduct as noted in university policy the hearing will proceed as follows:

1. The complainant (or their advisor) will have the opportunity to present an opening statement.
2. The respondent (or their advisor) can choose to present an opening statement following the complainant, or they can elect to present after the complaint and their witnesses have provided testimony.
3. The complainant and any witnesses for the complainant will provide testimony. The parties/witnesses will submit to questioning by the Decision-makers and then by the parties through their Advisors (“cross-examination”).
4. The respondent (or their advisor), if they have not already done so, will provide an opening statement and testimony. The parties/witnesses will submit to questioning by the Decision-makers and then by the parties through their Advisors (“cross-examination”).
5. Respondent witnesses will provide testimony. The parties/witnesses will submit to questioning by the Decision-makers and then by the parties through their Advisors (“cross-examination”).
6. The Decision-makers can call any witnesses not previously called by the parties to provide testimony.
7. Final questions by the Decision-makers to the parties (if applicable).
8. Closing statements by the complainant (or their advisor).
9. Closing statements by the respondent (or their advisor).
10. Closed door deliberations by the Decision-makers.

All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request or agreed to by the parties and the Chair), the proceeding will pause to allow the Chair to consider it, and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may explore arguments regarding relevance with the Advisors, if the Chair so chooses. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance, subject to any appeal. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask advisors to frame why a question is or is not relevant from their perspective but will not entertain arguments from the advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

28. Refusal to Submit to Cross-Examination and Inferences

If a party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Decision-makers may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility.

If the party or witness attends the hearing and answers some cross-examination questions, only statements related to the cross-examination questions they refuse to answer cannot be relied upon. However, if the statements of the party who is refusing to submit to cross-examination or refuses to attend the hearing are the subject of the allegation itself (e.g., the case is about verbal harassment or a quid pro quo offer), then those statements are not precluded from admission.

The Decision-makers may not draw any inference solely from a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

If charges of policy violations other than sexual harassment are considered at the same hearing, the Decision-makers may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for cross-examination is afforded to all parties through their Advisors, and may draw reasonable inferences from any decision by any party or witness not to participate or respond to questions.

If a party's Advisor of choice refuses to comply with Transylvania University's established rules of decorum for the hearing, Transylvania University may require the party to use a different Advisor. If a Transylvania University -provided Advisor refuses to comply with the rules of decorum, Transylvania University may provide that party with a different Advisor to conduct cross-examination on behalf of that party.

29. Recording Hearings

Hearings (but not deliberations) are recorded by Transylvania University for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Decision-makers, the parties, their Advisors, and appropriate administrators of Transylvania University will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

30. Deliberation, Decision-making, and Standard of Proof

The Decision-makers will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. A simple majority vote is required to determine the finding. The preponderance of the evidence [more likely than not] standard of proof is used.

When there is a finding of responsibility on one or more of the allegations, the Decision-makers may then consider the previously submitted party impact statements in determining appropriate sanction(s).

The Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Decision-makers may – at their discretion – consider the statements, but they are not binding.

The Decision-makers will review the statements and any pertinent conduct history provided by the hearing administrator and will determine the appropriate sanction(s).

The Chair will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, and any sanctions and/or recommendations.

This report will be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

31. Notice of Outcome

Using the deliberation statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome. The Title IX Coordinator will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within seven (7) business days of receiving the Decision-maker(s)' deliberation statement.

The Notice of Outcome will then be shared with the parties and their Advisors simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: via the student conduct Maxient system, emailed to the parties' Transylvania University issued email, in person, or mailed to the local or permanent address of the parties as indicated in official Transylvania University records. Once delivered via Maxient, emailed, mailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will identify the specific policy(ies) reported to have been violated and include the relevant policy section.

The Notice of Outcome will specify the finding on each alleged policy violation, the findings of fact that support the determination, the conclusions and rationale regarding the application of the relevant policy to the facts at issue, any sanctions issued which Transylvania University is permitted to share according to state or federal law, and any remedies provided to the Complainant designed to ensure access to Transylvania University's educational or employment program or activity, to the extent Transylvania University is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The Notice of Outcome will also include information on when the results are considered by Transylvania University to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

32. Sanctions

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Decision-makers

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

a. Student Sanctions

The following are the usual sanctions²⁰ that may be imposed upon students or organizations singly or in combination²¹:

- *Warning*: A formal statement that the conduct was unacceptable and a warning that further violation of any Transylvania University policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Required Counseling*: A mandate to meet with and engage in either Transylvania University -sponsored or external counseling to better comprehend the misconduct and its effects.
- *Probation*: A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- *Suspension*: Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are

²⁰ Transylvania University policies on transcript notation will apply to these proceedings.

²¹ Subject to Transylvania University's Organizational Code of Conduct.

automatically placed on probation through the remainder of their tenure as a student at Transylvania University.

- *Expulsion*: Permanent termination of student status and revocation of rights to be on campus for any reason or to attend Transylvania University -sponsored events. This sanction will be noted permanently as a Conduct Expulsion on the student's official transcript, [subject to any applicable expungement policies.]
- *Withholding Diploma*: Transylvania University may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending or as a sanction if the student is found responsible for an alleged violation.
- *Revocation of Degree*: Transylvania University reserves the right to revoke a degree previously awarded from Transylvania University for fraud, misrepresentation, and/or other violation of Transylvania University policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- *Organizational Sanctions*: Deactivation, loss of recognition, loss of some or all privileges (including Transylvania University registration) for a specified period of time.
- *Other Actions*: In addition to or in place of the above sanctions, Transylvania University may assign any other sanctions as deemed appropriate.

b. Employee Sanctions

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- *Warning – Verbal or Written*
- *Performance Improvement/Management Process*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Loss of Annual Pay Increase*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Suspension with pay*
- *Suspension without pay*
- *Termination*
- *Other Actions*: In addition to or in place of the above sanctions, Transylvania University may assign any other sanctions as deemed appropriate.

33. Withdrawal or Resignation While Charges Pending

Students: If a student has an allegation pending for violation of the Policy on Equal Opportunity, Harassment, and Nondiscrimination, Transylvania University may place a hold on a student's ability to graduate and/or to receive an official transcript/diploma.

Should a student decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from Transylvania University, the resolution process ends, as Transylvania University no longer has disciplinary jurisdiction over the withdrawn student.

However, Transylvania University will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation. The student who withdraws or leaves while the process is pending may not return to Transylvania University. Such exclusion applies to all campuses of Transylvania University. A hold will be placed on their ability to be readmitted. They may also be barred from Transylvania University property and/or events.

If the student Respondent who is found responsible withdraws or takes a leave for a specified period of time (e.g., one semester or term), the student is not permitted to return to Transylvania University unless and until all sanctions have been satisfied.

During the resolution process, Transylvania University may put a hold on a responding student's transcript or place a notation on a responding student's transcript or dean's disciplinary certification that a disciplinary matter is pending.

Employees: Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as Transylvania University no longer has disciplinary jurisdiction over the resigned employee.

However, Transylvania University will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or discrimination.

The employee who resigns with unresolved allegations pending is not eligible for rehire with Transylvania University or any campus of Transylvania University, and the records retained by the Title IX Coordinator and Human Resources Office will reflect that status.

All Transylvania University responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

34. Appeals

Any party may file a request for appeal ("Request for Appeal"), but it must be submitted in writing to the Title IX Coordinator within seven(7) days of the delivery of the Notice of Outcome.

A single Appeal Decision-maker will Chair the appeal. No appeal Decision-maker will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process.

The Request for Appeal will be forwarded to the Appeal Chair for consideration to determine if the request meets the grounds for appeal (a Review for Standing).

This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

a. Grounds for Appeal

Appeals are limited to the following grounds:

- (A) Procedural irregularity that affected the outcome of the matter;

- (B) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- (C) The Title IX Coordinator, Investigator(s), or Decision-makers had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Chair and the parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Chair will notify the other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s).

The other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-makers will be emailed, mailed, and/or provided a hard copy of the request with the approved grounds and then be given seven (7) business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Chair to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed for standing by the Appeal Chair and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Decision-makers, as necessary, who will submit their responses in seven (7) business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal Chair will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses and the Chair will render a decision in no more than seven (7) business days, barring exigent circumstances. All decisions apply the preponderance of the evidence [more likely than not] standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which Transylvania University is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent Transylvania University is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties' Transylvania University -issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

b. Sanctions Status During the Appeal

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, then emergency removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation.

Transylvania University may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

c. Appeal Considerations

- Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- An appeal is not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-makers merely because they disagree with the finding and/or sanction(s).
- The Appeal Chair may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
- Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Decision-makers for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing). When appeals result in no change to the finding or sanction, that decision is final.
- In rare cases where a procedural [or substantive] error cannot be cured by the original Decision-makers (as in cases of bias), the appeal may order a new hearing with a new Decision-makers.
- The results of a new hearing can be appealed, once, on any of the three available appeal grounds.
- In cases in which the appeal results in reinstatement to Transylvania University or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

35. Long-Term Remedies/Other Actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the harassment, discrimination, and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedies available to the Respondent to ensure no effective denial of educational access.

Transylvania University will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair Transylvania University's ability to provide these services.

36. Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions

The parties are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-makers (including the Appeal Chair/Panel).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from Transylvania University and may be noted on a student's official transcript.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

37. Recordkeeping

Transylvania University will maintain for a period of [at least] seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary sanctions imposed on the Respondent;
3. Any remedies provided to the Complainant designed to restore or preserve equal access to Transylvania University's education program or activity;
4. Any appeal and the result therefrom;
5. Any Informal Resolution and the result therefrom;
6. All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. Transylvania University will make

these training materials publicly available on Transylvania University's website.

7. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
 - a. The basis for all conclusions that the response was not deliberately indifferent;
 - b. Any measures designed to restore or preserve equal access to Transylvania University's education program or activity; and
 - c. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Transylvania University will also maintain any and all records in accordance with state and federal laws.

38. Disabilities Accommodations in the Resolution Process

Transylvania University is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to Transylvania University's resolution process.

Anyone needing such accommodations or support should contact the Director of Disability Services or for employees the Director of Human Resources who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

39. Revision of this Policy and Procedures

This Policy and procedures supersede any previous policy(ies) addressing harassment, sexual misconduct, discrimination, and/or retaliation and will be reviewed and updated as needed by the Title IX Coordinator. Transylvania University reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.

If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be constructed to comply with the most recent government regulations or holdings.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

This Policy and procedures are effective August 14, 2020.

APPENDIX A: INFORMAL RESOLUTION (IR)

Informal Resolution can include two different approaches:

- When the parties agree to resolve the matter through an informal resolution mechanism [including mediation, restorative practices, etc.]; or
- When the Title IX Coordinator can resolve the matter informally by providing supportive measures to remedy the situation.

To initiate Informal Resolution, a Complainant needs to submit a formal complaint, as defined above. If a Respondent wishes to initiate Informal Resolution, they should contact the Title IX Coordinator to initiate the process.

It is not necessary to pursue Informal Resolution first in order to pursue an Administrative/Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Administrative/Formal Grievance Process.

Prior to implementing Informal Resolution, Transylvania University will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by Transylvania University .

The decision to participate in Informal Resolution is strictly voluntary. Transylvania University will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding.

The Title IX Coordinator may look to the following factors to assess whether Informal Resolution is appropriate, or which form of Informal Resolution may be most successful for the parties:

- The parties' amenability to Informal Resolution;
- Likelihood of potential resolution, taking into account any power dynamics between the parties;
- The parties' motivation to participate;
- Civility of the parties;
- Cleared risk assessment/ongoing risk analysis;
- Disciplinary history;
- Whether an emergency removal is needed;
- Skill of the Informal Resolution facilitator with this type of complaint;
- Complaint complexity;
- Emotional investment/intelligence of the parties;
- Rationality of the parties;
- Goals of the parties;
- Adequate resources to invest in Informal Resolution (time, staff, etc.)

The ultimate determination of whether Informal Resolution is available or successful is to be made by the Title IX Coordinator and/or for employees, the Director of Human Resources. The Title IX Coordinator and the Office of Human Resources for employees, maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal

Resolution are not appealable by either party.

Informal resolution is a process overseen by a facilitator who can be the Title IX Coordinator or designee. Informal Resolution does not result in sanctions, but rather agreed upon resolutions by the parties and Transylvania University.

Situations involving dangerous patterns of behavior or significant ongoing threat to an individual and/or the community will not be resolvable through Informal Resolution. In some cases the Risk Assessment team [see section 9 *Emergency Removal*] may be consulted by the Informal Resolution facilitator to determine if this mechanism is appropriate.

Any party can end Informal Resolution early-, mid-, or late-process for any reason or no reason. If both parties are not willing to entertain Informal Resolution, then the process will not be feasible. In addition, the facilitator reserves the right to change the process to an administrative/formal process if efforts are not productive or if sufficient evidence suggests the need to do so.

The facilitator will create an agreement between the parties (Complainant, Respondent, Transylvania University) which will be summarized in writing by and enforced by Transylvania University. The agreement will be kept on file with the Title IX Coordinator and for faculty/staff, the Director of Human Resources and VP.

Because Informal Resolution does not result in sanctions, but rather agreed upon resolutions, participation in the process is not reflected in student or employee conduct records or academic transcripts. Failure of either party to adhere to the agreed upon measures/resolutions can result in disciplinary action which then may be reflected in employee or student conduct records or academic transcripts.

The results of Informal Resolution once agreed upon in writing are not appealable by either party.

APPENDIX B: PROCESS B - RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE POLICY ON EQUAL OPPORTUNITY, HARASSMENT, AND NONDISCRIMINATION

Transylvania University will act on any formal or informal allegation or notice of violation of the policy on Equal Opportunity, Harassment and Nondiscrimination that is received by the Title IX Coordinator or a member of the administration, faculty, or other employee, with the exception of confidential resources, as articulated in the Policy above.

The procedures described below apply to all allegations of harassment or discrimination on the basis of protected class status involving students, staff, faculty members, or third parties. Process B is applicable when the Title IX Coordinator determines Process A is inapplicable, or offenses subject to Process A have been dismissed. If Process A is applicable, Process A must be applied in lieu of Process B. The Title IX Coordinator has the authority to determine if the resolution process under process B will be undertaken by the office. Reasons the resolution process under Process B might not be appropriate could include but are not limited to a

complainant's unwillingness to participate in the resolution process or the Title IX Coordinator determines there was insufficient evidence to initiate the resolution process.

These procedures may also be used to address collateral misconduct arising from the investigation of, or occurring in conjunction with, harassing or discriminatory conduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by this policy will be addressed through the procedures elaborated in the respective student, faculty, and staff handbooks.

1. Initial Assessment

Following intake, receipt of notice, or a complaint of an alleged violation of Transylvania University's nondiscrimination Policy, the Title IX Coordinator engages in an initial assessment. The steps in an initial assessment can include:

- The Title IX Coordinator reaches out to the Complainant to offer information and support resources.
- The Title IX Coordinator works with the Complainant to ensure they have an Advisor, if requested by the Complainant.
- The Title IX Coordinator works to determine whether an Informal Resolution or an Administrative Resolution/Formal Grievance Process is necessary.
 - Informal Resolution Option: The Title IX Coordinator assesses whether the complaint is suitable for Informal Resolution, which informal mechanism may serve the situation best or is available, and may seek to determine if the Respondent is also willing to engage in Informal Resolution. Informal Resolution is typically used for less serious offenses and only when all parties agree to Informal Resolution, or when the Respondent is willing to make a reasonable gesture toward accountability. This can also include a remedies-only response.
 - Administrative Resolution/Formal Grievance Process Option: The Title IX Coordinator initiates the investigation process and determines whether the scope of the investigation will address:
 - Incident, and/or
 - A potential pattern of misconduct, and/or
 - A culture/climate issue.

Administrative Resolution/Formal Grievance Process includes investigation of policy violation(s) and recommended finding, subject to a determination by the Decision-maker and the opportunity to appeal to an Appeals member.

The investigation and the subsequent Administrative Resolution/Formal Grievance Process determine whether the nondiscrimination policy has been violated. If so, Transylvania University will promptly implement effective remedies designed to end the discrimination, prevent recurrence, and address the effects.

The process followed considers the preference of the parties but is ultimately determined at the discretion of the Title IX Coordinator. At any point during the initial assessment or formal investigation, if the Title IX Coordinator determines that reasonable cause does not support that a violation of the policy has occurred, the process will end, and the parties will be notified.

The Complainant may request that the Title IX Coordinator review the reasonable cause determination and/or re-open the investigation. This decision lies in the sole discretion of the Title IX Coordinator, but the request is usually only granted in extraordinary circumstances.

2. Counterclaims

Counterclaims by the Respondent may be made in good faith but are also sometimes made for purposes of retaliation. Transylvania University is obligated to ensure that any process is not abused for retaliatory purposes.

Transylvania University permits the filing of counterclaims, but uses the initial assessment, described above in the Policy section, to assess whether the allegations are made in good faith. If they are, the allegations will be processed using the resolution procedures below, typically after resolution of the underlying allegation.

A delay in the processing of counterclaims is permitted, accordingly. Occasionally, allegations and counterclaims can be resolved through the same investigation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory, and may constitute a violation of this Policy.

3. Right to an Advisor

The parties may each have an Advisor of their choice present with them for all meetings and interviews within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available.

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored when making a final determination of responsibility.

a. Who Can Serve as an Advisor

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the Transylvania University community.

If the parties choose an Advisor from outside the pool of those identified by Transylvania University, the Advisor may not have been trained by Transylvania University and may not be familiar with Transylvania University policies and procedures.

b. Advisor's Role

The parties may be accompanied by their Advisor within the resolution process at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

Transylvania University cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, Transylvania University is not obligated to provide an attorney.

c. Advisor Violations of Transylvania University Policy

All Advisors are subject to the same Transylvania University policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address Transylvania University officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or actively represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

d. Sharing Information with the Advisor

Transylvania University expects that the parties may wish to have Transylvania University share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process.

Transylvania University also provides a consent form that authorizes Transylvania University to share such information directly with their Advisor. The parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor before Transylvania University is able to share records with an Advisor.

If a party requests that all communication be made through their attorney Advisor, Transylvania University will comply with that request.

e. Privacy of Records Shared with Advisor

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by Transylvania University. Transylvania University may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by Transylvania University's privacy expectations.

f. Expectations of an Advisor

Transylvania University generally expects an Advisor to adjust their schedule to allow them to attend Transylvania University meetings when planned, but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

Transylvania University may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

g. Expectations of the Parties with Respect to Advisors

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured.

4. Resolution Options

Proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accord with Transylvania University Policy.

While there is an expectation of privacy around what is discussed during interviews, the parties have discretion to share their own experiences with others if they so choose, but are encouraged to discuss with their Advisors first before doing so.

- **Respondent Accepts Responsibility for Alleged Violations**

The Respondent may accept responsibility for all or some of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for any aspect of the alleged misconduct, the formal process will be paused and the Complainant will be notified in writing. The Title IX Coordinator will provide the case file to the Dean of Students or designee for students, and the Director of Human Resources and VP for faculty /staff who will determine appropriate remedies or responsive disciplinary actions. Responsive disciplinary action can include but are not limited to warnings, probation,

suspension, or expulsion for students and can include but are not limited to warnings, probation, loss of job responsibilities, demotions, or termination for faculty/staff.

If the Respondent accepts responsibility for all of the alleged policy violations, the case will be considered resolved and the grievance process will end. The parties can continue to receive supportive measures as necessary.

If the Respondent accepts responsibility for some of the alleged policy violations and the Dean of Students or designee for students and the Director of Human Resources and VP for faculty/staff has determined appropriate remedies or responsive disciplinary actions, which are promptly implemented, for those violations, then the remaining allegations will continue to be investigated. The parties are still able to seek an Informal Resolution on the remaining allegations, subject to the stipulations above.

The result of a Respondent accepting responsibility for some or all of the allegations made for violation of this policy is not subject to appeal once the Respondent has accepted responsibility for the allegations in writing and the Dean of Students or designee for students and the Director of Human Resources and VP for faculty/staff has issued appropriate remedies or responsive disciplinary action in writing to the Respondent. The Respondent's conduct record for students and Human Resources record for faculty/staff will indicate they have accepted responsibility for violating all or some of this policy and will contain the remedies or responsive disciplinary actions implemented.

- **Informal Resolution**

Informal Resolution is a process, such as mediation or restorative practices, by which a mutually agreed upon resolution of an allegation is reached by both parties. Informal Resolution is encouraged as an alternative to the Administrative Resolution/Formal Grievance process (described below) to resolve conflicts. It may be used for less serious, yet inappropriate, behaviors, but can be used to address other more serious behaviors if at the time of the allegation the university does not determine there is an ongoing threat to the Complainant or campus community and/or if the Complainant wishes to pursue this process.

Information about the Informal Resolution process can be found in Appendix A.

- **Administrative Resolution (Formal Grievance Process)**

Administrative Resolution can be pursued for any behavior for which the Respondent has not accepted responsibility that constitutes conduct covered by the Equal Opportunity, Harassment, and Nondiscrimination Policy at any time during the process. Administrative Resolution starts with a thorough, reliable, and impartial investigation.

If Administrative Resolution is initiated, the Title IX Coordinator will provide written notification of the investigation to the parties at an appropriate time during the investigation. Notice will be provided to the Respondent in advance of an interview. Advanced notice facilitates the parties' ability to identify and choose an Advisor, if any, to accompany them to the interview.

Notification will include a summary of the allegations, will be made in writing, and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official Transylvania University records, via the student conduct system Maxient, or emailed to the parties' Transylvania University issued email account.

Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. The notification should include the policies allegedly violated, if known at the time. Alternatively, the policies allegedly violated can be provided at a later date, in writing, as the investigation progresses, and details become clearer.

Transylvania University will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation. Some investigations take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

Once the decision is made to commence an investigation, the Title IX Coordinator can investigate the matter, work as a co-investigator, or appoint an investigator(s). The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no conflicts of interest or disqualifying bias.

The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Investigator(s) will be assigned and the impact of the bias or conflict, if any, will be remedied. If the bias or conflict relates to the Title IX Coordinator, concerns should be raised with the Vice President of the University.

Transylvania University may undertake a short delay in its investigation (several days to weeks, to allow evidence collection) when criminal charges based on the same behaviors that invoke Transylvania University's resolution process are being investigated by law enforcement. Transylvania University will promptly resume its investigation and resolution process once notified by law enforcement that the initial evidence collection process is complete.

Transylvania University action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

Investigations involve interviews with all relevant parties and witnesses, obtaining available, relevant evidence, and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to fully review and respond to all evidence, on the record.

5. Investigation

The Investigators typically take the following steps, if not already completed (not necessarily in this order nor all the steps that may be taken)²²:

- Determine the identity and contact information of the Complainant(s)
- In coordination with campus partners, initiate or assist with any necessary supportive measures
- Identify all policies implicated by the alleged misconduct
- Assist the Title IX Coordinator with conducting an initial assessment to determine if there is reasonable cause to believe the Respondent has violated policy
- If there is insufficient evidence to support reasonable cause, the process is closed with no further action
- Meet with the Complainant(s) to finalize their statement, if necessary
- Prepare the initial Notice of Investigation and Allegation (NOIA) on the basis of the initial assessment. Notice may be one step or multiple steps, depending on how the investigation unfolds, and potential policy violations may be added or dropped as more is learned. Investigators will update the NOIA accordingly and provide it to the parties.
- Interview all relevant individuals and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest questions they wish the Investigator(s) to ask of the other party and witnesses
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Write a comprehensive investigation report fully summarizing the investigation and all evidence
- Recommend whether a policy violation based on a preponderance of the evidence (more likely than not) occurred, or recommend the case should be dismissed due to lack of evidence to support a finding.
- Provide a copy of the investigative report to the parties, the Dean of Students for students, and Director of Human Resources and VP for faculty/staff. Sanctions and/or remedies for students are determined by the Dean of Students. For employees sanctions and/or remedies will be determined by the Director of Human Resources in coordination with the employees VP.

6. Additional Details of the Investigation Process

• Role and Participation of Witnesses in the Investigation

Witnesses (as distinguished from the parties) who are employees of Transylvania University are expected to cooperate with and participate in Transylvania University's investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline.

²² The Title IX Coordinator may choose to serve as the sole investigator or be part of an investigative team. This decision is made based on the availability of investigators at the time the administrative/formal grievance process is initiated.

Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews. Transylvania University will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

- **Recording of Interviews**

Investigators may choose to record interviews with the knowledge and consent of all involved parties. Individuals participating in interviews will be allowed to view a transcript of the interview recording and make notations, if necessary, with the understanding that they may need to be re-interviewed regarding the notations. It is up to the discretion of the investigator(s) whether to re-interview a party based on a notation made to an interview transcript.

No unauthorized audio or video recording of any kind is permitted during interviews. If participants are found to be in possession of unauthorized recordings they can face disciplinary charges with the Dean of Students Office for students and Human Resources if an employee.

- **Evidence**

Any evidence that is relevant and credible may be considered, including an individual's prior misconduct history as well as evidence indicating a pattern of misconduct. The process should exclude irrelevant or immaterial evidence and may disregard evidence lacking in credibility or that is improperly prejudicial.

- **Sexual history/patterns**

Unless the Title IX Coordinator determines it is appropriate, the investigation and the finding do not consider: (1) incidents not directly related to the possible violation, unless they evidence a pattern; (2) the sexual history of the parties (though there may be a limited exception made with regard to the sexual history between the parties); or (3) the character of the parties.

- **Previous allegations/violations**

While previous conduct violations by the Respondent are not generally admissible as information supporting the current allegation, the Investigator(s) may supply the Title IX Coordinator with information about previous good faith allegations and/or findings, when that information suggests potential pattern and/or predatory conduct.

Previous disciplinary action of any kind involving the Respondent may be considered in determining the appropriate sanction(s), if Transylvania University uses a progressive discipline system.

- **Notification of outcome**

The Title IX Coordinator will provide a copy of the completed investigation report and all relevant information collected to both parties, the Dean of Students, and/or the Director of Human Resources and VP. Notifications are made in writing and may be delivered by one or

more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official Transylvania University records, via the student conduct system Maxient, or emailed to the parties' Transylvania University issued or designated email account. Once mailed, emailed, and/or received in-person, notice is presumptively delivered.

7. Determination

Within two to three (2-3) business days of receiving the Investigator's Final Investigation Report, the Administrator reviews the report and all responses, and then makes the final determination on the basis of the preponderance of the evidence.

If the record is incomplete, the Administrator may direct a re-opening of the investigation, or may direct or conduct any additional inquiry necessary, including informally meeting with the Parties or any witnesses, if needed.

The Investigator's recommendation, if any, should be strongly considered but is not binding on the Decision-Maker. The Decision-maker may invite and consider impact and/or mitigation statements from the Parties if and when determining appropriate sanction(s), if any.

The Administrator provides the Parties written notice of the determination within three (3) business days of the resolution, ideally simultaneously, but without significant time delay between notifications. Notifications may be delivered by one or more of the following methods: in person, in person; mailed to the local or permanent address of the parties as indicated in official Transylvania University records, via the student conduct system Maxient, or emailed to the parties' Transylvania University issued or designated email account. Once mailed, emailed, and/or received in-person, notice is presumptively delivered.

Unless based on an acceptance of violation by the Respondent or resolved through Informal Resolution, the determination of an investigation may be appealed by either party. The Notification of Outcome also includes the grounds on which the parties may appeal and the steps the parties may take to request an appeal of the findings. More information about the appeal procedures can be found in section 10 below.

8. Sanctions

The Dean of Students or designee determines final sanctions or remedies for students, and for employees the Director of Human Resources in coordination with the employees VP.

Factors considered when determining any sanction(s)/responsive action(s) may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation
- An individual's disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation

- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Title IX Coordinator

The sanction(s) will be implemented as soon as is feasible. The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed by outside authorities.

a. Student Sanctions

The following are the sanctions that may be imposed upon students or student organizations singly or in combination. These sanctions include but are not limited to:

- *Warning:* A formal statement that the behavior was unacceptable and a warning that further infractions of any Transylvania University policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Probation:* A written reprimand for violation of Transylvania University Policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any Transylvania University policy, procedure or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- *Suspension:* Termination of student status for a definite period of time not to exceed two years, and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at Transylvania University.
- *Expulsion:* Permanent termination of student status, revocation of rights to be on campus for any reason or attend Transylvania University -sponsored events. This sanction will be noted as a Conduct Expulsion on the student's official transcript.
- *Withholding Diploma and/or Official Transcripts:* Transylvania University may withhold a student's diploma and/or official transcripts for a specified period of time, and/or deny a student participation in commencement activities, if the student has an allegation pending, or as a sanction if the student is found responsible for an alleged violation.
- *Revocation of Degree:* Transylvania University reserves the right to revoke a degree previously awarded from Transylvania University for fraud, misrepresentation, or other violation of Transylvania University policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- *Organizational Sanctions:* Deactivation, loss of recognition, loss of some or all privileges (including Transylvania University registration), for a specified period of time.
- *Other Actions:* In addition to or in place of the above sanctions, Transylvania University may assign any other sanctions as deemed appropriate.

b. Employee Sanctions

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- *Warning – Verbal or Written*
- *Performance Improvement/Management Process*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Loss of Annual Pay Increase*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Suspension with pay*
- *Suspension without pay*
- *Termination*
- *Other Actions:* In addition to or in place of the above sanctions, Transylvania University may assign any other sanctions as deemed appropriate.

9. Withdrawal or Resignation While Charges are Pending

Students: If a student withdraws while having an allegation pending for violation of the Equal Opportunity, Harassment, and Nondiscrimination policy, they will not be permitted to re-enroll at Transylvania University until the resolution process is complete. The Title IX Coordinator can also enforce a No Trespass directive to the student.

Employees: Should an employee resign with unresolved allegations pending, the records of the Title IX Coordinator will reflect that status, and any Transylvania University responses to future inquiries regarding employment references for that individual will include the former employee's unresolved status.

10. Appeals

All requests for appeal consideration for students must be submitted in writing to the Title IX Coordinator within seven (7) business days of the delivery of the written finding letter. For employees, all requests for appeals consideration must be submitted in writing to the Title IX Coordinator within seven (7) business days of the delivery of the written finding letter. Any party may appeal the findings only under the grounds described below.

An Appeals Decision Maker will be chosen from the Pool and will be designated by the Title IX Coordinator from those who have not been involved in the process previously. Any party may appeal, but appeals are limited to the following grounds:

- A procedural error or omission occurred that significantly impacted the outcome of the investigation (e.g., substantiated bias, material deviation from established procedures).

- To consider new evidence, unknown or unavailable during the investigation, that could substantially impact the original finding. A summary of this new evidence and its potential impact must be included.

When any party requests an appeal, the Title IX Coordinator will share the appeal request with the other party(ies) or other appropriate persons such as the Investigator(s), who may file a response within three (3) business days. The other party may also bring their own appeal on separate grounds.

If new grounds are raised, the original appealing party will be permitted to submit a written response to these new grounds within 5 (five) business days. These responses or appeal requests will be shared with each party. The Appeals Decision Maker will review the appeal request(s) within 7 (seven) business days of completing the pre-appeal exchange of materials. If grounds are not sufficient for an appeal, or the appeal is not timely, the appeal Chair/Panel dismisses the appeal.

When the Appeals Decision Maker finds that at least one of the grounds is met by at least one party, additional principles governing the review of appeals include the following:

- Decisions by the Appeals Decision Maker are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is compelling justification to do so.
- Appeals are not intended to be full re-hearings (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the investigation and pertinent documentation regarding the grounds for appeal.
- An appeal is not an opportunity for the Appeals Decision Maker to substitute their judgment for that of the original Investigator(s) or Title IX Coordinator/Decision-maker merely because they disagree with the finding and/or sanction(s).
- Appeals granted based on new evidence should normally be remanded to the Investigator(s) for reconsideration. Other appeals may be remanded at the discretion of the Appeals Decision Maker.
- Sanctions imposed as the result of Administrative Resolution are implemented immediately unless the Title IX Coordinator stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
 - For students: Graduation, study abroad, internships/ externships, etc., do NOT in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal.
- All parties will be informed in writing within seven (7) business days of the outcome of the appeal without significant time delay between notifications, and in accordance with the standards for Notice of Outcome as defined above.
- Once an appeal is decided, the outcome is final; further appeals are not permitted, even if a decision or sanction is changed on remand.
- In rare cases when a procedural [or substantive] error cannot be cured by the original Investigator(s) and/or Title IX Coordinator/Decision-maker (as in cases of bias), the Appeals Decision Maker may recommend a new investigation and/or Administrative Resolution process, including a new resolution administrator.

- The results of a new Administrative Resolution process can be appealed once, on any of the three applicable grounds for appeals.
- In cases in which the appeal results in Respondent's reinstatement to Transylvania University or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

11. Long-Term Remedies/Actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement long-term remedies or actions with respect to the parties and/or the campus community to stop the harassment, discrimination, and/or retaliation; remedy its effects; and prevent its reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, long-term remedies may also be provided to the Complainant even if no policy violation is found.

12. Failure to Complete Sanctions/Comply with Interim and Long-term Remedies/Responsive Actions

All Respondents are expected to comply with conduct sanctions, agreed upon measures of an Informal Resolution, and corrective/responsive actions within the timeframe specified by the Dean of Students for students, or for employees, the Director of Human Resources and VP.

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/responsive/corrective action(s), including suspension, expulsion, and/or termination from Transylvania University and may be noted on a student's official transcript or for employees in their employment file with Human Resources.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Dean of Students for students, or for employees, the Director of Human Resources.

13. Recordkeeping

In implementing this policy, records of all allegations, investigations, resolutions, and hearings will be maintained as required by state or federal law or institutional policy, by the Title IX Coordinator, and for employees, the Human Resources office.

14. Disabilities Accommodation in the Resolution Process

Transylvania University is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the resolution process at Transylvania University. Anyone needing such accommodations or support should contact the Director of Disability Services, who will review the request and, in consultation with the person requesting the accommodation, and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

15. Revision

These policies and procedures will be reviewed and updated as appropriate annually by the Title IX Coordinator. Transylvania University reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect.

The Title IX Coordinator may make minor modifications to these procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules.

The Title IX Coordinator may also vary procedures materially with notice (on Transylvania University website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure.

Procedures in effect at the time of the resolution will apply to resolution of incidents, regardless of when the incident occurred.

Policy in effect at the time of the offense will apply even if the policy is changed subsequently but prior to resolution, unless the parties consent to be bound by the current policy.

If government regulations change in a way that impacts this document, this document will be construed to comply with the most recent government regulations.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

This policy and procedure was implemented in August, 2020.

APPENDIX C: Resources

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.

If someone experiences sexual misconduct (immediate steps):

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. 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 (see information below) 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.
8. Online reports can be made at:
https://cm.maxient.com/reportingform.php?TransylvaniaUniv&layout_id=3

On campus Resources:

Lisa Ladanyi, Title IX Coordinator
300 North Broadway, Lexington, KY
(859)233-8520 (office)

Department of Public Safety
859-233-8118 (24hrs)

Health Services (confidential resource)
<https://www.transy.edu/campus/student-wellbeing/>
859-281-3682 (office)

Counseling Services (confidential resource)
<https://www.transy.edu/campus/student-wellbeing/counseling-services/>
859-281-3682 (office)
counseling@transy.edu

Director of Spirituality and Religious Life (confidential resource)
859-281-3585 (office)
Currently Vacant

Director of Diversity, Equity, and Inclusion (confidential resource)
859-233-8804
klove@transy.edu

Community (Off Campus) Resources:

[Lexington Metro Police](#)
911 or 859-258-3600

[Ampersand Sexual Violence Resource Center of the Bluegrass](#) (confidential)
859-253-2615

[Greenhouse 17 - Bluegrass Domestic Violence Program](#) (confidential)
1-800-544-2022

[The Woodland Group](#) - Faculty & Staff Assistance Program (confidential)
859-255-4864

Transylvania University maintains a listing of local attorneys who may offer discounted or pro bono services in the Central Kentucky area. Individuals can also visit <http://kyjustice.org/probono> for additional information.

The following list is intended for use as a resource only. Transylvania does not endorse or imply direction of parties to any particular counsel.

Legal Aid of the Bluegrass

Email: legalaid@lablaw.org

Phone: (859)431-8200

Web: <https://lablaw.org>

AppalReD Legal Aid

Phone: 1-866-277-5733

Web: <https://www.ardfky.org>

Kentucky Equal Justice Center

Phone: (859)233-3840

Web: <https://www.kyequaljustice.org/contact-us>

Kentucky Volunteer Lawyer Program, The Access to Justice Foundation

email: jduncan@mis.net

Phone: 859-255-9913 x12

Volunteer Lawyers for Veterans Program

Email: sdennis@laslou.org

Phone: 502-614-3133

APPENDIX D: STATE LAW DEFINITIONS

These state law definitions are for informational purposes only and are included as an appendix as required by the Violence Against Women Act (VAWA).

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

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, a 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;

(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

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.

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 together 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

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 causes 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 communicating 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.

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

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

Hazing: Any intentional, knowing, or reckless act committed by a person (alone or with others) against another person or persons, regardless of the willingness of the person(s) to participate, that:

1. Is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in a student organization; and
2. Causes or creates a risk *above the reasonable risk* encountered in normal participation in the institution or organization (for example, ordinary physical preparation for athletics) of physical or psychological injury, including by means such as:
 - whipping, beating, striking, electric shocking, placing harmful substances on someone's body, or similar acts;
 - causing or coercing sleep deprivation, exposure to the elements, confinement in small spaces, extreme calisthenics, or similar activities;
 - causing or coercing consumption of food, liquid, alcohol, drugs, or other substances;
 - causing or coercing performance of sexual acts;
 - any activity that places someone in fear of bodily harm by threats or conduct;
 - any activity that violates local, State, Tribal, or Federal law; or
 - requiring someone to perform a duty or task that involves a criminal violation of law.

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.

Hazing:

Transylvania University prohibits hazing in all forms. Hazing is defined as any act likely to cause physical or psychological harm, discomfort, embarrassment, harassment, or ridicule, or that creates a substantial risk of such harm, to any student or other member of the University community, when related to the admission, initiation, pledging, joining, or continued membership in a group or organization.

In addition to University policy, hazing is also prohibited by Kentucky Revised Statutes (KRS) 508.080 and 508.085. Under Kentucky law:

- KRS 508.080 (Hazing, first degree): Hazing that results in physical injury or serious risk of physical injury is a Class A misdemeanor.
- KRS 508.085 (Hazing, second degree): Hazing that does not cause physical injury but creates a risk of psychological or physical harm is a violation under state law.

Transylvania University enforces its own disciplinary process for hazing, which may include suspension or expulsion of students and revocation of recognition for student organizations. Students and organizations may also face criminal prosecution under Kentucky law for hazing-related offenses.

Hazing incidents may be reported anonymously through the University's hazing prevention system or directly to the Department of Public Safety.

Crime Statistics

Offense (Reported By Hierarchy)	Year	On Campus	Residential Facilities*	Non-Campus	Public Property	Unfounded Crimes
Murder/Non Negligent Manslaughter	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Negligent Manslaughter	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Rape	2024	0	0	1	0	0
	2023	2	2	0	0	0
	2022	18	18	6	6	0

Fondling	2024	2	2	2	0	0
	2023	1	1	0	0	0
	2022	12	12	0	0	0
Incest	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Statutory Rape	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Robbery	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Aggravated Assault	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Burglary	2024	0	0	0	0	0
	2023	2	0	5	0	0
	2022	2	1	0	0	0
Motor Vehicle Theft	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Liquor Law Arrests	2024	0	0	0	0	0
	2023	4	0	0	0	0
	2022	0	0	0	0	0
Drug Law Arrests	2024	2	0	0	0	0
	2023	2	0	0	0	0
	2022	4	0	0	0	0
Weapons Law Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0

	2022	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2024	4	1	0	0	0
	2023	10	10	0	0	0
	2022	16	15	2	0	0
Drug Law Violations Referred for Disciplinary Action	2024	5	2	0	0	0
	2023	3	3	0	0	0
	2022	8	7	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2024	0	0	0	0	0
	2023	1	1	0	0	0
	2022	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.*

Offense (Crimes Not Reported By Hierarchy)	Year	On Campus	Residential Facilities*	Non-Campus	Public Property	Unfounded Crimes
Arson	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Domestic Violence	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Dating Violence	2024	0	0	1	0	0
	2023	1	1	0	0	0
	2022	4	4	1	1	0
Stalking	2024	1	0	0	0	0
	2023	2	2	0	0	0
	2022	3	3	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 2022, 2023, 2024

UNFOUNDED:

There were no unfounded crimes for 2022, 2023, 2024

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: The 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

<u>Name of Facility</u>	<u>Street Address</u>	<u>Number of Fires</u>
338 N. Upper Street	338 N. Upper Street	0
Bassett Hall	420 W. Fourth St.	0
Kincaid 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
360 N. Upper St.	360 N. Upper St.	0

Fires – Summary

Summary of Fires			
	2022	2023	2024

<u>Name of Facility</u>	<u>Fires</u>	<u>Injuries</u>	<u>Deaths</u>	<u>Fires</u>	<u>Injuries</u>	<u>Deaths</u>	<u>Fires</u>	<u>Injuries</u>	<u>Deaths</u>
338 N. Upper St.	0	0	0	0	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	0	0	0	0	0	0
4 th 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	0	0	0	0	0	0
Kincaid Hall	0	0	0	0	0	0	0	0	0
360 N. Upper St.	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0

2025 Report for Calendar Year 2024

Preparation of the Annual Security and Fire Safety Report

The Annual Campus Security & Fire Safety Report is a combined effort prepared by the Department of Public Safety, Title IX Office, Housing and Residence Life, Student Wellbeing, and the Dean of Students Office. This report is published in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and the Higher Education Opportunity Act. It is prepared in cooperation with 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, and athletic coaches); and local law enforcement agencies.

The full text of this report is located on the Department of Public Safety's webpage at: <http://www.transy.edu/campus/safety.htm>. The report is completed and made available to our campus community on or before October 1 of each year. It is posted on the Transylvania

University website and is accessible through the daily university intranet page, *TNotes*, at inside.transy.edu.

Distribution of the Report: Notice of the availability of this report is distributed annually by October 1 to all enrolled students and current employees via university email. A paper copy may be requested at any time by contacting the Department of Public Safety at 859-233-8118 or visiting DPS at 439 W. Fourth Street, Lexington, KY. Prospective students may obtain a copy by contacting the Office of Admissions, and prospective employees may obtain a copy by contacting the Office of Human Resources.

Accessibility: This report is available in electronic and printed formats. Upon request, it will be provided in an accessible format for individuals with disabilities.

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

If you have any questions or would like 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