



Transylvania University Annual Security and Fire Safety Report 2026

Report for Calendar Year 2025

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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, 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 and served 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 for 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 Doctor 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 community policing. 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:

- **Integrity:** Upholding the highest ethical standards in every action and decision, fostering a culture of honesty, transparency, and honor.
- **Accountability:** Taking responsibility for actions and outcomes, while using departmental resources wisely to fulfill obligations to the university community.
- **Respect:** Treating all individuals with dignity, fairness, and cultural sensitivity, regardless of background, identity, or affiliation.
- **Professionalism:** Demonstrating excellence through continuous training, expertise, and adherence to best practices in campus safety and law enforcement.
- **Customer Service:** Responding to community needs promptly and courteously, ensuring high-quality support in all situations.
- **Collaboration:** Working cooperatively with university departments, students, faculty, staff, and external agencies to promote a unified approach to campus safety.
- **Service Orientation:** Embracing a service-first mindset by prioritizing the well-being of the campus community in all public safety initiatives.
- **Inclusivity:** Promoting a welcoming environment where diversity is valued, and where all individuals feel safe, heard, and protected.
- **Preparedness:** Maintaining readiness to respond to emergencies and unexpected events through ongoing training, strategic planning, and resilience-building efforts.
- **Innovation:** Leveraging technology, data, and continuous improvement strategies to proactively enhance safety and efficiency.

Our mission and core values depend on building partnerships through a community policing philosophy. The department prioritizes honesty and integrity, and we value open, effective communication within the community we serve.

DPS officers undergo rigorous law enforcement training and 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 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, such as 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. This active feedback strengthens campus safety and emergency response programs.
- 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. The report also includes crime- and fire-related statistics.

Please review this report carefully. Creating and fostering a safe campus environment is a shared responsibility, 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 Steve Herold, Chief of Public Safety, at sherold@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 an individual or individuals may carry out 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 acting.
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. (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 purpose 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 may impose a fine up to \$71,545 per 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. Transylvania University must also submit an annual report of campus safety policies, programs, and statistics 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, including 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.

Clery Act Policy Statement Summary and Cross-References

For ease of reference, Transylvania University summarizes its principal policies and procedures below that address the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. These statements provide a concise overview of the University’s Clery-related policies. They are supplemented by the more detailed policies, procedures, definitions, and resources identified throughout this Annual Security and Fire Safety Report.

Campus Law Enforcement Authority and Jurisdiction: The Transylvania University Department of Public Safety (DPS) is responsible for campus safety and security. Sworn Peace Officers exercise law-enforcement authority in accordance with Kentucky law, including applicable arrest and jurisdictional authority. Non-sworn DPS personnel do not have arrest authority and may refer matters for university disciplinary review. Additional information is provided under **Campus Law Enforcement Policy, Enforcement Authority, and Relationship with Law Enforcement**.

Reporting Crimes and Emergencies: Students, employees, and other members of the University community are encouraged to report crimes, emergencies, and public-safety concerns accurately and promptly to DPS or other appropriate law-enforcement authorities. DPS serves as the University’s primary emergency-reporting point and is available 24 hours a day, seven days a week. Reporting methods and the University’s response procedures are described under **Incident Reporting and Response, Off-Campus Crime Reporting, Voluntary, Confidential and Private Reporting, and Campus Security Authorities**.

Campus Security Authorities and Confidential/Anonymous Reporting: The University identifies Campus Security Authorities (CSAs) to whom Clery-reportable crimes may be reported for statistical and safety-notification purposes. The ASR also distinguishes reports made to confidential pastoral or professional counselors from reports made to university officials that are treated as private and describes available anonymous-reporting options. See **Voluntary, Confidential and Private Reporting, Mandatory Reporters, Campus Security Authorities, and Campus Security Authority Exceptions**.

Timely Warnings: Transylvania University evaluates reported Clery crimes on a case-by-case basis to determine whether they represent a serious or continuing threat to the campus community requiring a Timely Warning. DPS is responsible for the warning process in coordination with University Communications. The circumstances considered, responsible offices, and dissemination methods are described under **Timely Warning Policy**.

Emergency Notification, Response, and Evacuation: Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees on campus, the University will initiate its emergency-notification procedures without delay, subject to the limited safety exception described in this report. DPS determines the appropriate segment or segments of the campus community to notify based on nature, location, potential impact, and required protective actions. Emergency

communications, evacuation procedures, testing, follow-up information, and T-Alert procedures are described under **Emergency Evacuation Procedures and Policies, Transylvania University Emergency Response Plan, and T-Alert (Text Message Safety Alerts)**.

Campus Facilities, Security Awareness, and Crime Prevention: The University maintains policies governing access to and security of campus facilities and residences and considers security in maintaining buildings, lighting, locks, access-control equipment, cameras, emergency telephones, landscaping, and other physical-security features. The University also provides security-awareness and crime-prevention education. See **Building Security, Education Programs, and Security Awareness, Crime Prevention and Safety Programs**.

Alcohol and Other Drugs: Transylvania University maintains policies addressing the possession, use, sale, distribution, and enforcement of alcohol and illegal-drug laws and provides alcohol and other drug education, prevention, intervention, and support programming. The University's Drug-Free Schools and Communities Act materials are incorporated by reference as described under **Alcohol and Other Drug Abuse Education and Prevention Programs (DFSCA Cross-Reference), Alcohol Policy, and Drug Policy**.

Dating Violence, Domestic Violence, Sexual Assault, and Stalking: Transylvania University prohibits dating violence, domestic violence, sexual assault, and stalking and provides prevention and awareness programming, bystander-intervention and risk-reduction information, reporting options, written information regarding rights and resources, supportive and protective measures, and disciplinary procedures. The University also addresses court-issued protective orders and institutional no-contact directives. See **Clery/VAWA Prevention, Victim Rights, and Disciplinary Procedures for the University's detailed procedures. The University's complete current Process A and Process B grievance procedures are reproduced in Appendices A and B of this report**.

Missing Students: Refer reports of a missing student to DPS immediately. When a student is determined to be missing, the University follows the notification procedures and timeframes described in this report, including notifying a designated missing-person contact, notifying a custodial parent or guardian when required, and notifying the appropriate local law-enforcement agency. See **Missing Student Policy & Procedures**.

Hazing: Transylvania University prohibits hazing and maintains policies addressing the institutional and federal definitions of hazing, the definition of student organization, reporting options, investigation procedures, applicable law, the Campus Hazing Transparency Report, and prevention and awareness programming. See **Hazing Policy, Reporting, Investigation, Transparency, and Prevention**.

Crime Statistics and Clery Records: The University collects Clery crime, arrest, and disciplinary-referral information from DPS, CSAs, applicable University offices, and law-enforcement agencies having jurisdiction over applicable Clery geography. The University reviews information for geography, classification, duplication, and consistency before annual publication and submission. Detailed statistics appear under **Crime Statistics**, and the collection and reconciliation process is described under **Preparation of the Annual Security and Fire Safety Report**.

Fire Safety: Transylvania University maintains fire-safety policies and procedures for on-campus student housing, including evacuation, prevention, fire-protection systems, fire reporting, equipment and inspections, smoking/open-flame/electrical-appliance restrictions, fire statistics, and future fire-safety improvements. Additional information is provided under **Fire Safety and Fire Incident Report**.

Annual Report Preparation and Distribution: The University prepares and distributes its Annual Security and Fire Safety Report in cooperation with appropriate University offices and local law-enforcement agencies. The report contains required security and fire-safety policies and statistics and is made available annually to the campus community. See **Preparation of the Annual Security and Fire Safety Report**.

Campus Law Enforcement Policy: The Transylvania University Department of Public Safety is responsible for the safety and security of the university, including all faculty, students, staff, and community members who visit our campus.

Enforcement Authority: All Peace Officers with Transylvania University receive their law enforcement authority through the Justice and Public Safety Cabinet under Kentucky Revised Statutes 61.360. This statute is specific to Special Local Peace Officers, whom 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. Once appointed and sworn in, these peace officers have the legal authority to arrest for violations of state and federal law. Still, their authority is confined to the premises of the property to be protected and to fresh pursuit, under KRS 61.360. Additionally, Peace Officers of the Department of Public Safety may refer students to the judicial arm of Student Life for disciplinary review instead of, or in addition to, arrest.

Non-sworn personnel only have enforcement authority to refer students to the judicial arm of Student Life for disciplinary review. They do not have arrest authority.

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 work with the Lexington-Fayette Urban County Government Division of Police through investigative cooperation, direct communications, emergency support, information sharing, and training. DPS also uses resources from the Kentucky State Police, the Federal Bureau of Investigation, the Alcohol, Tobacco, and Firearms, the Fayette County Sheriff's Office, the University of Kentucky Police Department, and the Secret Service regarding crime issues and criminal activity on and near campus. These agencies routinely exchange crime-related reports and statistics. Our department is also an active member of the Association of Independent Kentucky Colleges and Universities (AIKCU). We have an agreement with LFUCG to handle all serious crimes exceeding the limitations of the DPS. (No MOU)

Incident Reporting and Response

Transylvania University encourages prompt reporting of crimes, emergencies, and public-safety concerns to the Department of Public Safety. The following reporting options are available to students, employees, and visitors:

The graphic is a vertical poster for Transylvania University's Department of Public Safety. At the top, it features the university's logo and name, along with the motto "LEARN BOLDLY. LIVE FEARLESSLY." Below this, the title "Contact Transylvania University Department of Public Safety by:" is prominently displayed, followed by the slogan "SEE SOMETHING. SAY SOMETHING. KEEP TRANSY SAFE." The main body of the poster lists five reporting methods, each with a corresponding icon in a red circle: 1. "DIAL 8118" with a phone icon, described as "from any campus phone to report an emergency on campus." 2. "DIAL 911" with a phone icon, described as "from a landline phone or cellular phone to contact the Lexington-Fayette Urban County Government Division of 911." 3. "DIAL (859) 233-8118" with a phone icon, described as "to report non-emergencies." 4. "DIAL (859) 351-7343" with a speech bubble icon, described as "for Text-A-Tip to report any incidents or requests for assistance." 5. "REPORT IN PERSON" with a location pin icon, described as "at DPS Headquarters, 439 W. Fourth Street." The bottom of the poster features a background image of a campus scene with the text "A SAFER CAMPUS IS A STRONGER COMMUNITY. PEOPLE | PARTNERSHIP | PREVENTION" and a handwritten-style slogan "Together We Keep Transy Safe."

TRANSYLVANIA UNIVERSITY
LEARN BOLDLY. LIVE FEARLESSLY.

Contact Transylvania
University Department of Public Safety by:
SEE SOMETHING. SAY SOMETHING. KEEP TRANSY SAFE.

- 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**
for **Text-A-Tip** to report any incidents or requests for assistance.
- REPORT IN PERSON**
at DPS Headquarters,
439 W. Fourth Street.

A SAFER CAMPUS
IS A STRONGER COMMUNITY.
PEOPLE | PARTNERSHIP | PREVENTION

*Together
We Keep
Transy Safe.*

Report crimes to DPS to ensure inclusion in the annual crime statistics and to help provide timely warning notices to the community, when appropriate. Concerning the university's property, DPS will respond to calls for service at any owned/leased Transylvania University property in Lexington, Kentucky. Local jurisdictions support other campus locations.

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.

All members of the university community are expected to promptly report incidents and emergencies to the Department of Public Safety, the University's primary emergency reporting point, available 24 hours a day, seven days a week at **859-233-8118**. When reporting an emergency, provide your name, location, the nature of the emergency, and information about any injuries or other relevant circumstances.

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, Communications will meet the "report requirement" by collecting information on audiotape and computer (i.e., case numbers, disposition codes, etc.). Officers will record all dispatched calls. This does not relieve officers of 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.

DPS will forward any criminal incident report involving a university student who is listed as a suspect/offender to the Dean of Students for review and potential action. DPS will investigate a report when appropriate. DPS will also forward additional information obtained during the investigation to the Dean of Students. DPS will act 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 maximizes equal and just treatment of all parties involved, with due respect for all individual rights and privileges. Under this system, students 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. The student judicial system will uphold and enforce decisions with the authority of the President and administer them through the Dean of Students.

The Code of Student Conduct and the student conduct process apply to individual students and all Transylvania University-affiliated student organizations/groups. For student conduct purposes, Transylvania University considers an individual a student when they enroll and thereafter if they have a continuing educational interest in Transylvania University's educational program.

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

The Code of Student Conduct applies to behaviors that take place on campus, at Transylvania University-sponsored events. It 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 Transylvania University;

The Code of Student Conduct may apply to behavior conducted online, via email, or through another electronic medium. Students should also be aware that online postings such as blogs, web postings, chats, and social networking sites are public and not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. Transylvania University does not regularly search for this information but may act when Transylvania University officials are made aware of it. 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 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 their guests' misconduct. The Code may also apply 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 the 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 "responsible" and, until then, will retain full student status, with all rights and privileges of the same. Exceptions may be made when interim sanctions are imposed. The Dean of Students or designee (including the Title IX Coordinator) may determine and impose interim sanctions. These sanctions are temporary, intended to address immediate emergencies and preserve the safety of the community. They are in effect until the accused can have a hearing or appeal.

Transylvania University is not a sanctuary from the law; therefore, appropriate law enforcement agencies may address any violation of state or federal penal codes and statutes. The University reserves the right to use such agencies and will not hinder agents from their duties.

Student Conduct Rights

A student who allegedly violated a university policy will be granted these rights 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. The student is responsible for checking their Transylvania e-mail daily.
2. Procedures—the student will be informed in writing of the conduct process. The student has the right to review official documents in their disciplinary file before a determination is made. The student may request a different hearing officer, and the Dean of Students will grant this request at their discretion.
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 before the hearing. The parties will exchange the names of all witnesses before the hearing. The Dean of Students will notify witnesses of the expectation to attend. The appropriate hearing officer/board may determine exceptions to the deadline. 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; the board cannot require a witness to appear. 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 may have a supporter present, who may be an attorney, but who still functions only as a supporter. Parties will inform the Dean of Students of their advisor's identity at least 48 hours before 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 findings and rationale and will be shared with all parties to the extent permitted/required by law. The notification will explain when the decision is final, will note any changes 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 upon notice of a potential violation, even if no formal allegation is made. A victim or a third party may submit all allegations and should do so as soon as possible after the offending event occurs.

Transylvania University may pursue an allegation or notice of misconduct on its own behalf and serve as convener of the subsequent campus conduct process. The Dean of Students or designee will assume responsibility for investigating 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. Submit complaints/charges as soon as possible, 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 the investigator or designee will draw up because of this meeting;
- 6) Commence a thorough, reliable, and impartial investigation;
- 7) Interview relevant witnesses, summarize the information they can share, and have each witness sign the summary to verify its accuracy;
- 8) Obtain documentary evidence and information that is available;
- 9) Obtain available physical evidence;
- 10) Complete the investigation promptly by analyzing available evidence without unreasonable deviation from the intended timeline;
- 11) The 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 because the student fails 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 the 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 notice letter will include the alleged violation and where to locate the Code of Student Conduct and Transylvania University procedures for resolving 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. If there is no alleged victim, the assigned investigator or designee will serve as the party bringing the complaint.
- 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 are shared with the parties before any scheduled hearing. In addition, for cases going before the University Conduct Board, the parties will receive a list of all panelists' names 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 hearing Chair. The parties may be present at the hearing; however, they may not be present during deliberations. If a student cannot attend the hearing, that student must 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 adequate notice or fails to appear, the hearing will proceed as scheduled. If the party bringing the complaint fails to appear, the complaint may be dropped unless 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 people 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, the panel will make separate determinations of responsibility 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 present or represent the party bringing the complaint or the responding student during the hearing. They may confer quietly with their advisee, exchange notes, clarify 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). The panel Chair and/or the Dean of Students or designee may limit unduly repetitive witnesses.
- 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 the panel determines a finding, if it finds a policy violation, it will determine 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 chair will provide the student with the findings and recommended sanctions. The panel Chair will prepare a written deliberation report and deliver it to the Dean of Students or designee, detailing the recommended findings, the information the panel cited 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 Transylvania University and maintained according to 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 under a preponderance of the evidence standard.

- 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 is followed. The related policies and procedures are described in the University’s current Process A and Process B grievance procedures, which are reproduced in Appendices A and B of this report. See Clery/VAWA Prevention, Victim Rights, and Disciplinary Procedures for the University’s detailed procedures. The University’s complete current Process A and Process B grievance procedures are reproduced in Appendices A and B of this report. Direct questions about misconduct outlined in this policy, as well as judicial procedures as they apply to Title IX grievances, 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. The Dean of Students will issue a formal notice of the complaint, and an administrative hearing will be held before an administrator determined by the Dean of Students. The hearing officer finalizes all sanctions.

Board Resolution

Once the University receives notice, a preliminary inquiry determines whether reasonable cause exists to believe this Code has been violated. If not, this process ends. If reasonable cause is found, the University may then begin additional investigation and/or hold a Board hearing.

The University will issue a formal notice of the complaint and hold a hearing before a conduct board, consisting of panelists, as determined by the Dean of Students. Two boards exist: 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), the panel or administrator will recommend sanctions to the Dean of Students or designee, who will review and finalize the sanctions, subject to the Transylvania University appeals process for any party to the complaint.

Student Conduct Board

The Student Conduct Board consists of current Transylvania students, a hearing officer, a deputy hearing officer, and student panelists, with the deputy hearing officer serving a dual role as a panelist.

The Student Conduct Board will hear appropriate violations and consists of the hearing officer and student panelists that the hearing officer selects at random from the student conduct system roster. The remaining student members of the student conduct system will serve as alternates if one or more randomly selected Student Conduct Board members cannot serve at the hearing. The hearing officer will ensure

the hearing procedure is conducted in the spirit of fundamental fairness by facilitating 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 University has deemed the hearing officer to have a legitimate educational interest in accessing the responding party's past disciplinary records.

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

Qualifications for Student Conduct Board Members

- Be in academic good standing.
- Be in good standing with the conduct process throughout the semester in which they serve. Good standing is defined as having no record of misconduct during the semester(s) in which a student wishes to serve on the panel. A serious history of misconduct may disqualify a student from serving.
- Complete appropriate and required training.

University Conduct Board

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

- 1) The membership of the panel is selected from the faculty, staff, and student pools and trained annually by the Dean of Students or designee. The Dean of Students or designee selects students from the Student Conduct Board membership.
- 2) For each complaint, a voting panel will be chosen from the available pool and usually consists of one student, one faculty member, one staff member, and one non-voting chair. Availability may determine a different panel composition, and for complaints involving discrimination or other sensitive issues, the Dean of Students or designee will usually use three faculty or staff members. The Dean of Students or designee appoints the Hearing Panel's non-voting chair, who ensures Transylvania University procedures are followed throughout the hearing. The Chair receives special additional training for that role. The parties may object to any panel member based on demonstrable bias, as determined by the Chair. If any member is unseated, the Chair will appoint an alternate. Panelists should also recuse themselves if any potential for bias or 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.
 - 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. If a University Conduct Board member resigns, 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 parties involved will be informed of the board's composition at least five business days before the hearing and may object to any board member 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 organization/group is active at Transylvania University.
- 2) Restitution: Compensation for damage caused to Transylvania University or any person's property. This could also include situations such as failure to return the reserved space to proper condition - labor costs and expenses. This is not a fine but, rather, a repayment for labor costs and/or the value of property destroyed, damaged, consumed, or stolen.
- 3) Fines: Reasonable fines may be imposed. Fines may include:
 - a) \$75.00 Fine - Alcohol First Violation
 - b) \$150.00+ Fine - Alcohol Second Violation
- 4) Community/Transylvania University Service Requirements: For a student or organization/group to complete a required number of community service or University service hours.
- 5) Loss of Privileges: The student or organization/group will be denied specified privileges for a designated period.
- 6) Confiscation of Prohibited Property: Items whose presence violates Transylvania University policy will be confiscated and will become the property of 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.
- 7) Behavioral Requirement: This includes required activities including, but not limited to, seeking academic counseling or substance abuse screening, writing a letter of apology, etc.
- 8) Educational Program: Requirement to attend, present, and/or participate in a program related to the violation. It may also require the student or organization to sponsor or assist with a program for others on campus to help them learn about a specific topic or issue related to the violation for which the student or organization was found responsible. Audience may be restricted.
- 9) Restriction of Visitation Privileges: May be imposed on a resident or non-resident student. The restriction parameters will be specified.
- 10) Transylvania University Housing Probation: Official notice that, should further violations of Housing and 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.
- 11) Transylvania University Housing Reassignment: Reassignment to another Transylvania University housing facility. Residential Life personnel will decide on the reassignment details.
- 12) Transylvania University Housing Suspension: Removal from Transylvania University housing for a specified period after which the student is eligible to return. Conditions for readmission to Transylvania University housing may be specified. Under this sanction, a student must vacate Transylvania University housing within 24 hours of notification. However, 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. Before reapplying for Transylvania University housing, the student must obtain 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 remain financially responsible for their room and board bill while on suspension.
- 13) 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.
- 14) 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. The University may also impose regular probationary meetings.
- 15) Eligibility Restriction: The student or organization/group is deemed "not in good standing" with Transylvania University for a specified period. The Dean of Students or designee may grant specific limitations or exceptions, 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 Transylvania University or hold an elected or appointed office at Transylvania University; or

b) Ineligibility to represent Transylvania University to anyone outside the Transylvania University community in any way, including participating in the study abroad program, attending conferences, or representing Transylvania University at an official function, event, or intercollegiate competition as a player, manager, or student coach, etc.

c) Inability to recruit, initiate new members, receive University funds, or other organization/group restrictions as appropriate.

16) Transylvania University Suspension: Separation from Transylvania University for a specified minimum period, 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 a student suspension, the student must vacate campus within 24 hours of notification. However, 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.

17) Transylvania University Expulsion: Permanent separation from 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 recognition of the organization/group.

18) 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 organization/group), for a specified period.

Notification of Outcomes

The outcome of a campus hearing is part of the responding student's education record. It is protected from release under the Family Educational Rights and Privacy Act (FERPA), except under certain conditions. As allowed by FERPA, when a student is accused of a policy violation that would constitute a "crime of violence" or forcible or non-forcible sex offense, Transylvania University will inform the alleged victim/reporting party in writing of the final results of a hearing regardless of whether Transylvania University concludes that a violation was committed. Such release of information may only include the responding party's name, the alleged violation committed, and the sanctions assigned (if applicable).

In cases where Transylvania University determines through the student conduct process that a student violated a policy that would constitute a "crime of violence" or non-forcible sex offense, Transylvania University may also release the above information publicly and/or to any third party. FERPA defines "crimes of violence" to include:

- 1) Arson
- 2) Assault offenses (including stalking)
- 3) Burglary
- 4) Criminal Homicide - manslaughter by negligence
- 5) Criminal Homicide - murder and non-negligent manslaughter
- 6) Destruction/damage/vandalism of property
- 7) Kidnapping/abduction
- 8) Robbery
- 9) Forcible sex offenses
- 10) Non-forcible sex offenses

Upon written request, Transylvania University will disclose to the alleged victim of a crime of violence or a non-forcible sex offense the report on the results of any disciplinary proceeding conducted by the University against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased because of the crime or offense, the victim's next of kin will be treated as the alleged victim for purposes of this disclosure.

Appeals

Any party may appeal the decision of the Panel or Administrative Hearing Officer by filing a written request with 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 informed promptly of the status of appeal requests, the status of appeal consideration, and the appeal decision.

Grounds for Appeal Requests

Appeal 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 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 request an appeal on 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 before 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 considering 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 is very rarely used. Where new evidence is presented, or the sanction is challenged, the Appeals Review Officer will determine whether the matter should be returned to the original decision-maker for reconsideration or reviewed by the Appeals Panel, with instructions on parameters for institutional consistency and any applicable legal guidelines. On review, the original findings 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) based on potential bias, and any panelist who cannot make an impartial decision must recuse themselves. The Appeals Review Officer will decide 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. He is responsible for training the panel, conducting preliminary investigations, and ensuring a fair process for the parties.

Transylvania University's presumptive stance 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, 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 re-hearing 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 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.

After reviewing all information, the Hearing Appeal Officer may uphold, reverse, or modify the sanctions recommended by the Hearing Board, or remand the case to a Hearing Board. An appeal may be remanded to a Hearing Board only 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 Appeal Officer or designee will promptly communicate the outcome to all involved parties and all University personnel who need to know. Once an appeal is decided, the outcome is final; this policy does not permit further appeals.

Retention of Student Disciplinary Records

To minimize the risk of improper disclosure, the Dean of Students Office keeps disciplinary records in an off-site online database with servers in multiple locations, separate from student academic records in the Registrar's office. Records from disciplinary hearings are maintained for seven years, except for cases resulting in suspension or expulsion, which are maintained indefinitely. If the integrity of the confidential records is violated, the Dean of Students Office will notify all affected parties in writing. Student disciplinary records are protected educational records under the Family Educational Rights and Privacy Act (FERPA). Students have discretionary authority over whether any outside individual or agency may access these records. Several exceptions include:

1) Transylvania University will fully comply with a lawfully issued subpoena or court order and will notify students of its intent to comply with such directives.

- 2) Disciplinary records may be shared with other University officials on a case-by-case basis, where those officials are determined to have a legitimate educational interest.
- 3) Disciplinary records may be shared with other colleges and university officials when a student seeks to transfer.
- 4) The University will typically note an expulsion on a student's transcript and may note a suspension on a transcript.
- 5) FERPA has been amended (by the Higher Education Reauthorization Act of 1998) to allow for parental notification in the event of alcohol and drug violations for financially dependent students under the age of 21. Transylvania University provides for limited parental notification in these cases.
- 6) FERPA has been amended (by the Higher Education Reauthorization Act of 1998) to allow for public notification of the outcome of the disciplinary process in the event of acts of violence or non-forcible sexual offenses. While Transylvania University does not publicly release individual disciplinary records, these events may result in parental notification.

Off-Campus Crime Reporting

If the Lexington Police Department (LPD) is contacted about off-campus criminal activity involving Transylvania students, they may notify DPS. However, LPD has no official policy requiring such notification. In these cases, students may be subject to arrest by Lexington Police and University disciplinary proceedings through the Dean of Students or designee. 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 about 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 near campus when notified by LPD. DPS officers have jurisdiction only on property owned/leased by Transylvania University and will respond off property as agents of the university, with no arrest powers.

Non-campus Property of Recognized Student Organizations: Transylvania University does not currently have any officially recognized student organization that owns or controls a building, property, or housing facility located off campus. Accordingly, the University does not have non-campus student-organization property that local law enforcement routinely monitors for criminal activity. The University nevertheless maintains regular communication with the Lexington Police Department and other appropriate law-enforcement agencies regarding criminal activity involving Transylvania students that comes to their attention.

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

Report incidents in which students are referred to for campus disciplinary action related to liquor law, drug law, or illegal weapons violations 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 manifests 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 its fire alarm reporting activities with those of the Department of Public Safety.

Voluntary, Confidential and Private Reporting

All crime reporting is voluntary unless reporting is required by law or University policy. Individuals are strongly encouraged to promptly report criminal activity to the University or law enforcement so appropriate assistance, response, and safety measures can be provided. Transylvania University is committed to protecting the privacy of individuals who report crimes or other misconduct. Confidential reporting is available through pastoral counselors and professional counselors when they are acting within the scope of their professional roles. These individuals generally are not required to disclose personally identifying information without the individual's permission, except when disclosure is required or permitted by law. Counselors can and may inform counselees about voluntary, private, confidential Clery reporting procedures.

Reports made to the Title IX Office, Department of Public Safety, Campus Security Authorities, or other University officials are not confidential; however, they will be treated as private. Information will be shared only with University personnel who have a legitimate need to know to respond to the report, provide support, investigate, fulfill applicable reporting obligations, or as otherwise required by law or University practice. Information used for Clery Act crime statistics and related disclosures will not include personally identifying information. Police records may be subject to disclosure under applicable public records laws.

Red Flag Reporting is a reporting system dedicated to protecting individuals and organizations. This service allows students and employees to report concerns regarding improper activity within the University, including financial concerns, harassment, discrimination, safety issues, substance abuse, and similar matters. The service is independent of Transylvania University and allows reporters to remain completely anonymous if they choose. To file a report, visit www.redflagreporting.com and use the code (859) 233-8300. The reporting phone number is 1-877-647-3335.

Mandatory Reporters

Transylvania University has designated all employees as mandatory reporters. Mandatory reporters 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 promptly 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 imminent, individuals are encouraged to contact the Department of Student Wellbeing at 859-281-3682 during regular operating hours. If possible, walk the student to the center for evaluation 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 who 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 this General Order, a "campus security authority" is broadly defined as an individual responsible for campus security and officials with significant responsibility for student and campus activities. Department of Public Safety is the preferred reporting point; however, below are additional Campus Security Authorities:

1. Director of Public Safety and employees of the Department of Public Safety
2. Vice President for Student Affairs
3. Student Affairs Officers
4. Athletics Department
5. Student Life/Housing & Residence Life (includes RAs)
6. Human Resources
7. Faculty/Staff Advisers
8. Departments with a work-study student
9. Student Discipline and Campus Judicial Proceedings

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 counselors include 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

University Department of Public Safety encourages accurate and prompt reporting of all crimes to the campus police and the appropriate police agencies, when the victim of a crime elects to, or is unable to, make such a report, to aid in providing accurate and timely warning notices to the community when appropriate, and to ensure inclusion in the annual crime statistics. All Clery-reportable crimes are evaluated case by case, considering factors such as the nature of the crime, location, pattern, continuing threat, suspect status, and other relevant circumstances, to determine whether to send a Public Safety notice to all students and employees on campus.

The Department of Public Safety writes Public Safety Notices in conjunction with the Communications Office, which then promptly disseminates the information to students and employees. DPS issues crime bulletins referred to as Public Safety Notices.

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

and nature of the incident. The university is not required to issue a Timely Warning for crimes reported to a pastoral or professional counselor.

Public Safety Notices are distributed via blast email. Transylvania IT has alternative communication methods using SLATE and the housing communication program. Report in a way that helps prevent 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 distributes notices on a case-by-case basis for all Clery reportable crimes, depending on the case and whether there is a continuing threat to the campus community. Public Safety may also issue notices for other crime classifications, as deemed necessary.

Emergency Evacuation Procedures and Policies

I. Policy

A. Purpose

The emergency procedures outlined in Transylvania University's Emergency Response Manual strengthen the protection of lives and property through effective use of campus resources. Because emergencies may be sudden and without warning, these procedures are designed to be flexible 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 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. Expect delays in on-campus emergency services of 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) | 10. Biological agent threat |
| 2. Employee incidents (suicide, suicide attempt, death, critical or life-threatening situation, or abduction) | 11. Chemical spill |
| 3. Racial, religious, or gender-based incidents | 12. Communicable disease |
| 4. Belligerent behavior (angry or agitated individuals) | 13. Utility failure |
| 5. T-Alert | 14. Earthquake |
| 6. Violent or criminal behavior/hostage situations | 15. Weather emergencies |
| 7. Fire | a. Winter storms |
| 8. Explosion | b. Tornado/severe wind |
| 9. Bomb threat | c. Electrical storms |
| | 16. Evacuation procedures |
| | 17. Earthquake |

C. Definitions of an Emergency

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

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 university administration during crises. Report a major emergency immediately to the Department of Public Safety at (859) 233- 8118 or 911.
3. **Disaster:** Any event or occurrence that has seriously impaired or halted the operations of the University. In some cases, personnel may be injured, and severe property damage may occur. A coordinated effort using all campus-wide resources is required to control the situation effectively. 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

All employees must assist in reporting 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. In the event of an emergency, contact the Department of Public Safety immediately at (859) 233- 8118. Provide the following information when you report an emergency:

Your name • Location • Nature of the emergency • Nature of any injuries or other factors

If for some reason the Department of Public Safety cannot be reached, call 911 and report an emergency. Please identify your exact location on campus when 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 a chemical hygiene plan, fire prevention plan, Hazard Communication plan, and other programs mandated by state and federal regulations.
- C. Training, Drills, and Emergency Testing: Annual emergency response training will be conducted for supervisory and administrative employees, Student Life and Residence Life staff, switchboard and security personnel, and new employees through the employee orientation program. Annual reminders, updates, and additional training opportunities will reinforce emergency response procedures, and the Emergency Response Plan will be maintained in both written and electronic formats for employee reference.

In addition to training, Transylvania University will test its emergency response and evacuation procedures at least annually through scheduled drills or exercises, which may be announced or unannounced, together with appropriate follow-up activities designed to assess and evaluate the effectiveness of the University's emergency plans and response capabilities. Fire drills, tornado drills, evacuation exercises, or other appropriate emergency exercises may satisfy this testing framework when they include the required assessment and follow-through. In conjunction with at least one test each calendar year, the University will publicize its emergency response and evacuation procedures. Each test will be documented to include a description of the exercise, the date and time it was conducted, whether it was announced or unannounced, and any appropriate evaluation or follow-up actions identified because of the exercise. An after-action report will be completed for each exercise, including the date, time, and whether the exercise was announced or unannounced.

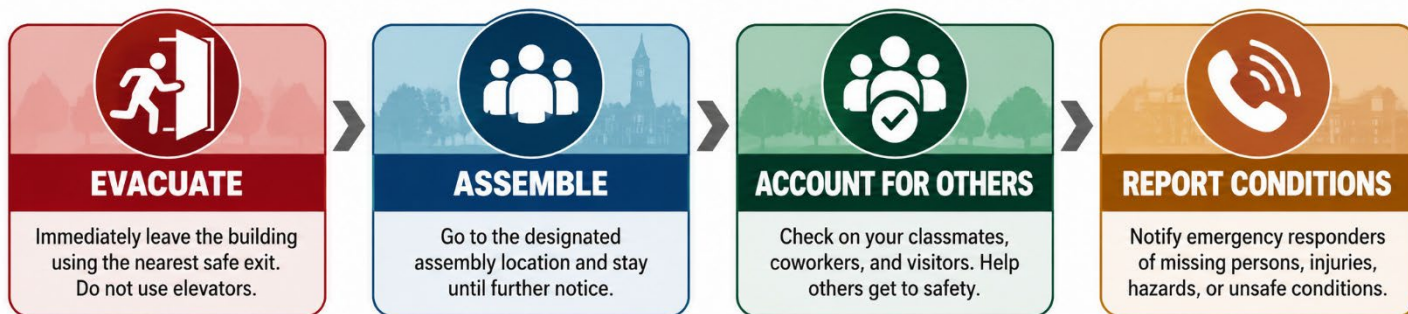
All employees are subject to the training parameters listed above. Specialty training needs may vary depending upon the incident type and college department. The following is a list of training parameters for each of the incident types:

- 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: Conduct one drill 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 before 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 are reviewed annually with personnel and upon orientation.
7. Bomb Threat: Annual training will review procedures with DPS dispatchers and other phone personnel. DPS and CERT will also review response protocols annually.
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: Provide training and updates to clinic and student life staff annually.
10. Utility Failure: Residence Life, Physical Plant, and Public Safety will review procedures annually.
11. Earthquake: Employees will be trained during orientation. Residence Life staff will review all procedures with students. Annual reminders will be provided to all employees and Students.
12. Winter Storms: Physical Plant maintains and reviews its response plan annually. DPS personnel will review response procedures annually.
13. Tornado/Severe Wind: Transylvania University conducts an annual tornado drill in conjunction with the statewide tornado drill each spring semester. The University will distribute information about the drill and applicable emergency procedures to the campus community in advance, and Residence Life staff will review emergency procedures with students residing in the residence halls. In addition, the University will publicize its emergency response and evacuation procedures and conduct at least one emergency test each calendar year to ensure the campus community knows appropriate emergency response actions and evacuation procedures.
14. Severe Weather Communications: Severe-weather notifications will also be sent through T-Alert and to local media outlets. If the University decides to close or open on a delayed schedule, it will post the announcement on transy.edu, inside.transy.edu, Facebook, Instagram, and Twitter. We will make every effort to post this decision by 6:00 a.m.
15. Electrical Storms: Provide information annually to all employees and students.
16. Building Evacuation Procedures: Supervisors will ensure employees know the location of fire extinguishers, exits, and the alarm system in their work areas. Building exit practice will be conducted in conjunction with the fire drill schedule. Identify specialty needs for each building, including gas shutoff and other hazardous exposures. Special attention is given to evacuation of disabled individuals who will not be able to use elevators to exit the building.
17. Campus Evacuation Procedures: CERT and other key personnel, including the Safety Committee and Residence Life staff, will review procedures annually. A CERT member, a building safety committee member, the Lexington Police Department, or the Lexington Fire Department may order an evacuation. Occupants will be notified of the need to evacuate through T-Alert, email, and/or verbal communication. They will evacuate to the designated assembly location in accordance with the applicable Building Emergency Operations Plan. Each building has a designated assistance collection point for individuals who may need assistance due to mobility, accessibility, or other functional needs during an emergency. If evacuation is not the safest option because of the nature of the emergency, individuals may instead be directed to shelter in place until conditions allow safe evacuation or an all-clear is issued.
18. Medical/First Aid Emergencies: Students may access medical services through the University's walk-in medical clinic. For all other medical or first-aid emergencies, Department of Public Safety personnel are trained in first aid and will contact Lexington Emergency Medical Services (EMS) when appropriate.

CAMPUS EMERGENCY RESPONSE

KNOW THE STEPS. BE PREPARED. STAY SAFE.



YOUR SAFETY MATTERS — WORK TOGETHER FOR A SAFER CAMPUS.

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 that delivers emergency messages to the campus community. The system delivers emergency messages by text messaging cell phone subscribers, emailing all Transylvania email accounts, and displaying T-ALERT messages on digital signage throughout campus. The fundamental goal of the T-ALERT system is to help promote a safe environment for students, faculty, and staff. The system is designed for use only during emergencies 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, public relations, or marketing. Never use a T-ALERT for personal purposes. All Department of Public Safety employees must sign up for the T-Alert System. Faculty/Staff can sign up through their TNet accounts or at <http://talert.transy.edu/>. Students are automatically enrolled upon admission. Parents and guests may also sign up with IT assistance. Transylvania's Department of Public Safety and Communications 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. Every Transylvania University student is automatically opted in to receive T-Alerts. Students may opt out of receiving T-Alerts through their TNet account.

The Department of Public Safety will determine the appropriate segment or segments of the campus community to receive an emergency notification based on the nature and location of the emergency, the areas or populations affected or potentially affected, and the required protective actions. If the emergency presents an immediate threat to the entire campus community, the notification will be distributed campus wide. The content of an emergency notification will be determined by the nature of the emergency, its location and potential impact area, the protective actions community members should take—such as evacuation or sheltering in place—and where to obtain additional information. Whenever possible, messages will use pre-approved templates; however, custom messages may be developed when circumstances require. The **Department of Public Safety (DPS) serves as the lead authority for confirming emergencies and issuing notifications**, and designated authorized issuers may initiate T-Alerts; in urgent situations when prior approval is not feasible, the on-duty DPS supervisor may initiate an alert independently.

When the University issues an Emergency Notification for circumstances that also could warrant a Timely Warning, a separate Timely Warning is not required for the same incident. The University will, however, provide adequate follow-up information as circumstances warrant. Follow-up communications may be issued through additional **T-Alerts, Timely Warnings, and/or Public Safety Notices**, depending on the nature and status of the incident, and an “All Clear” message will be issued when the threat has been contained.

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 occur under the following circumstances:

1. Emergencies requiring immediate action: Upon confirmation of a significant emergency or dangerous situation occurring on campus that poses an immediate threat to the health or safety of students or employees, Transylvania University will immediately notify the campus community. The University will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the appropriate notification system, unless responsible authorities determine, in their professional judgment, that issuing the notification would compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.
2. The Department of Public Safety or Communications 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 Communications 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 and Facilities will confirm any significant emergencies or dangerous situations through on-site observations, monitoring the National Weather Service radio, and/or monitoring communications broadcast by the Lexington Police/Fire Department. CERT team members may also confirm a significant emergency.

T-Alert will also communicate follow-up information about the initial incident to students, staff, and faculty as necessary.

If an emergency requires dissemination of information beyond the immediate campus community, the Department of Public Safety may coordinate with the on-duty Duty Commander of the Lexington Police Department at (859) 258-3600 and, as appropriate, with the Office of Marketing and Communications to expand public messaging through University web, social media, and other institutional communication channels. DPS may also coordinate with local law enforcement, emergency responders, and other appropriate public-safety agencies when necessary based on the nature, location, and scope of the emergency.

Daily Crime and Fire Log

<https://www.transy.edu/campus/safe-secure-campus/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 Department of Public Safety and Residence Life maintain the log through a joint effort. The log must include the nature, date, time, and general location of each crime, and the disposition of the complaint, if known, and is available at <https://www.transy.edu/campus/campus-safety/daily-crime-and-fire-log/>. The Department of Public Safety may withhold information required in the log only if clear and convincing evidence shows that releasing specific information may jeopardize an ongoing criminal investigation or an individual's safety, 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, when the fire was reported, and fires that occurred in on-campus student housing facilities. The log shall include the nature, date, time, and general location of each fire. <https://www.transy.edu/campus/campus-safety/daily-crime-and-fire-log/>. 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, utility vehicle, and automobile 24 hours a day. DPS monitors video screens connected to over 100 cameras placed throughout campus. DPS staff monitor most residence hall entrances via closed-circuit television, and all halls are connected to a central monitoring fire alarm system. DPS has direct radio access to DPS officers and to local fire and police departments. The University campus has numerous emergency telephones. A blue light above each outdoor emergency phone makes it easy to identify 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. Other emergency phones in various locations have a keypad. To activate those phones, press 8118 on the keypad; those instructions are clearly indicated on or near the phone. You can view a campus map showing the locations of these phones [here](#).

DPS maintains direct communications with the appropriate local police, fire, and emergency medical response agencies to facilitate their emergency responses. You can also report potential criminal activity and other emergencies to DPS by dialing 8118 from any campus telephone.

Transylvania's campus is well lit, especially in parking lots and along main pathways. DPS routinely inspects exterior lighting, including lighting at emergency-phone locations. When DPS identifies lighting outages or other security-related maintenance concerns, including problems with locks, doors, access-control equipment, security cameras, emergency telephones, visibility, or landscaping, it submits an immediate work order or service request to Facilities Management or the appropriate department. All identified security-related issues are addressed and tracked through completion, with priority given to conditions presenting an immediate safety or security concern.

Students, faculty, and staff have access to academic, recreational, and administrative facilities. All academic buildings close at 11 p.m. To enter after this time, students must have permission from the Public Safety Director and the Academic Dean. The public may attend cultural and recreational events, but visitors are limited to the facilities where those events are held.

Full-time professionals serve as the Director and Assistant Director of Housing and Residence Life. Area Coordinators are undergraduate members of the Housing and Residence Life Leadership Team who provide direct support and supervision to Resident Assistants. Resident Assistants are undergraduate students responsible for promoting a community atmosphere, explaining and enforcing University policy, making themselves available as a resource to residents, and completing administrative duties. Housing and Residence Life staff representatives are on call 24 hours a day. Swipe card access limits entry to residence halls to students and their guests, and each swipe is recorded. Employees may access residence halls, when necessary, with certain restrictions. Residence halls are locked from midnight until 6 a.m., except for 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 to address maintenance issues. Facilities and DPS communicate by radio, email, and telephone, and regularly exchange information on building safety and security.

Weapon-Free Campus Policy

Transylvania University students are prohibited from possessing weapons anywhere while on University property. This includes carrying weapons on their person, in their clothing, a purse, backpack, locker, or in their office or campus living quarters. Weapons include dangerous instruments that can be used to inflict bodily harm upon individuals or cause damage to buildings. Examples of weapons include, but are not limited to, firearms, pistols, guns, BB guns, airsoft guns, explosives, knives, fireworks, and anything not defined as a weapon but used as a weapon in a dangerous, violent manner. In addition, based upon the risk presented, look-alike or replica weapons are also prohibited. This policy applies to all students. Penalties for violating this policy will be determined solely at the University's discretion, up to and including immediate termination of employment or dismissal from the University. Bring any questions or concerns to the attention of the Risk Management Advisory Committee through the VP for Finance and Business.

Education Programs

Personal safety and crime awareness is presented to students and new employees by the Director of DPS or his designee. For 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". For 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:

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

Security Awareness, Crime Prevention and Safety Programs

Promoting Safety and Security — a list of crime prevention and security awareness programs and projects is available to the University community.

- Alarm Systems: We have 70 panic buttons that transmit over DPS radios to receive an immediate response.
- Emergency Telephones: Over 32 red phones are available for use across campus in the case of an emergency. Anyone concerned about their personal safety or any other potentially hazardous situation can lift the receiver to connect to DPS automatically.
- 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. Athletes are briefed by Title IX and DPS at the beginning of the school year.
- 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 to maintain the safety of the reporter and the surrounding community: (859) 351-7343.
- On-Campus DPS Escorts: When available, the Department of Public Safety offers on-campus escorts to all students, faculty, staff, and visitors. Call x8118 and ask for assistance or use an immediate-access red phone located in the Carpenter, Mitchell Fine Arts, Library, Little Theater, Cowgill Building, or Brown Science Center lobby. Outside phones in red security boxes with immediate access to DPS are also strategically located on campus.
- Internal Website: (T-Notes) has access to all the information contained in the crime log.
- Website: DPS maintains a website at <http://inside.transy.edu/public-safety/> for quick and up-to-date information on DPS and services it provides, in addition to crime stats, crime prevention info, and emergency procedures. The website also provides links to various law enforcement resources, including the location of registered sex offenders in our area at the Kentucky Sex Offender Registry (kpsor.state.ky.us).

Alcohol and Other Drug Abuse Education and Prevention Programs (DFSCA Cross-Reference)

For purposes of 34 C.F.R. § 668.46(b)(10), Transylvania University cross-references the materials it uses to document its Drug-Free Schools and Communities Act alcohol and other drug prevention program. The University documents its program through the 2024-2026 Biennial Review of Alcohol and Other Drug Prevention Programs and the annual student and employee alcohol- and drug-policy notifications described in that review, rather than through a separately titled DAAPP. These materials describe the University's alcohol and other drug education, prevention, intervention, support, and assessment activities.

The 2024-2026 Biennial Review describes a comprehensive, assessment-driven prevention framework that combines universal prevention for all students, selective prevention for populations with elevated risk factors, and indicated interventions for students who experience alcohol- or drug-related concerns. The framework emphasizes evidence-based practice, harm reduction, protective behavioral strategies, bystander intervention, early intervention, personal responsibility, and collaboration among Student Wellbeing, Housing and Residence Life, Athletics, Public Safety, Fraternity and Sorority Life, Counseling Services, faculty, and the CARE Team.

Universal Prevention and Education

- Required online alcohol prevention education for incoming students through the United Educators learning platform, with emphasis on alcohol use, protective behaviors, and harm reduction.
- Required education addressing prescription drug misuse, opioid safety, overdose prevention, and available resources.
- Required orientation bystander-intervention programming and required Bystander Accountability Training that encourage students to recognize and respond to behaviors that place others at risk.
- Medical Amnesty education is designed to encourage students to seek medical assistance during alcohol- or drug-related emergencies.
- Campus-wide passive education and social-norms campaigns, including educational displays and awareness materials throughout the academic year.
- The annual Free Pot harm-reduction program, which combines student engagement with campus-specific alcohol and other drug education, educational displays, giveaways, and QR-code access to University policies and resources.
- Narcan awareness and overdose-prevention education conducted in collaboration with campus and community partners, together with alcohol-free programming and other harm-reduction initiatives.
- Required online prevention education addressing alcohol and other drugs, bystander intervention, and related health and safety topics is assigned to students before the academic year, and the Office of Student Wellbeing monitors completion.

Annual Written Notification and Program Review

The Biennial Review documents annual written alcohol and other drug notifications to students and employees. Student notifications direct students to University alcohol and drug policies, standards of conduct, disciplinary consequences, applicable legal consequences, and available support resources. Employee notifications distribute the University Drug and Alcohol Policy for review and reference. For questions about student alcohol and other drug policies, programs, or interventions, contact the Dean of Students Office at studentlife@transy.edu or 859-233-8215. Student Wellbeing provides medical, counseling, and other assistance related to alcohol and other drug concerns and may be reached at 859-281-3682.

Transylvania evaluates and refines its alcohol and other drug prevention efforts through annual assessment and a biennial review process. Assessment sources identified in the 2024-2026 Biennial Review include the Kentucky HAWK Survey, Clery Act statistics, student conduct data, CARE Team data, completion of required online prevention education, and program participation. These data help identify emerging concerns, evaluate prevention initiatives, and guide future programming and resource allocation.

Selective and Indicated Prevention

- Fraternity and Sorority Life: annual risk-management education and chapter-based alcohol education programming.
- Student athletes: required prevention education as a condition of athletic eligibility, together with ongoing education provided by Athletics staff.
- Resident Assistants: training on University policies, recognizing students in distress, responding to alcohol-related concerns, and connecting students with resources.
- Student organizations and Housing and Residence Life: risk-management education, consultation on responsible event planning, policy enforcement, and community-based programming that promotes responsible decision-making.
- CARE Team: early identification of students exhibiting concerning behaviors and coordination of appropriate support and intervention.
- Individualized interventions: BASICS (Brief Alcohol Screening and Intervention for College Students), confidential counseling, CARE Team referrals, educational sanctions through the student conduct process, and referrals to specialized community treatment providers when clinically appropriate.



Alcohol Policy

Employees who need assistance related to the use or abuse of alcohol or drugs may contact the Woodland Group at **859-255-4864** or its 24-hour crisis line at **1-800-350-6438**. The Woodland Group provides the faculty and staff assistance program and offers employees and dependents up to eight sessions per person, per problem, per year at no cost. Employees enrolled in the University's health insurance plan may also have access to applicable mental-health and substance-use benefits.

A faculty or staff member who violates this policy may be subject to disciplinary action up to and including termination of employment. An employee who remains employed following a violation may be required to participate in the faculty and staff assistance program and comply with an appropriate course of treatment. In accordance with the Federal Drug-Free Workplace Act, an employee must notify their immediate supervisor within five days of a conviction for a criminal drug offense occurring in the workplace or while conducting University business. The University will take appropriate action under applicable law and University policy and, when required, will notify the appropriate federal contracting or granting agency. These requirements also apply to students acting as University employees.

Transylvania University prohibits unlawful possession, use, sale, furnishing, distribution, or consumption of alcoholic beverages on University property or in connection with University activities. University policy is consistent with Kentucky law, including laws prohibiting possession, purchase, consumption, or furnishing of alcohol by or to individuals under 21. Individuals who are legally permitted to consume alcohol are expected to do so responsibly and in a manner that does not endanger themselves or others or disrupt the University community. Being under the influence of alcohol does not excuse or mitigate conduct that violates University policy.

The Department of Public Safety and Student Life are responsible for enforcing University alcohol policies and responding to reported alcohol-related incidents. DPS may enforce criminal violations through citation, arrest, prosecution, or other actions under applicable law. University disciplinary action is separate from criminal enforcement and may be pursued regardless of whether criminal charges are filed, prosecuted, or result in a conviction.

The University addresses alcohol-related violations through its Standards of Conduct. The University will review each incident based on the circumstances of the violation and, when applicable, the individual's prior conduct history. University sanctions may include educational measures, fines, community or University service, loss of privileges, probation, suspension, expulsion, or other appropriate disciplinary actions. Nothing in the University's disciplinary process precludes referral to law enforcement or criminal prosecution for violations of Kentucky law.

Alcohol Policy, Code of Student Conduct # 32

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 criminal action for violations of state law. Violation of the directives of the University alcohol policy includes possession, transportation, procurement, distribution, public use, 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 consumption 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 age 21 or older transporting alcohol 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. Housing and 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 fire code regulations. Violation of the unregistered social event policy will be considered a major offense. It 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 quantities beyond permitted limits, 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.

e) Typical Sanctions for Alcohol Violations:

- 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 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.

f) Intoxication: Appearing intoxicated to the degree that the individual may endanger themselves or another person or create 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).

g) Typical Sanctions for Intoxication Violations, Code of Student Conduct # 32f:

- 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 a 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.

h) Medical Amnesty Policy:

When a student's health and safety are in jeopardy because of alcohol or other drug consumption, immediate medical attention should be sought by calling the Department of Public Safety (859-233-8118) 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. However, violations 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

Transylvania University is committed to maintaining a drug-free workplace and educational environment. It complies with applicable requirements of the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989. The University prohibits the unlawful possession, use, manufacture, sale, distribution, or dispensation of illicit drugs or controlled substances on University property; at locations where employees or students are conducting University-related business or activities; in University vehicles; or in private vehicles being used for University business or activities.

Transylvania University cooperates with appropriate local, state, and federal law-enforcement authorities in the enforcement of Federal and Kentucky drug laws. Suspected violations of criminal drug laws may be referred to the appropriate law-enforcement agency for investigation and possible criminal action. University disciplinary action is separate from criminal enforcement and may be imposed in addition to any citation, arrest, prosecution, or other action taken under Federal or State law.

Employees who need assistance related to the use or abuse of alcohol or drugs may contact the Woodland Group at 859-255-4864 or its 24-hour crisis line at 1-800-350-6438. The Woodland Group serves as the provider for the faculty and staff assistance program and offers employees and dependents up to eight sessions per person, per problem, per year at no cost. Employees enrolled in the University's health insurance plan may also have access to applicable mental-health and substance-use benefits.

A faculty or staff member who violates this policy may be subject to disciplinary action up to and including termination of employment. An employee who remains employed following a violation may be required to participate in the faculty and staff assistance program and comply with an appropriate course of treatment. In accordance with the Federal Drug-Free Workplace Act, an employee must notify their immediate supervisor within five days of a conviction for a criminal drug offense occurring in the workplace or while conducting University business. The University will take appropriate action in accordance with applicable law and University policy and, when required, will notify the appropriate federal contracting or granting agency. These requirements also apply to students when they are acting as employees of the University.

Drugs, Code of Student Conduct # 33

Drugs. Use, possession, or distribution of illegal drugs and other controlled substances, medically prescribed or not, or drug paraphernalia, except as expressly permitted by law and the Transylvania University's Drug Policy:

a) Illicit and medically prescribed drugs are prohibited. They will be responded to in a manner consistent with and in cooperation with the local community and its officials, enforcing Federal and State laws. To enforce our policy, the Director and Assistant Director of Housing and 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 or medically prescribed drugs. Staff will announce to the student that unless the occupant provides immediate entry to the room, staff will unlock the door and enter to continue the investigation.

b) Typical Sanctions for Illegal Substance/Drug Violations, Code of Student Conduct #33:

- 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 a representative of the Dean of Students office. Sanctions for repeated 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 is often accompanied by accidents and personal injury, including but not limited to cuts, sprains, bruises, and broken bones. Self or others may cause personal injury. Sexually transmitted diseases (STDs), physical violence, and assaults have a high correlation with 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 hurt almost every major body organ and system. People who regularly use or abuse these substances have a 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. People 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 people 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 students can access crisis services by calling the national crisis line at 988 through a 24-hour community crisis line. On-campus educational programs are scheduled periodically for students and employees. Student Wellbeing and our campus nurse practitioner coordinate additional educational benefits. 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 employees should consult the Humana healthcare plan literature for details. This coverage is available whether a faculty member or staff member is found to violate 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). The patient assumes the costs.
2. Self-help groups (ACA, Al-Anon, 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, bimonthly, or as arranged with your counselor. Scheduling an appointment in advance is recommended to ensure a counselor is available when you arrive. For more information about student counseling services, call 859-281-3682 or email counseling@transy.edu.

Clery/VAWA Prevention, Victim Rights, and Disciplinary Procedures

Prohibition and Prevention Program Framework

Transylvania University prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking. For Clery Act purposes, the University uses the federal definitions stated in the Federal Clery/VAWA Definitions section of this report and the applicable Kentucky definitions stated in the Kentucky State Law Definitions section of this report.

Primary Prevention and Awareness Programs for Incoming Students

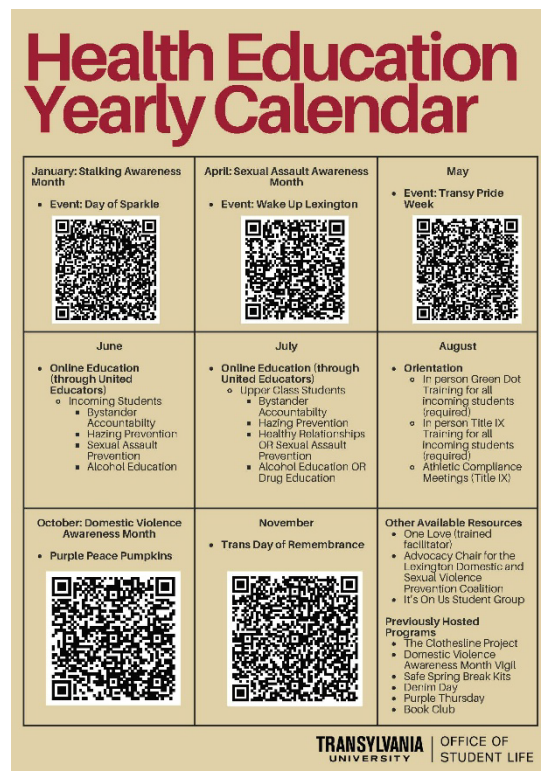
All incoming students are required to participate in both online and in-person prevention and awareness education. During the summer before arrival, incoming students complete online education through United Educators, including Bystander Accountability, Hazing Prevention, Sexual Assault Prevention, and Alcohol Education.

During August orientation, all incoming students also participate in required in-person Bystander Intervention Training and a Title IX presentation. The Title IX presentation provides information about University procedures, formal and confidential reporting options, and confidential resources available both on and off campus.

Collectively, the University's incoming-student prevention and sexual-misconduct education addresses dating violence, domestic violence, sexual assault, stalking, and consent; bystander intervention and risk reduction; University policies and procedures for reporting and responding to sexual misconduct; survivor rights and resources; possible sanctions and protective measures; procedures individuals should follow following an incident; and applicable institutional disciplinary procedures.

Ongoing Prevention and Awareness Programs for Students

Prevention and awareness education continues throughout a student's enrollment at Transylvania University. Each summer, students are assigned online prevention education through United Educators. Upper-class students complete Bystander Accountability and Hazing Prevention, together with Healthy Relationships or Sexual Assault Prevention and Alcohol Education or Drug Education. Topics rotate so students receive additional prevention information each year rather than repeating the same curriculum.



The University also provides recurring prevention and awareness programming throughout the academic year. Examples include **Purple Peace Pumpkins** during Domestic Violence Awareness Month in October, **Day of Sparkle** during Stalking Awareness Month in January, and **Wake Up Lexington** during Sexual Assault Awareness Month in April.

Additional prevention and awareness resources include access to a trained One Love facilitator, University involvement with the Lexington Domestic and Sexual Violence Prevention Coalition, and the It's On Us student group. Other programming offered in prior years has included the Clothesline Project, a Domestic Violence Awareness Month Vigil, Safe Spring Break Kits, Denim Day, Purple Thursday, and a book club.

Safe and Positive Bystander Intervention

Transylvania University's bystander-intervention education teaches students to recognize situations involving potential power-based personal violence, including stalking, dating violence, domestic violence, and sexual violence. Students are taught to recognize indicators such as fear, pressure, control, or lack of choice as cues that a situation may require attention or intervention.

Training uses the framework **Notice → Decide → Act → Support** and teaches three primary intervention strategies:

Direct — personally intervening when it is safe and appropriate to do so.

Distract — creating a distraction or otherwise redirecting attention away from the concerning situation.

Delegate — seeking assistance from another person or appropriate resource who can help intervene.

Students practice applying these strategies to realistic situations involving stalking, relationship violence, intoxication, and potential sexual violence. Bystander intervention should always consider personal safety and the circumstances of the situation.

Risk Reduction

Risk reduction includes options designed to decrease perpetration and bystander inaction and to increase empowerment for victims to promote safety and help individuals and communities address conditions that facilitate violence. Transylvania provides safety and support resources that may assist with risk reduction, including personal-safety education, situational-awareness information, DPS escorts when available, safety planning, transportation assistance, academic or work adjustments, housing changes, no-contact measures, counseling, advocacy, and other supportive measures. These options support autonomy and safety and do not place responsibility for another person's misconduct on a victim or potential victim.

Procedures When Dating Violence, Domestic Violence, Sexual Assault, or Stalking Is Reported

When a student or employee reports to Transylvania University that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the University will provide the student or employee with a written explanation of rights and options. The written information will address procedures victims should follow, the importance of preserving evidence, how and to whom an offense may be reported, options regarding law-enforcement and campus authorities, orders of protection and institutional protective measures, confidentiality and privacy, available victim services, accommodations and protective measures, and the University's disciplinary procedures.

A victim may notify proper law-enforcement authorities, including on-campus and local police; be assisted by University authorities in notifying law enforcement if the victim chooses; or decline to notify law-enforcement authorities.

Orders of Protection and Other Protective Orders

Transylvania University will comply with valid criminal, civil, or tribal orders of protection, restraining orders, and similar lawful orders as applicable to the University. Students or employees who obtain a court-issued protective order are encouraged to provide a copy to the Department of Public Safety and/or the Title IX Coordinator. Upon receipt, the University will document the order, review its terms and duration, and coordinate with appropriate University offices to recognize and implement applicable restrictions, safety measures, or supportive measures. The Department of Public Safety will assist with campus safety planning and, when appropriate, coordinate with local law enforcement; reported violations of a court-issued order will be referred to the appropriate law-enforcement agency. Institutional no-contact directives and other University protective measures may also be available independently of a court order. Information regarding eligibility for protective orders, where and how to apply, assistance with petitions and hearings, the court process, violations, and local survivor resources is available through the Lexington-Fayette Urban County Government **Domestic and Sexual Violence Prevention Coalition** website. Pamphlets are available at the DPS office.

Campus No Contact Orders/Directives

Transylvania University may issue administrative Campus No Contact Orders/Directives when reasonably necessary to support campus safety, reduce conflict, prevent escalation, or preserve the educational and working environment. These directives are preventive and administrative measures and do not constitute criminal charges, court-issued protective orders, findings of misconduct, or determinations of responsibility. The Department of Public Safety, including the Director of Public Safety/Chief, Clery Officer, or other designated official, may issue them and coordinate with Student Life, Human Resources, Title IX, Residence Life, or University administration. Depending on the circumstances, a directive may restrict in-person, telephone, text, email, social media, anonymous, or third-party communication and may also prohibit harassing or retaliatory conduct. Directives are intended to be narrowly tailored to address the identified safety or operational concern while minimizing unnecessary disruption to educational or employment access. Individuals subject to a directive are expected to comply until it is modified or rescinded; violations may result in student conduct action, employee discipline, trespass action, modification of the directive, additional institutional safety measures, or referral to law enforcement when criminal conduct is involved.

Written Notification of Services, Accommodations, and Protective Measures

The University will provide written notifications to students and employees about existing services available for victims both within the University and in the larger community. The written notification will identify, as applicable, counseling, health, mental-health, victim-advocacy, legal-assistance, visa and immigration assistance, student financial-aid assistance, employee assistance, and other available services. Current contact information for many of these resources is provided in Appendix C of this report.

The University will also provide victims with written notifications of available assistance options and how to request changes to academic, living, transportation, and working situations or other protective measures. If it is reasonably available, the University will provide requested accommodation or protective measures regardless of whether the victim chooses to report the crime to the Department of Public Safety or local law enforcement.

Clery Confidentiality and Public Recordkeeping

Transylvania University will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without including personally identifying information about a victim. Information used for publicly available Clery records will be limited as required by law. The University will also keep confidential any accommodations or protective measures provided to a victim, to the extent that maintaining confidentiality would not impair the University's ability to provide them.

Institutional Disciplinary Proceedings - Clery Standards

Proceedings arising from allegations of dating violence, domestic violence, sexual assault, or stalking will provide a prompt, fair, and impartial process from the initial investigation through the final result. Proceedings will be conducted in a manner consistent with University policy and transparent to the parties; include timely notice of meetings at which either or both parties may be present; provide timely and equal access to information that will be used during informal and formal disciplinary meetings and hearings; and be conducted by officials who do not have a conflict of interest or bias for or against either party.

Officials who conduct investigations, hearings, or other disciplinary proceedings involving dating violence, domestic violence, sexual assault, or stalking will receive annual training on those issues and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

Both parties will have the same opportunities to have others present during any institutional disciplinary proceeding, including an advisor of their choice. The University will not limit either party's choice or presence of an advisor. Any restrictions on the extent to which an advisor may participate will apply equally to both parties.

For every institutional disciplinary proceeding arising from an allegation of dating violence, domestic violence, sexual assault, or stalking, the University will simultaneously notify both parties in writing of the result, including the rationale and any sanctions the University is permitted or required to disclose; the procedures for either party to appeal, if an appeal is available; any change to the result; and when the result becomes final.

Proceedings will be completed within the reasonably prompt timeframes designated in the applicable University process. A timeframe may be extended for good cause when permitted by policy, provided the University gives both parties written notice of the delay and the reason for the delay.

Transylvania University will complete grievance proceedings within the reasonably prompt timeframes designated in the applicable process. Extensions may be permitted for good cause when allowed by policy, provided the University gives the parties written notice of the delay, the reason for the delay, and the anticipated additional time needed.

The standard of evidence used in the applicable disciplinary proceedings is preponderance of the evidence (more likely than not). All possible sanction categories that may be imposed under Process A and Process B are listed below. The range of supportive and protective measures available to the parties is described elsewhere in this section.

Applicable Disciplinary Proceedings and Timeframes

For allegations of dating violence, domestic violence, sexual assault, or stalking, Transylvania University uses Process A, Process B, and, when permitted, Informal Resolution. The general Student Conduct process is not used to resolve complaints involving these offenses. The Title IX Coordinator determines whether Process A or Process B applies based on the circumstances and jurisdiction of the allegation and determines whether Informal Resolution is available. The University's policies do not establish a single overall timeframe from initiation through result. Instead, the reasonably prompt timeframes for these proceedings are established through the stage-specific timeframes contained in the applicable Process A or Process B procedure.

Disciplinary Proceeding Crosswalk

The summary below is intended to help readers identify the principal institutional processes that may apply. The detailed provisions of the applicable Student Conduct and Title IX policies control if this summary differs from the full policy.

Proceeding	When Used / Decision Maker	Key Steps, Filing, and Anticipated Timeframes
Process A - Title IX Grievance Process	Process A applies to formal complaints alleging sexual harassment, sexual assault, dating violence, domestic violence, or stalking that occur within the University's Education Program and Activity. The Title IX Coordinator determines whether Process A applies. Investigators gather and evaluate evidence, and trained Decision-Makers conduct the live hearing and make the determination. The current Process A procedure confirms this scope.	A complaint is initiated through the Title IX Coordinator. The process includes initial assessment, notice of investigation and allegations, investigation and evidence review, Final Investigation Report, live hearing, written outcomes, and appeal when requested. Initial assessment is typically completed within five business days. Investigations are normally completed within 60–90 business days. The hearing may not occur less than 10 business days after the Final Investigation Report is provided to the parties unless the parties and Decision-Maker agree to an expedited timeline. The Decision-Maker's written determination is submitted to the Title IX Coordinator within five business days after deliberations, and written notice of outcome is provided within 10 business days of conclusion of the Formal Grievance Process. An appeal must be filed within five business days of delivery of the Notice of Outcome.

Proceeding	When Used / Decision Maker	Key Steps, Filing, and Anticipated Timeframes
Process B - Administrative/Formal Resolution	Process B applies to formal complaints alleging sexual harassment, sexual assault, dating violence, domestic violence, or stalking that fall outside the University's Education Program and Activity and therefore are not resolved under Process A. The Title IX Coordinator determines whether Process B applies. Employee-Respondent matters are referred to Human Resources as provided in Process B; Student-Respondent matters proceed through Process B Administrative Resolution procedures.	A complaint is initiated through the Title IX Coordinator. Process B includes initial assessment, notice, investigation, investigative report, review and final determination, written outcome, and appeal when available. For Employee-Respondent matters, absent circumstances requiring an extension, the investigation and report are completed within 20 business days after the complaint is submitted; appeals must be received within five business days, and absent special circumstances, an appeal decision is rendered within 20 business days after receipt. For Student-Respondent matters, the policy includes a 10-business-day review period for the Draft Investigation Report, a five-business-day response period following the Final Investigation Report, specified review and determination steps, written outcome within five business days at the conclusion of the Administrative Resolution process, and a five-business-day appeal filing period.
Informal Resolution (when permitted and voluntarily accepted)	Informal Resolution may be available under Process A or Process B when permitted by University policy and voluntarily agreed to by the required parties. The Title IX Coordinator determines whether Informal Resolution is appropriate and available. Informal Resolution may not be used under either Process A or Process B when the Complainant is a student, and the Respondent is an employee.	Participation is voluntary. The parties must affirmatively agree to participate, and a party may withdraw from Informal Resolution before a final resolution is reached and resume the applicable formal process. Because Informal Resolution is dependent on the circumstances of the matter and the parties' voluntary participation, the University does not establish a single fixed completion period for Informal Resolution. If the matter returns to Process A or Process B, the stage-specific timeframes of the applicable formal procedure govern.

Possible Sanctions

The following lists identify all sanction categories that may be imposed under Process A and Process B. One or more sanctions may be imposed, as applicable. The specific terms, conditions, or restrictions associated with a sanction may vary based on the circumstances of the case.

Process A – Student Sanctions

Reprimand; Required Counseling; Restrictions; Probation; Suspension; Expulsion; Withholding Diploma; and Revocation of Degree.

Process A – Employee Sanctions

Verbal or Written Warning; 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; and Termination.

Process B – Student Sanctions

Educational Conference; Reprimand; Required Counseling; Restrictions; Probation; Suspension; Expulsion; Withholding Diploma and/or Official Transcripts; and Revocation of Degree.

Process B – Employee Sanctions

Verbal or Written Warning; Performance Improvement/Management Process; Enhanced Supervision, Observation, or Review; Required Counseling; Required Training or Education; Probation; Denial of Pay Increase/Pay Grade; Loss of Oversight or Supervisory Responsibility; Demotion; Transfer; Shift or Schedule Adjustments; Reassignment; Delay of or Referral for Delay of Tenure Track Progress; Assignment to a New Supervisor; Restriction of Stipends, Research, and/or Professional Development Resources; Suspension/Administrative Leave with Pay; Suspension/Administrative Leave without Pay; and Termination.

Full Grievance Procedures

The preceding information summarizes Transylvania University's disciplinary procedures applicable to allegations of dating violence, domestic violence, sexual assault, and stalking for purposes of this Annual Security and Fire Safety Report. The University's complete current grievance procedures are included in **Appendix A – Process A** and **Appendix B – Process B** of this report. The applicable procedure is determined by the Title IX Coordinator based on the circumstances and jurisdiction of the allegation. The general Student Conduct process is not used to resolve allegations of dating violence, domestic violence, sexual assault, or stalking.

Kentucky State Sex Offender Registry

In accordance with 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 to obtain law enforcement information provided by a State concerning registered sex offenders. 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. Link to the Kentucky State Police sex offender registry (kspso.state.ky.us).

Missing Student Policy & Procedures

In Kentucky, reports of missing children under age 18 and missing persons under age 21 must be accepted immediately, with no waiting period. The appropriate information must then be entered into the Missing Child Information Center within 24 hours. Report missing adults immediately to local law enforcement or the Kentucky State Police, especially when you are concerned for the person's safety.

Key Kentucky Missing Person Reporting Procedures:

Immediate Action: Kentucky has no 24-hour waiting period to report a missing person.

Children/Youth: Per 502 KAR 35:040, law enforcement must immediately initiate a report for any child reported missing by a parent/guardian and notify other agencies within 24 hours.

Adults: If an adult is missing, contact the local law enforcement agency where they were last seen. If the police refuse to take the report, the parent or guardian can contact the Kentucky Missing Child Information Center directly.

Upon enrollment, students can provide emergency contact information and missing-person information in case they go missing, as these two sets of contacts may differ. Students can designate and update confidential missing-person contact through Self-Service. Students may access this information at any time by navigating to Self-Service, selecting "User Options," and then selecting "Emergency Information." Students are prompted every 120 days to review and confirm their emergency contacts and contact information, allowing them to review

or update their missing person contact information at least annually. Students may also update this information at any time between prompts as needed. This process applies to all students, including students residing in on-campus student housing. Missing-person contact information is maintained confidentially and is accessible only to authorized University officials and law-enforcement officials in connection with a missing-person investigation.

When a student is identified as missing, the Department of Public Safety and Dean of Students must be notified immediately. If the reported student is a resident of an on-campus housing complex, the Dean of Students must be notified immediately and given the exact time the student was determined to be missing. When a student has been determined to be missing, the Department of Public Safety and the Dean of Students must be notified immediately. Any missing student report received by a University official will be referred immediately to the Department of Public Safety. If the student has designated a missing-person contact, the Dean of Students Office will notify that person within 24 hours of the determination that the student is missing. If the student is under 18 years of age and is not emancipated, the Dean of Students Office will notify the student's custodial parent or guardian, in addition to any other designated contact person, within 24 hours of the determination that the student is missing. Regardless of whether the student has designated a contact person, is 18 years of age or older, or is an emancipated minor, the Department of Public Safety will notify the local law-enforcement agency having jurisdiction within 24 hours of the determination that the student is missing, unless that law-enforcement agency was the entity that made the determination. These notification timeframes do not create a waiting period; staff will act on reports of missing students immediately.

Procedures:

1. Officers responding to a call regarding 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 believe 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 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 have been met and must receive approval 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, initiate the statewide Amber Alert, and notify the National Center for Missing and Exploited Children. Dispatch will issue intra-agency alerts.
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 the 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, alums, 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, they 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 their next higher-level 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 who brings forward a report of suspected illegal or improper activity will not be tolerated and is itself against the law. If retaliation occurs, it will be considered a serious violation of University policy and will be subject to disciplinary and/or legal action. Encouraging others to retaliate also violates 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. (Injury doesn't need to 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 completed.)

Burglary: Unlawfully entering a structure to commit a felony or theft. For reporting purposes, this definition includes unlawful entry with intent to commit a larceny or felony; breaking 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 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 preconceived negative opinion or attitude toward a group of people based on their race, gender, religion, disability, sexual orientation, or ethnicity/national origin.

Federal Clery Act/VAWA Definitions (34 C.F.R. § 668.46(a))

The following federal definitions are used for Clery Act crime classification, statistical reporting, prevention programming, and related Clery/VAWA requirements. These definitions are distinct from definitions that may apply under the University's Title IX or other institutional policies.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship is determined 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. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse and does not include acts covered under the definition of domestic violence. Any incident meeting this definition is considered a crime for purposes of Clery Act reporting.

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

Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program and included in Appendix A to Subpart D of 34 C.F.R. Part 668.

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

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

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

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

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress. Any incident meeting the federal stalking definition is considered a crime for purposes of Clery Act reporting. The federal Clery definition of stalking does not require that the conduct occur "based on sex."

Course of conduct: Two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

Reasonable person: A reasonable person under similar circumstances and with similar identities to the victim.

Substantial emotional distress: Significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

These federal Clery Act definitions are used for Clery crime classification, statistical reporting, prevention programming, and related Clery/VAWA requirements. Definitions used to determine whether conduct violates Transylvania University's Title IX or other institutional policies may differ and are identified separately in those policies.

Kentucky State Law Definitions

These state law definitions are provided for informational purposes and are included in this report as required by the Violence Against Women Act (VAWA).

Domestic Violence

Current Kentucky Definition - KRS 403.720

Kentucky law defines "domestic violence and abuse" to include physical injury, serious physical injury, stalking, sexual assault, strangulation, assault, or the infliction of fear of imminent physical injury, serious physical injury, sexual assault, strangulation, or assault between family members or members of an unmarried couple. KRS 403.720 also addresses specified coercive conduct involving a domestic animal. The statute separately defines "family member" and "member of an unmarried couple."

Dating Violence

Current Kentucky Definition - KRS 456.010

Kentucky law defines a "dating relationship" as a relationship between individuals who have or have had a romantic or intimate relationship, excluding casual acquaintanceship or ordinary fraternization in a business or social context. Relevant factors include declarations of romantic interest, expectations of affection, social outings as a couple, the frequency and type of interaction, the length and recency of the relationship, and other indications of a substantial romantic or intimate connection. "Dating violence and abuse" includes physical injury, serious physical injury, stalking, sexual assault, strangulation, assault, or fear of imminent physical injury, serious physical injury, sexual assault, strangulation, or assault between persons who are or have been in a dating relationship; the statute also addresses specified coercive conduct involving a domestic animal.

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.

Sexual Assault

Current Kentucky Definition - KRS 456.010

For purposes of Kentucky's interpersonal protective-order chapter, "sexual assault" means conduct prohibited as any degree of rape, sodomy, or sexual abuse under KRS Chapter 510, or an attempt, conspiracy, facilitation, or solicitation to commit such an offense, 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) They engage in sexual intercourse with another person who is incapable of consent because they are an individual with an intellectual disability;
- (b) Being twenty-one (21) years old or more, they engage in sexual intercourse with another person less than sixteen (16) years old;
- (c) Being twenty-one (21) years old or more, they engage in sexual intercourse with another person less than eighteen (18) years old and for whom they provide 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](#), they engage in sexual intercourse with a minor under eighteen (18) years old with whom they come 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, they subject a person whom they know 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 deviant sexual intercourse with another person by forcible compulsion; or

(b) He engages in deviant 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) They subject another person to sexual contact by forcible compulsion; or

(b) They subject another person to sexual contact who is incapable of consent because they:

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, they:

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

2. Engage 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, they, regardless of their age, subjects a minor who is less than eighteen (18) years old, with whom they come 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) They subject another person to sexual contact who is incapable of consent because they are an individual with an intellectual disability;
- (b) They are at least eighteen (18) years old but less than twenty-one (21) years old and subject 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, they subject a person who is at least eighteen (18) years old and who they know 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 because 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 they subject 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 because 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 they have sexual intercourse or deviate sexual intercourse, as defined in [KRS 510.010](#), with a person whom they know 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; the relationship of parent and child by adoption; the relationship of stepparent and stepchild; and the relationship of step-grandparent and step-grandchild.

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

(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 they are 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

Current Kentucky Definition - KRS 508.130 and KRS 456.010 (effective July 15, 2026)

Kentucky law now addresses the stalking offense in KRS 508.130. A person commits stalking when the person intentionally engages in a course of conduct directed at one or more specific persons that seriously alarms, annoys, intimidates, or harasses the person or persons; serves no legitimate purpose; causes a reasonable person to suffer substantial mental distress; and is committed with conscious disregard of the course of conduct's effects. KRS 508.130 establishes the offense level and aggravating circumstances. KRS 456.010 defines "stalking" for the interpersonal protective-order chapter by reference to KRS 508.130 and attempts, conspiracies, facilitation, or solicitation to commit stalking. Former KRS 508.140 and KRS 508.150 were repealed in 2026.

Consent

Current Kentucky Definition - KRS 510.020 Lack of Consent

Kentucky law provides that lack of consent is an element of offense in KRS Chapter 510. Lack of consent results from forcible compulsion, incapacity to consent, or, for sexual-abuse offenses, circumstances in which the victim does not expressly or impliedly acquiesce in the actor's conduct. A person is deemed incapable of consent when the person is: (1) under age 16; (2) age 16 or 17 and the actor is at least 10 years older; (3) unable to communicate consent or lack of consent, or unable to understand the nature or consequences of the sexual act because of an intellectual disability or mental illness; (4) mentally incapacitated; (5) physically helpless; or (6) 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 that agency. KRS 510.020 contains a limited marriage exception to the final category when no court order prohibits contact.

Federal Statistical Definition of Hazing (Stop Campus Hazing Act)

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.

Transylvania University Hazing Policy (Institutional Definition)

Hazing is defined as an act that endangers the mental or physical health or safety of a student, or that destroys or removes public or private property, for initiation, admission into, affiliation with, or as a condition for continued membership in an organization/group. Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to intervene to prevent and/or failing to discourage and/or failing to report those acts may also violate this policy.

Such activities and situations may include but are not limited to paddling in any form, excessive fatigue, physical or psychological shocks, kidnappings, degrading, humiliating, or fear-provoking games or activities, forced alcohol consumption, late work sessions which interfere with scholarship, menial tasks, and any other activity that is not consistent with the ideals and purposes of the student organization, or the regulations and policies of Transylvania University. Sanctioning will be decided in conjunction with the appropriate inter/national office and may include loss of campus recognition.

Hazing Policy, Reporting, Investigation, Transparency, and Prevention

Federal Definition of Student Organization

For purposes of the Stop Campus Hazing Act, a “student organization” is an organization at an institution of higher education - such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government - in which two or more members are students enrolled at the institution, whether or not the organization is established or recognized by the institution.

Reporting Hazing

Suspected hazing may be reported to the Department of Public Safety at 859-233-8118 or in person at 439 W. Fourth Street; to the Dean of Students or Student Life; or through the University’s student-conduct incident-reporting process at

https://cm.maxient.com/reportingform.php?TransylvaniaUniv&layout_id=4. You may also submit anonymous safety concerns through Red Flag Reporting at www.redflagreporting.com using code (859) 233-8300 or by calling 1-877-647-3335.

Hazing Investigation Process

Reports alleging hazing by a student or student organization will be addressed through the Student Conduct System described in this report. The Dean of Students or designee may appoint an investigator; initiate appropriate interim or remedial measures, identify the parties and applicable policies, interview relevant witnesses, gather documentary and physical evidence, and determine whether sufficient information exists to proceed. When the information supports further action, the matter may proceed to the applicable administrative or hearing process under the Code of Student Conduct. The University will document findings and sanctions in accordance with University policy. Conduct that may violate criminal law may also be referred to the Department of Public Safety and/or the appropriate law-enforcement agency. University action may proceed independently of a criminal investigation.

Applicable Hazing Laws

Kentucky State Law: KRS 508.180 defines hazing for Kentucky criminal-law purposes. KRS 508.182 provides that a person commits hazing in the first degree when the person intentionally or wantonly engages in an act of hazing that results in serious physical injury or death to a minor or student; hazing in the first degree is a Class D felony, subject to the statutory defenses and sentencing provisions. KRS 508.184 provides that a person commits hazing in the second degree when the person recklessly engages in an act of hazing; hazing in the second degree is a Class A misdemeanor, subject to the statutory defenses and sentencing provisions. KRS 508.186 provides that KRS 508.180 through 508.186 do not create or imply a new cause of action against an educational institution. Transylvania University has determined that no local hazing law is applicable to the University’s current Clery geography. Accordingly, there are no local hazing-law provisions applicable to Transylvania University for purposes of this Annual Security and Fire Safety Report. Transylvania University has determined that no Tribal hazing law applies to the University’s current Clery geography. Accordingly, there are no Tribal hazing-law provisions applicable to Transylvania University for purposes of this Annual Security and Fire Safety Report.

Campus Hazing Transparency Report

In accordance with the Stop Campus Hazing Act, Transylvania University will maintain a publicly accessible Campus Hazing Transparency Report summarizing findings concerning established or recognized student organizations that are found responsible for violating the University's standards of conduct relating to hazing. The report will identify the organization, provide a general description of the violation and findings/sanctions, and include the dates required by federal law, without including personally identifiable information about individual students. When qualifying findings exist, the University will update the report as required by federal law. A populated transparency report is not required until the University has a qualifying hazing-violation finding.

The University's publicly accessible hazing-record page is: <https://www.transy.edu/campus/bulletin/transylvania-university-record-hazing-cases/>.

Hazing Prevention and Awareness Programs

Transylvania University provides hazing-awareness and hazing-prevention education during the academic year. The University's policy is to provide research-informed, campus-wide prevention programming designed to reach students, staff, and faculty and to include primary prevention strategies intended to stop hazing before it occurs. Prevention programming should address the University's institutional definition of hazing, the broad federal definition of student organization, how to report hazing, and applicable legal and institutional consequences.

Research-Informed Prevention Programming

Transylvania University uses United Educators (UE) hazing-prevention education as part of its research-informed prevention program. UE's hazing-prevention resources are developed for higher education and draw on risk-management expertise, applicable legal and institutional requirements, and current research and scholarship concerning hazing prevention and campus safety. Transylvania University incorporates these resources into its prevention and awareness programming for students and, as applicable, employees. The student curriculum focuses on recognizing hazing, understanding its harms and common justifications, distinguishing hazing from appropriate group activities, understanding University policies, and responding when hazing occurs. The employee curriculum is designed for faculty and staff and focuses on identifying hazing behaviors, recognizing warning signs, understanding the impact of hazing, and applying intervention strategies to support students.



Hazing Prevention and Awareness Education

During the first week of each new academic year, Student Life presents hazing prevention and awareness information to students as part of beginning-of-year programming. The presentation addresses the University's prohibition against hazing, the institutional definition of hazing, applicable laws and consequences, how and where to report suspected hazing, and strategies for recognizing, preventing, and responding to behaviors that may constitute hazing. This education is provided annually to reinforce expectations for safe and responsible participation in student organizations and the broader campus community. Prior to Recruitment Week, the CCE team conducts a mandatory Hazing Prevention Workshop for the Fraternity and Sorority Life (FSL) community. All members of the FSL community are required to participate in the workshop. The program is designed to reinforce the University's prohibition against hazing and provide hazing-prevention and awareness education to students participating in fraternity and sorority organizations.

Residence Life Staff Training

Residence Life staff receive hazing prevention and awareness training before each academic semester. This pre-semester training covers the University's prohibition against hazing, recognizing behaviors that may constitute hazing, reporting expectations and available reporting channels, appropriate response and referral procedures, and Residence Life staff's responsibility to help promote a safe residential environment.

Crime Statistics

Offense (Reported By Hierarchy)	Year	On Campus	Residential Facilities*	Non- Campus	Public Property	Unfounded Crimes
Murder/Non- Negligent Manslaughter	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Negligent Manslaughter	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Rape	2025	0	0	1	0	0
	2024	0	0	1	0	0
	2023	2	2	0	0	0
Fondling	2025	0	0	0	0	0
	2024	2	2	2	0	0
	2023	1	1	0	0	0
Incest	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Statutory Rape	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Robbery	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Aggravated Assault	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0

Burglary	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	2	0	5	0	0
Motor Vehicle Theft	2025	3	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Liquor Law Arrests	2025	0	0	0	0	0
	2024	4	0	0	0	0
	2023	0	0	0	0	0
Drug Law Arrests	2025	0	0	0	0	0
	2024	2	0	0	0	0
	2023	4	0	0	0	0
Weapons Law Arrests	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2025	13	10	0	3	0
	2024	4	1	0	0	0
	2023	10	10	0	0	0
Drug Law Violations Referred for Disciplinary Action	2025	3	3	0	0	0
	2024	5	2	0	0	0
	2023	3	3	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	1	1	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	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Domestic Violence	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Dating Violence	2025	3	3	1	0	0
	2024	0	0	1	0	0
	2023	1	1	0	0	0
Stalking	2025	1	1	0	0	0
	2024	1	0	0	0	0
	2023	2	2	0	0	0

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

HATE CRIMES:

There were no reported Hate Crimes for 2023, 2024, or 2025

UNFOUNDED:

There were no unfounded crimes for 2023, 2024, or 2025

HAZING:

There were no reported hazing incidents for 2023, 2024, or 2025

Fire Safety

In accordance with the 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's evacuation policy does make exceptions for people with disabilities who 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, people who make false alarms can be fined \$20-\$100 or imprisoned for five to 30 days, or both. 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 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 University conducts an annual fire drill for each campus building. During calendar year 2025, Transylvania University did not conduct a formal fire-safety education or training program specifically for faculty and staff. Accordingly, there was no established frequency of faculty or staff fire-safety education or training during the reporting year.
- Fire suppression system: Transylvania has two fire suppression systems, one of which is 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 in Brown Science, 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. All active academic and residential facilities have a fire alarm system that is monitored 24/7 by Johnson Controls. The alarm system tracks smoke detector activations and signal trouble alarms. Johnson Controls immediately notifies DPS on all signal alarms and calls both DPS and the Lexington Fire Department for active alarms.

On-Campus Student Housing Facility	Sprinkler System	Fire Alarm Detection System	Monitoring	Number of Fire Drills Conducted in 2025
Bassett Hall	Yes	Smoke detection and building fire alarm	24/7 Johnson Controls monitoring	1
Kincaid Hall	Yes	Smoke detection and building fire alarm	24/7 Johnson Controls monitoring	1
Thomson Hall	Yes	Smoke detection and building fire alarm	24/7 Johnson Controls monitoring	1
Dalton-Voigt Hall	Yes	Smoke detection and building fire alarm	24/7 Johnson Controls monitoring	1
Poole Hall	Yes	Smoke detection and building fire alarm	24/7 Johnson Controls monitoring	1
Rosenthal Complex	Yes	Smoke detection and building fire alarm	24/7 Johnson Controls monitoring	1
338 N. Upper Street	Yes	Smoke detection and building fire alarm	24/7 Johnson Controls monitoring	1
4th Street Apartments 451 W. Fourth St.	Yes	Smoke detectors	Local alarm	1
Broadway Apartments 331 N. Broadway	Yes	Smoke detection and building fire alarm	24/7 Johnson Controls monitoring	1

- Fire extinguishers and fire alarms: Every building on campus has a fire alarm system and extinguishers.
- Safety inspections: Fire equipment is inspected annually by a preferred vendor. Monthly fire extinguisher inspections, monthly emergency egress and exit sign inspections, and annual alarm testing.
- Smoking, Vaping, and Tobacco Policy: Transylvania is a tobacco- and nicotine-free campus. The policy prohibits the use of all types of tobacco and nicotine, both smoking and smokeless, as well as vaping/electronic cigarettes in all Transylvania buildings and on campus grounds. Tobacco and nicotine use in vehicles on campus property is also prohibited. The policy applies to all members of the Transylvania community and visitors to campus. Complaints regarding visitors or non-Transylvania community members can be made to the Department of Public Safety.

Lighted candles or other burning materials, including incense, are a major cause of fire and may not be used in student rooms. Candle warmers are prohibited as an open heating element.

Open Flames: Open flame devices are defined as candles, torches, grills (gas and charcoal), butane burners, or any other flame-containing device. The use of open-flame devices is strictly limited on campus. Candles may only be used in outside areas unless prior approval has been given by a member of the Student Life Staff and the building supervisor. Any use of torches or bonfires on campus must be approved in advance by the Office of Campus & Community Engagement. Approval of such use is not guaranteed. Grills may be used outdoors only, provided they are at least ten feet from any structure. They do not require pre-approval for use. Propane tanks and lighter fluid may not be stored indoors.

Electrical Appliances: Because of the danger of fire, only certain electrical appliances are permitted in student rooms. You may have power strips with circuit breakers, radios, stereos, televisions, clocks, lamps, hair dryers, electric razors, coffee pots with automatic shutoffs, and fans. Refrigerators over three feet tall and microwaves drawing more than 700 watts, halogen bulbs and upward-facing lamps, lamps with multiple arms, neon lights, LED strips, hot plates, toaster ovens, air fryers, other open-burner cooking units, self-installed ceiling fans, extension cords, doorbell and other personal security cameras, and electric space heaters are prohibited. The residence hall staff has the authority to remove unauthorized or potentially dangerous electrical devices.

Vaping and Smoking: Because of the danger of fire, vaping and smoking are not permitted indoors. See the Tobacco and Nicotine policy above.

Plans for Future Improvements in Fire Safety: Transylvania University continually evaluates its fire-safety systems, equipment, procedures, inspections, and training. Planned future improvements include more consistent training and testing of our systems.



Fire Incident Report

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	451 W. Fourth St.	0
Broadway Apartments	331 N. Broadway	0
Dalton-Voigt Hall	416 W. Fourth St.	0
Rosenthal Complex	425 W. Fourth St.	0
Poole Hall	408 Kenilworth Ct.	0

Fire Cause and Property Damage: During calendar years 2023, 2024, and 2025, Transylvania University had no reported fires in any on-campus student housing facility. Accordingly, there were no fire-related injuries or deaths, no causes of fire to report, and no fire-related property damage during these reporting years. The estimated value of property damage caused by fire for each on-campus student housing facility was therefore \$0.

Fires – Summary

<u>Name of Facility</u>	<u>2023</u>			<u>2024</u>			<u>2025</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 Hall	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
4th Street Apartments 451 W. Fourth St.	0	0	0	0	0	0	0	0	0
Broadway Apartments 331 N. Broadway	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
Total	0	0	0	0	0	0	0	0	0

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.

Crime Statistics Collection Methodology: Each year, the Clery Compliance Officer, in coordination with the Department of Public Safety, collects and reviews crime, arrest, and disciplinary-referral information from applicable University offices and Campus Security Authorities (CSAs). Identified CSAs are annually solicited for reports of Clery-reportable crimes, and written requests for crime statistics are submitted to law-enforcement agencies having jurisdiction over the University's applicable Clery geography. The University reviews its campus, non-campus, and public-property geography for the reporting period. It compares information received from DPS, CSAs, Student Life, Housing and Residence Life, Title IX, and outside law-enforcement agencies. Reports are reviewed and reconciled to identify duplicate reports of the same incident so that an offense is not counted more than once. Incidents are then classified according to applicable Clery Act definitions, geographic categories, and FBI Uniform Crime Reporting classification and hierarchy rules. Before the statistics are published in the Annual Security and Fire Safety Report and submitted to the U.S. Department of Education, the Clery Compliance Officer, DPS, and several campus stakeholders conduct a final reconciliation of the collected data for completeness and consistency. University is initiating a formal Clery Compliance Committee to address these and other concerns moving forward.

Authoritative Clery Statistics: The crime, arrest, and disciplinary-referral statistics presented in this Annual Security and Fire Safety Report are the University's authoritative Clery statistics for the reporting period. These figures have been reviewed and verified by the Department of Public Safety and are reported in accordance with the University's Clery reporting methodology. Differences between the figures presented in this report and figures contained in other institutional reports or assessments may reflect differences in reporting purpose, methodology, or data reconciliation.

The full text of this report is located on the Department of Public Safety's webpage at: <https://www.transy.edu/campus/campus-safety/>. 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 get in touch with the Department of Public Safety at 859-233-8118.



Transylvania University
Department of Public Safety
300 N. Broadway
Lexington, KY 40508
Office: 859-233-8118
Fax: 859-281-3571
Email: dps@transy.edu
www.transy.edu



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

APPENDIX A

Transylvania University

Grievance Process for Alleged Violations of Title IX (Process A)

For All Faculty, Students, Employees, And Third Parties

ONE POLICY, TWO PROCEDURES MODEL (1P2P)

BASED ON THE ATIXA 2024 ONE POLICY, TWO PROCEDURES MODEL

@AUGUST 2024, ATIXA. USE AND ADAPTATION PERMITTED. ALL OTHER RIGHTS RESERVED

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Overview

Transylvania University is committed to providing an educational and employment environment that is free from discrimination based on protected characteristics, harassment, and retaliation in protected activity.

Transylvania University will act on any Notice/Formal Complaint of violation of the Policy on Equal Opportunity, Harassment, and Nondiscrimination (“the Policy”) that is received by the Title IX Coordinator¹ or any other Official with Authority. Transylvania uses two sets of procedures, known as Process A and Process B.

Process A is compliant with the federal Title IX regulations. It involves an investigation and live hearing, including cross-examination. It also includes an Informal Resolution option. Process A is applicable to all Formal Complaints of alleged Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, or Stalking that occur within the University’s Education Program and Activity.

Process B applies to Formal Complaints of alleged Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, or Stalking that fall outside of the University’s Education Program and Activity and therefore cannot be adjudicated under the Title IX Formal Grievance Process. Process B is also used for all other complaints of Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct on the basis of all Protected Characteristics as listed in Transylvania University Equal Opportunity, Harassment, and Nondiscrimination Policy that do not fall under Process A.

Occasionally, a Formal Complaint will include conduct that falls within both Processes A and B. When that occurs, Process A will typically be used to address all allegations.

Nondiscrimination Administrator Contact

The Title IX Coordinator at Transylvania University oversees implementation of Transylvania University’s Equal Opportunity, Harassment, and Nondiscrimination policy and coordinates Transylvania University’s timely, thorough, and fair response through investigation and resolution of all alleged prohibited conduct under this Policy.

In addition to the Title Coordinator, Transylvania University has determined the following administrators as Officials with Authority (OWA): Vice President of Student Life & Dean of Students, Michael Covert or designee, Vice President of Human Resources, Michelle Bliffen or designee, and Director of Public Safety, Steve Herold or designee. For the purpose of this policy, OWA’s have been

¹ Anywhere this procedure indicates “Title IX Coordinator,” Transylvania University may substitute a trained designee.

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, the listed Officials with Authority may also accept notice or complaints on behalf of Transylvania University.

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

Ann James

Title IX Coordinator

238 Young Campus Center

300 North Broadway, Lexington, KY Phone:
(859) 233- 8502

Email: titleix@transy.edu

Web: <https://www.transy.edu/campus/campus-safety/title-ix/>

Notice/Complaint

Upon receipt of a Notice or a Formal Complaint of an alleged Policy violation, the Title IX Coordinator will initiate a prompt initial assessment to determine the University's next steps. The Title IX Coordinator will contact the Complainant to offer supportive measures, provide information regarding resolution options, and determine how they wish to proceed.

Collateral Misconduct

Collateral misconduct includes potential violations of other Transylvania University policies that occur in conjunction with alleged violations of the Policy, or that arise through the course of the investigation, for which it makes sense to provide one resolution for all allegations. Thus, the collateral allegations may be charged along with potential violations of the Policy, to be resolved jointly under these Procedures. In such circumstances, the Title IX Coordinator may consult with University officials who typically oversee such conduct (e.g., human resources, student conduct, academic affairs) to solicit their input as needed on what charges should be filed, but the exercise of collateral charges under these procedures is within the Title IX Coordinator's discretion. All other allegations of misconduct unrelated to incidents covered by the Policy will typically be addressed separately through procedures described in the Student, Faculty, or Employee Handbook(s).

Mandated Reporting and Confidential Resources

A. Mandated Reporting

All Transylvania University employees (faculty, staff, administrators, as well as volunteer coaches and student employees who have responsibilities over other students like Residence Life Staff, Student Orientation Leaders, Campus Center

Building Managers and DPS workers), with the exception of confidential employees, **are obligated to share** with the Title IX Coordinator knowledge, notice, and/or reports of sex-based discrimination, harassment, retaliation, and/or other prohibited sex-based conduct under Title IX that they become aware of in the course and scope of their work.

Failure of a Mandated Reporter to report an incident of Discrimination, Harassment, Retaliation, or Other Prohibited Conduct of which they become aware is a violation of Transylvania University Policy and can be subject to disciplinary action for failure to comply/failure to report. This also includes situations when a Respondent is a Mandated Reporter. Such individuals are obligated to report their own misconduct, and failure to do so is a chargeable offense under the Policy.

A Mandated Reporter who is themselves a target of Discrimination, Harassment, Retaliation, or Other Prohibited Conduct under this Policy is not required to report their own experience, though they are, of course, encouraged to do so.

To make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting institutional resources. Within the institution, some resources may maintain confidentiality and are not required to report actual or suspected harassment, discrimination, or retaliation in a way that identifies the Parties. Employees working in these confidential resources (see below) may offer options without any obligation to inform an outside agency or institution 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 alleged crimes and/or policy violations, and these Employees will pass reports to the Title IX Coordinator (and/or police, if desired by the Complainant or required by law), who will act when an incident is reported to them.

The following sections describe Transylvania University's reporting options for a Complainant or third party:

B. Confidential Resources

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

- Counseling Center (for Students only)
Appointment via counseling@transy.edu Tricia Hite, LPCC; thite@transy.edu Jessica Tazelaar, jtazelaar@transy.edu
- Student Health
Appointment via my.transy.edu – My Health Portal Melissa Harris, ARNP; mharris@transy.edu; 859-233-8127

- Director of the Lula Morton Drewes Center
Dr. Krissalyn Love; Klove@transy.edu; 859-233-8804; 252 Campus Center
- Director of Religious Life & Spirituality
Sarah Harcourt Watts; sharcourtswatts@transy.edu; 859-233-8608; 244 Campus Center
- Employee Assistance Program
The Woodland Group; info@woodlandgroup.org; 859-255-4864)
- Community-based agencies:
 - Licensed professional counselors
 - Medical providers
 - Local rape crisis counselors (e.g., Sexual Violence Resource Center)
 - Domestic violence resources (e.g., Green House 17)
 - Clergy/chaplains
 - Attorneys

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, professional credentials, or official designation, 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.

Institutional resources and the Employee Assistance Program are available to help free of charge and may be consulted on an emergency basis during normal business hours.

Employees who have confidentiality as listed above, and who receive reports within the scope of their confidential roles, will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient, or parishioner.

Title IX Formal Grievance Process

1. Initial Assessment

Following receipt of a Notice or a Formal Complaint of an alleged violation of the Equal Opportunity, Harassment, and Nondiscrimination Policy, the Title IX Coordinator² engages in an initial assessment, typically within five (5) business days. The initial assessment typically includes:

- Assessing whether the reported conduct may reasonably constitute a Policy violation
- Determining whether Transylvania has jurisdiction over the reported conduct
- Offering and coordinating supportive measures for the Parties
- Notifying the Complainant, or the person who reported the allegation(s), of the available resolution options
- Determining whether the Complainant wishes to file a Formal Complaint
- Notifying the Respondent of the available resolution options if a Formal Complaint is made

A. Helping a Complainant Understand Resolution Options

If the Complainant indicates they wish to file a Formal Complaint, the Title IX Coordinator will work with the Complainant to determine which resolution option they prefer. The Title IX Coordinator will seek to abide by the Complainant's wishes but may have to take another approach depending upon their assessment of the situation.

If the Formal Grievance Process is pursued, the Title IX Coordinator will initiate an investigation.

If any party indicates that they want to pursue an Informal Resolution option, the Title IX Coordinator will determine if Informal Resolution is available and the other Parties consent to participate. Informal Resolution cannot be used to resolve a Formal Complaint of Title IX Sexual Harassment involving an Employee Respondent and a Student Complainant.³

If the Complainant does not want any action taken, the Title IX Coordinator will consider that request. Typically, allegations of Student-on-Student and

² 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.

³ 34 C.F.R. § 106.45.

Employee-on-Employee misconduct will not prompt the Formal Grievance Process unless deemed necessary by the Title IX Coordinator, though the Complainant can elect to pursue the formal process in the future. The Title IX Coordinator may need to refer allegations of Employee-on-Student misconduct to the Formal Grievance Process regardless of the Complainant's wishes, depending on the nature of the allegations.

Elements such as patterns of behavior, predation, threats, violence, use of weapons, or involvement of minors will be considered when determining whether to sign a Formal Complaint.

B. Title IX Coordinator to Initiate a Complaint

The Title IX Coordinator has ultimate discretion as to whether a Formal Complaint is made and may consult with appropriate University administrators and/or conduct a violence risk assessment to aid their determination whether to sign a Formal Complaint on behalf of the Complainant.⁴

If a Complainant is not participating or attempting to participate in Transylvania's Education Program or Activity at the time of making a Formal Complaint, they can request that the Title IX Coordinator sign a Formal Complaint. When the Title IX Coordinator signs a Formal Complaint, they do not become the Complainant. The Complainant is the person who experienced the alleged misconduct. If the Title IX Coordinator declines to sign a Formal Complaint, alternative processes may be available and can be explored with the Title IX Coordinator.

2. Dismissal (Mandatory and Discretionary)

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 Title IX Sexual Harassment as defined in the Policy above, even if proven
- 2) The sex-based 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
- 3) The conduct did not occur against a person in the United States
- 4) The Complainant alleging sex-based conduct is not participating in or attempting to participate in the education program or activity of Transylvania University at the time of filing the Formal Complaint, and based on the

⁴ See detailed information regarding Violence Risk Assessment in C

available information, the Title IX Coordinator has determined that they do not need to sign a Formal Complaint on behalf 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
- 2) The Respondent is no longer enrolled in or employed by Transylvania University⁵
- 3) Specific circumstances prevent Transylvania University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein

A Complainant who decides to withdraw a Formal Complaint may later request to reinstate it or refile it.

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.

When the Title IX Coordinator has signed a Formal Complaint and later determines that the basis for signing is no longer compelling, the Title IX Coordinator may rescind the Formal Complaint and notify the Parties accordingly. This is not a dismissal, and there is no opportunity to appeal because the Complainant may still file a Formal Complaint if they wish to, in most circumstances.

3. Appeal of Dismissal

The Parties may appeal a decision to dismiss or not to dismiss their Formal Complaint. All dismissal appeal requests must be filed within five (5) business days of the notification of the dismissal decision.

A dismissal may be appealed on the following grounds:

- 1) A procedural irregularity affected the outcome of the matter
- 2) New evidence that was not reasonably available at the time the determination regarding dismissal was made, that could affect the outcome of the matter

⁵ 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.

- 3) The Title IX Coordinator, Investigator(s), or Decision-Maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter
- 4) The dismissal was erroneously granted or denied

The appeal should specify at least one of the grounds above and provide any reasons or supporting evidence for why the ground is met. Upon receipt of a written dismissal appeal request from one or more Parties, the Title IX Coordinator will share the request and supporting documentation with all other Parties and provide five (5) business days for other Parties and the Administrator to respond to the request. At the conclusion of the response period, the Administrator will forward the request, as well as any response provided by the other Parties and/or the Title IX Coordinator, to the Dismissal Appeal Decision-Maker for consideration.

If the appeal request does not provide information that meets the grounds in the Policy, the Dismissal Appeal Decision-Maker will deny the request, and the Parties, their Advisors, and the Administrator will be notified in writing of the denial and the rationale.

If any of the asserted grounds in the appeal satisfy the grounds described in the Policy, then the Dismissal Decision-Maker will notify all Parties and their Advisors, and the Title IX Coordinator of their decision and rationale in writing. The effect will be to reinstate the Complaint.

In most circumstances, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Dismissal Appeal Decision-Maker has seven (7) business days to review and decide on the appeal, though extensions can be granted at the Title IX Coordinator's discretion, and the Parties will be notified of any extension.

Appeal decisions are deferential to the original determination, making changes only if there is a compelling justification to do so.

The Dismissal Appeal Decision-Maker may consult with the Title IX Coordinator and/or legal counsel on questions of procedure or rationale for clarification, if needed. The Title IX Coordinator will maintain documentation of all such consultation.

4. Emergency Removal / Interim Suspension of a Student

Transylvania University may emergency remove a Student accused of Title IX Sexual Harassment upon receipt of a Formal Complaint or at any time during the Formal Grievance Process. Prior to an emergency removal, Transylvania will conduct an individualized risk assessment and may remove the Student if that assessment determines an immediate threat to the physical health or safety of

any Student or other individual justifies removal. Students accused of other forms of Discrimination, Harassment, Retaliation, or Other Prohibited Conduct (not Sex-based) are subject to interim suspension, which can be imposed for safety reasons.

When an emergency removal or interim suspension is imposed, wholly or partially, the affected Student will be notified of the action, which will include a written rationale, and the option to challenge the emergency removal or interim suspension within three (3) business days of the notification. Upon receipt of a challenge, the Title IX Coordinator will meet with the Student (and their Advisor, if desired) as soon as reasonably possible thereafter to allow them to show cause why the removal/action should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal or interim suspension is appropriate, should be modified, or should be lifted. When this meeting is not requested within three (3) business days, objections to the emergency removal or interim suspension will be deemed waived. A Student can later request a meeting to show why they are no longer an immediate threat because conditions related to the threat have changed. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable for them to do so.

The Respondent may provide information, including expert reports, witness statements, communications, or other documentation for consideration prior to or during the meeting. When applicable, a Complainant may provide information to the Title IX Coordinator for review.

An emergency removal or interim suspension may be affirmed, modified, or lifted as a result of a requested review or as new information becomes available. The Title IX Coordinator will communicate the final decision in writing, typically within three (3) business days of the review meeting.

5. Placing Employees on Leave

When the Respondent is an Employee, or a Student-Employee accused of misconduct in the course of their employment, existing provisions in the Employee Handbook for interim action are typically applicable instead of the above emergency removal process.

6. Counter-Complaints

Transylvania University is obligated to ensure that the Formal Grievance Process is not abused for retaliatory purposes. Although Transylvania permits the filing of counter-complaints, the Title IX Administrator will use an initial assessment, described above, to assess whether the allegations in the counter-complaint are

made in good faith. When counter-complaints are not made in good faith, they will not be permitted. They will be considered potentially retaliatory and may constitute a Policy violation.

Counter-complaints determined to have been reported in good faith will be processed using the Formal Grievance Process. At the Title IX Coordinator's discretion, investigation of such claims may take place after resolution of the underlying initial Formal Complaint.

7. Advisors in the Formal Grievance Process

The Parties may each have an Advisor of their choice present with them for all meetings, interviews, and hearings within the Formal Grievance Process, if they so choose.

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 Decision-Maker.

A. Who Can Serve as an Advisor

The Parties may each have an Advisor (friend, mentor, family member, attorney, or any other individual a party chooses) present with them for all meetings, interviews, and hearings within the resolution process. The Parties may select whomever they wish to serve as their Advisor as long as the Advisor is eligible and available. Parties have the right to choose not to have an Advisor in the initial stages of the Formal Grievance Process, prior to a hearing.

The Title IX Coordinator will also offer to assign a trained Advisor for any party if the party chooses so. 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.

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 is not obligated to provide an attorney to advise that party.

If the Parties choose an Advisor from outside Transylvania-trained Advisors, the Advisor may not have been trained by Transylvania University and may not be familiar with Transylvania University policies and procedures.

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. Parties are expected to provide the Title IX Coordinator with timely notification if they change Advisors. If a party changes Advisors, consent to share information with the previous Advisor is assumed to be terminated, and a release for the new Advisor must be submitted.

Transylvania may permit Parties to have more than one Advisor, or an Advisor and a support person, upon special request to the Title IX Coordinator. The decision to grant this request is at the Title IX Coordinator's sole discretion and will be granted equitably to all Parties.

B. Advisor's Role in the Formal Grievance Process

Advisors should help the Parties to prepare for each meeting or hearing and are expected to advise ethically, with integrity, and in good faith. Advisors may not provide testimony or speak on behalf of their advisee unless given specific permission to do so.

The Parties are expected to respond to questions on their own behalf throughout the Formal Grievance Process. Although the Advisor generally may not speak on behalf of their advisee, except for conducting cross-examination during a hearing, 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.

The Title IX Regulations require a form of indirect questioning during the hearing, which must be conducted by the Parties' Advisors. The Parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, Transylvania will appoint a trained Advisor for the limited purpose of conducting any questioning of the Parties and witnesses.

C. Records Shared with Advisors

Advisors are entitled to the same opportunity as their advisee to receive copies of the Draft and Final Investigation Reports, as well as the Directly Related Evidence file. Parties will be asked to sign releases for Transylvania University to share materials with an Advisor.

Advisors are expected to maintain the confidentiality of the records Transylvania shares with them. Accordingly, Advisors will be asked to sign Non-Disclosure Agreements (NDAs).

Transylvania may decline to share materials with any Advisor who has not executed the NDA. Transylvania may restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by Transylvania's confidentiality expectations.

D. Advisor Expectations

Transylvania University generally expects an Advisor to adjust their schedule to allow them to attend Transylvania meetings/interviews/hearings when planned, but Transylvania may change scheduled meetings/interviews/hearings to

accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

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

All Advisors are subject to the same University policies and procedures, whether they are attorneys or not, and whether they are selected by a party or appointed by Transylvania. Advisors are expected to advise without disrupting proceedings.

E. Advisor Policy Violations

Any Advisor who oversteps their role as defined by the Policy, who shares information or evidence in a manner inconsistent with the Policy, or who refuses to comply with Transylvania's established rules of decorum will be warned. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting/interview/hearing may be ended, or other appropriate measures implemented, including Transylvania requiring the party to use a different Advisor or providing a different Transylvania-appointed Advisor. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

8. Resolution Options

The Formal Title IX Grievance Process is Transylvania's primary resolution approach for alleged violations of Title IX unless all Parties and Transylvania University agree to an Informal Resolution. The process considers the Parties' preferences but is ultimately determined at the Title IX Coordinator's discretion.

Resolution proceedings are private. All persons present at any time during a resolution process are expected to maintain the privacy of the proceedings in accordance with the Policy.

There is an expectation of privacy around what Investigators share with Parties during interviews and for any materials the institution shares with the Parties during the resolution process. The Parties have discretion to share their own knowledge and evidence with others if they choose, except for information the Parties agree not to disclose as part of an Informal Resolution. Transylvania encourages Parties to discuss any sharing of information with their Advisors before doing so.

A. Informal Resolution

Informal Resolution is a process by which a mutually agreed-upon resolution of an allegation is reached by the Parties. Informal Resolution is an alternative to the 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 determine that there is not an ongoing threat to the Complainant or campus community.

Informal Resolution may not be used in complaints involving a Student Complainant and an Employee Respondent.

To initiate Informal Resolution, a Complainant or Respondent may make such a request to the Title IX Coordinator at any time prior to a Final Determination or the Title IX Coordinator may offer the option to the Parties. Participation 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 and will not pressure the Parties to participate in Informal Resolution.

To engage in Informal Resolution, a Complaint must first submit a Formal Complaint.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process. Any party participating in Informal Resolution can withdraw from the Informal Resolution process at any time and initiate or resume the Formal Grievance Process.

The Parties may agree, as a condition of engaging in Informal Resolution, on what statements made or evidence shared during the Informal Resolution process will not be considered in the Formal Grievance Process should the Informal Resolution not be successful.⁶

If an investigation is already underway, the Title IX Coordinator has discretion to determine if the investigation will be paused, if it will be limited, or if it will continue during the Informal Resolution process.

Prior to engaging in Informal Resolution, Transylvania will provide the Parties with written notice of the reported misconduct and any sanctions (only in the case of Accepted Responsibility) or measures that may result from participating in such a process, including information regarding any records that Transylvania will maintain, and under which circumstances they may be released.

There are three approaches to Informal Resolution which are detailed below.

⁶ The Parties may not want discussions that take place within Informal Resolution to be admissible in a later Resolution Process, but essential facts must and do transfer from the informal process to subsequent resolution proceedings. Disclosing something in an informal setting to shield it from formal admissibility is a cynical strategy, so administrators should take care in determining the terms of any assurances of the confidentiality of the Informal Resolution.

B. Informal Resolution Approaches

1) *Supportive Resolution*

A Supportive Resolution can be offered when the Title IX Coordinator can resolve the matter informally by providing supportive measures only designed to remedy the situation. Supportive Resolutions involve only the party who opts for it.

Most commonly offered once a Formal Complaint is filed (whereas supportive measures, as described in [Section 9](#) of the Policy, are offered in response to Notice). The Title IX Coordinator will meet with the Complainant to determine reasonable supports that are designed to restore or preserve the Complainant's access to Transylvania's Education Program and Activity. Such supports can be modified as the Complainant's needs evolve over time or circumstances change. If the Respondent has received the NOIA, the Title IX Coordinator may also provide reasonable supports for the Respondent as deemed appropriate. This option is available when the Complainant does not want to engage in the other resolution options, and the Title IX Coordinator does not believe there is a need to sign a Formal Complaint. At the discretion of the Title IX Coordinator, this resolution option can result in an agreement between the Complainant and Transylvania that does not require assent from any other party, as long as it does not unduly burden any other party or function punitively with respect to them.

2) *Educational Conversation*

The complainant(s) may request that the Title IX Coordinator address their allegations by meeting (with or without the Complainant) with the Respondent(s) to discuss concerning behavior and institutional policies and expectations. Such a conversation is non-disciplinary and non-punitive. Respondent(s) are not required to attend such meetings, nor are they compelled to provide any information if they attend. The conversation will be documented as the Informal Resolution for the matter, if it takes place. In light of this conversation, or the Respondent's decision not to attend, the Title IX Coordinator may also implement remedial actions to ensure that policies and expectations are clear and to minimize the risk of recurrence of any behaviors that may not align with Policy.

3) *Accepted Responsibility*

An Accepted Responsibility Resolution can occur when the Respondent accepts responsibility for violating policy, and accepts the recommended sanction(s), and the Complainant(s) and the Title IX Coordinator are agreeable to the resolution terms.

The Respondent may accept responsibility for any or all of the alleged Policy violations at any point during the Formal Grievance Process. If the Respondent indicates an intent to accept responsibility for **all** alleged Policy violations, the ongoing process will be paused, and the Title IX Coordinator will determine whether Informal Resolution is an option.

If Informal Resolution is available, the Title IX Coordinator will determine whether all Parties and Transylvania are able to agree on responsibility, restrictions, sanctions, restorative measures, and/or remedies. If so, the Title

IX Coordinator implements the accepted Finding that the Respondent is in violation of Transylvania University Policy, implements agreed-upon restrictions and remedies, and determines any other appropriate responses in coordination with other appropriate administrator(s), as necessary.

This resolution is not subject to appeal once all Parties indicate their written agreement to all resolution terms. When the Parties cannot agree on all terms of resolution, the Formal Grievance Process will either begin or resume.

When a resolution is reached, the appropriate sanction(s) or responsive actions are promptly implemented to effectively stop the Discrimination or Harassment, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

4) *Alternative Resolution*

Alternative Resolutions can occur when the Parties agree to resolve the matter through an alternative resolution mechanism (which could include, but is not limited to, mediation, shuttle negotiation, restorative practices, facilitated dialogue, etc.), as described below.

Transylvania University offers a variety of alternative resolution mechanisms to best meet the specific needs of the Parties and the nature of the allegations. Alternative resolution may involve agreement to pursue individual or community remedies, including targeted or broad-based educational programming or training; supported direct conversation or interaction between the Parties; indirect action by the Title IX Coordinator or other appropriate Transylvania officials; and other forms of resolution that can be tailored to the needs of the Parties. Some alternative resolution mechanisms will result in an agreed-upon outcome, while others are resolved through dialogue. All Parties must consent to the use of an alternative resolution approach, and the Parties may, but are not required to, have direct or indirect contact during an alternative resolution process.

The Title IX Coordinator has the authority to determine whether alternative resolution is available or successful, to facilitate a resolution that is acceptable to all Parties, and/or to accept the Parties' proposed resolution, usually through

their Advisors, often including terms of confidentiality, release, and non-disparagement.

Parties do not have the authority to stipulate restrictions or obligations for individuals or groups that are not involved in the alternative resolution process. The Title IX Coordinator will determine whether additional individual or community remedies are necessary to meet the institution's compliance obligations in addition to the alternative resolution.

The Title IX Coordinator maintains records of any informal resolution that is reached and will provide notification to the Parties of what information is maintained. Failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions (e.g., dissolution of the agreement and resumption of the Formal Grievance Process, referral to the conduct process for failure to comply, application of the enforcement terms of the agreement). Where the failure to abide by the Informal Resolution agreement terms results in a failure to remedy a Policy violation, the Title IX Coordinator must consider whether to dissolve the agreement and reinstate the Formal Grievance Process to remedy the impact as required by law. The results of Formal Complaints resolved by alternative resolution are not appealable.

If an Informal Resolution option is not available or selected, Transylvania University will initiate or continue an investigation and subsequent Formal Grievance Process to determine whether the Policy has been violated.

C. Formal Grievance Process

The Formal Grievance Process begins with Section 10. below.

9. Resolution Process Pool

The Formal Grievance Process relies on a pool of internal or external administrators to carry out the process.

A. Pool Member Roles

Members of the Pool are trained annually and can serve in the following roles, at the discretion of the Title IX Coordinator:

- To provide appropriate intake of and initial guidance pertaining to complaints
- To act as an Advisor to the Parties
- To serve in a facilitation role in Informal Resolution or Alternative Resolution if appropriately trained in appropriate resolution approaches (e.g., mediation, restorative practices, facilitated dialogue)
- To perform or assist with initial assessment
- To investigate complaints

- To serve as a Hearing Facilitator (process administrator, no decision-making role)
- To serve as a Decision-Maker regarding the complaint
- To serve as an Appeal Decision-Maker

B. Pool Member Appointment

The Title IX Coordinator, in consultation with senior administrators as necessary, appoints the Pool, which acts with independence and impartiality.

C. Pool Member Training

Pool members receive annual training. This training includes, but is not limited to:

- The scope of Transylvania University's Equal Opportunity, Harassment, and Nondiscrimination Policy and Procedures
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability
- Implicit bias
- Disparate treatment
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, timely, and impartial manner
- How to conduct a sexual harassment investigation
- Trauma-informed practices pertaining to investigations and resolution processes
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- How to render Findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by Transylvania University with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct an investigation and grievance process including hearings, appeals, and Informal Resolution Processes
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias against Respondents and/or for Complainants, and on the basis of sex, race, religion, and other protected characteristics
- Any technology to be used at a live hearing

- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment, discrimination, and/or retaliation allegations
- Recordkeeping

Materials used to train members of the Pool are publicly posted on Transylvania University's Title IX website.

10. Notice of Investigation and Allegations (NOIA)

The Title IX Coordinator will provide written Notice of Investigation and Allegations ("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 allegations
- The identity of the Parties involved (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 confidentiality of the process
- Information on the need for each party to have an Advisor of their choice 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

Notification will be made in writing and may be delivered by one or more of the following methods: in person, emailed to the Parties' Transylvania-issued email account, or 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.

11. Resolution Timeline

Transylvania University will make a good faith effort to complete the resolution process, including any appeals, in a timely manner. The Parties will receive regular updates on the progress of the Formal Grievance Process, as well as notification and a rationale for any extensions or delays, and an estimate of how much additional time will be needed to complete the process.

Investigations are completed expeditiously, normally within sixty to ninety (60-90) business days, though some investigations may take longer, depending on the nature, extent, and complexity of the allegations, witness availability, law enforcement involvement, and other factors.

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 health conditions. Transylvania will promptly resume its Formal Grievance Process as soon as feasible. During such a delay, Transylvania will implement and maintain supportive measures for the Parties as deemed appropriate.

Transylvania action(s) or processes 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.

Transylvania University will make a good faith effort to complete the Formal Grievance Process as promptly as circumstances permit and will regularly

communicate with the Parties to update them on the progress and timing of the process.

12. Ensuring Impartiality

No individual materially involved in the Formal Grievance Process, including the Title IX Coordinator, Investigator(s), or Decision-Maker(s), may have or have demonstrated 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), Decision-Maker(s), and Appeal Decision-Maker(s) for 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 trained Title IX Team 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 Coordinator's direct supervisor, Vice President of Human Resources.

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. All Parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to receive a written Investigation Report that accurately summarizes this evidence.

13. Witness Role and Participation in the Investigation

Witnesses who are Employees of Transylvania University are expected to cooperate with and participate in Transylvania University's investigation and resolution process. Student witnesses and witnesses from outside the Transylvania community are encouraged to cooperate with Transylvania University investigations and to share what they know about a complaint.

Interviews may be conducted in person, via online video platforms (e.g., Zoom, Microsoft Teams, FaceTime, Google Meet), or, in limited circumstances, by telephone. Transylvania University will take appropriate steps to ensure the security/privacy of remote interviews.

Parties and witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred.

14. Interview Recording

It is standard practice for Investigators to create a record of all interviews pertaining to the Formal Grievance Process by recording, transcript, or written summary. The Parties may review copies of their own interviews upon request. No unauthorized audio or video recording of any kind is permitted during investigation meetings.

All interviews are recorded, and all involved persons should be made aware of the audio recording. The recording, transcript, and/or a summary of those meetings will be provided to the Parties for their review, after which the Parties may suggest additional questions to be asked of another party or witness or additional witnesses. Those subsequent meetings or interviews are also recorded, transcribed, and/or summarized.

15. Evidentiary Considerations

The Investigator(s) and the Decision-Maker(s) will only consider Relevant or Directly Related Evidence.

Neither the investigation nor the hearing will consider:

- 1) Questions or evidence about the Complainant's sexual predisposition⁷
- 2) Questions or evidence about the Complainant's 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 alleged conduct, or if the questions or evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent⁸
- 3) Questions or evidence about a party or witness's records that are made or maintained by a physician, psychologist, or psychiatrist unless the party or witness provides voluntary, written consent for the records to be considered

Within the boundaries stated above, the investigation and the hearing can consider character evidence, if offered, but that evidence is unlikely to be relevant unless it is factual evidence or relates to a pattern of conduct.

Previous disciplinary action of any kind involving the Respondent may not be considered unless there is an allegation of a pattern of misconduct. Such

⁷ Transylvania University defines "predisposition" in alignment with its commonly understood and dictionary definition of being inclined toward a thing, action, or person. Predisposition does not encompass an aversion, or being disinclined to a thing, action, or person.

⁸ Transylvania University defines "prior sexual behavior" to include only sexual actions taken by or involving a Complainant prior to the reported incident(s), not the absence of such actions.

information may also be considered in determining an appropriate sanction upon a determination of responsibility. Barring a pattern allegation, this information is only considered at the sanction stage of the process and is not shared until then.

16. Investigation

All investigations are thorough, reliable, impartial, prompt, and fair. They involve interviewing all available, relevant Parties and witnesses, obtaining Relevant Evidence, and identifying sources of expert information, as necessary.

After an interview, Parties and witnesses will be asked to verify the accuracy of the recording, transcript, or summary of their interview. They may submit changes, edits, or clarifications. If the Parties or witnesses do not respond within the time period designated for verification, objections to the accuracy of the recording, transcript, or summary will be deemed to have been waived, and no changes will be permitted.

Transylvania University may consolidate Complaints against more than one Respondent, or by more than one Complainant against one or more Respondent(s), when the allegations arise from the same facts or circumstances or implicate a pattern, collusion, and/or other shared or similar actions.

Investigations involve the following:

- Determining the names of and contacting all involved Parties and potential witnesses to participate in an investigation interview
- Identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for the Parties and witnesses
- Providing written notification of the date, time, and location of all investigation meetings, including the expected participants and purpose
- Conducting any necessary follow-up interviews with Parties or witnesses
- Providing the Parties and witnesses an opportunity to verify the accuracy of either a summary or transcript of their interview(s)
- Soliciting the names of suggested witnesses and questions each party wishes to have asked of another party or witness
- Writing a Draft Investigation Report that gathers, assesses, and synthesizes the evidence, accurately summarizes the investigation and party and witness interviews, and provides all Relevant Evidence
- Compiling a Directly Related Evidence File
- Providing the Parties and their respective Advisors an 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 (10) days.

- Incorporating any new, Relevant Evidence and information obtained through the Parties' review of the Draft Investigation Report and any follow-up meetings into the Final Investigation Report
- Responding in writing (typically within the Final Investigation Report) to the relevant elements of the Parties' responses to the Draft Investigation Report
- Sharing the Final Investigation Report with the Title IX Coordinator for their review and feedback
- Providing the Title IX Coordinator with the Final Investigation Report and Directly Related Evidence File

17. Referral for Hearing

Provided that the Formal 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 held 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 an appropriate Decision-Maker(s) and provide a copy of the Final Investigation Report and the file of Directly Related Evidence.

18. Hearing Decision-Maker

The Decision-Maker will not have had any previous involvement with the Formal Complaint. The Title IX Coordinator may elect to have an alternate from the Title IX Team Pool sit in throughout the hearing process if a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-Makers. Those who are serving as Advisors for any party may not serve as Decision-Makers in that matter.

The Title IX Coordinator may not serve as a Decision-Maker 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 the facilitator role. The hearing will be convened at a time and venue determined by the Title IX Coordinator.

19. Live Hearing Requirements

The following provisions apply to a live hearing:

A. Hearing Venue Options and Recordings

The live hearing may occur in person or via video technology. The Decision-Maker and Parties must be able to simultaneously see and hear a party or witness while that person is speaking. Both options are considered fair and equitable. Alternative arrangements may also be made at the Title IX Coordinator's discretion.

- The Parties may make a request to the Title IX Coordinator that the hearing be held in person or via video technology, but they must do so at least five (5) business days prior to the hearing. The Title IX Coordinator retains discretion to determine whether the hearing will occur in person or via video technology.
- All hearings will be recorded, and Parties may request a copy of the recording from the Title IX Coordinator following the live hearing.
- No unauthorized recordings are permitted.

B. Scheduling

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to the Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term, including during the summer, as needed, to meet Transylvania University's resolution timeline and ensure a prompt resolution. Employees, including Parties and witnesses, who do not have 12-month contracts are still expected to participate in Formal Grievance Processes that occur during months between contracts.

C. Hearing Participants

Persons who may be present for a hearing include the Decision-Maker, Hearing Facilitator, Investigator(s), the Parties and their Advisors, anyone providing authorized accommodations, interpretation, and/or assistive services, and anyone else deemed necessary by the Decision-Maker. Witnesses are present only during their portion of the testimony.

D. Advisors

The Parties may have the assistance of an Advisor of their choice at the hearing or can request that Transylvania University appoint a trained Advisor for them. Appointed Advisors are not attorneys. If a party wishes to have an attorney as their Advisor, they must locate and pay for that attorney themselves.

- During the pre-hearing meeting and live hearing, Parties may only be accompanied by their Advisor. No other persons (e.g., additional support persons, Advisors, friends, family) may accompany, attend, or listen in on the

hearing unless explicitly authorized by the Title IX Coordinator, with each party being provided the same opportunity.

- Parties and Advisors are permitted to have their phones and a laptop or tablet, but these should only be used during the hearing in a manner consistent with the Policy.
- During the hearing, all questions that a party wishes to ask must be posed by the Advisor, not the Parties.
- If the party does not have an Advisor, the Title IX Coordinator will provide the party with an Advisor for the purpose of Advisor-conducted questioning.

E. Impact Statements

Each party may submit an impact and/or mitigation statement to the Administrator that the Decision-Maker will review during any sanction determination.

- Upon receipt of an impact and/or mitigation statement, the Title IX Coordinator will review the impact/mitigation statement to determine whether any immediate needs exist.
- The Title IX Coordinator will only provide the impact statements to the Decision-Maker if the Decision-Maker determines that the Policy has been violated. When the Title IX Coordinator shares the impact statements with the Decision-Maker, they will also be shared with the Parties.

F. Disability Accommodations and Other Assistance

Parties should contact the Administrator at least five (5) business days prior to the hearing to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, if possible.

G. Conflicts of Interest or Bias

The Decision-Maker must not have a bias for or against Complainants or Respondents generally or the individual Complainant or Respondent involved in the Formal Complaint.

- The Decision-Maker must recuse themselves if such bias or conflict of interest exists.
- If the Decision-Maker believes there is possible conflict of interest or bias, they will consult with the Title IX Coordinator about possible recusal or removal.
- The Parties may raise challenges that the Decision-Maker is biased or has a conflict of interest. The Parties must raise challenges with the Administrator within three (3) business days of receiving the hearing notice.

- The Title IX Coordinator will only remove and replace a Decision-Maker in situations of demonstrated bias or conflicts of interest. Perceptions of bias or conflict are not sufficient to cause removal.
- If a Decision-Maker recuses themselves as a result of a conflict of interest or bias, or is removed, the Title IX Coordinator will promptly appoint a new Decision-Maker who does not have a conflict of interest or bias and notify the Parties accordingly.

H. Evidence Provided to Decision-Maker and Parties

- The Decision-Maker will be provided electronic copies of the Final Investigation Report and all relevant but not impermissible evidence, including the names of all Parties, witnesses, and Advisors, at least ten (10) business days in advance of the hearing.
- The Parties will be provided with electronic copies of all the materials provided to the Decision-Maker as part of the hearing notice, unless those materials have already been provided.⁹

20. Hearing Notice

The Title IX Coordinator will send the Parties a notice of hearing letter no less than ten (10) business days prior to the hearing. Once emailed, mailed, and/or received in person, notice is presumptively delivered. The notice includes:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable hearing procedures, and a statement of the potential sanctions/responsive actions that could result
- The time, date, and location of the hearing
- A description of any technology that will be used to facilitate the hearing
- Relevant information regarding hearing logistics, pre-hearing meetings, the Final Investigation Report, the Parties and witnesses participating in the hearing, the identity of the Decision-Maker, details related to questioning, the role of Advisors, impact/mitigation statements, and how to request disability accommodations or other assistance

21. Witness Participation

Witnesses are encouraged to participate in, and make themselves reasonably available for, the hearing. They may participate in-person or via video technology that allows the Decision-Maker and the Parties to see and hear the witness while

⁹ Hard-copy materials may be provided upon request to the Title IX Coordinator. The Final Investigation Report and Relevant Evidence may be shared using electronic means that preclude downloading, forwarding, or otherwise sharing.

that person is speaking. Witnesses are not permitted to be accompanied by an Advisor without the Title IX Coordinator's express permission.

The Title IX Coordinator will notify all witnesses of their requested participation in the hearing at least five (5) business days prior to the hearing. Witnesses will be present for the hearing only during their testimony.

If any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence. For compelling reasons, the Title IX Coordinator may reschedule the hearing.

- Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s), unless:
- All Parties and the Decision-Maker assent to the new witness's participation in the hearing without remanding the Formal Complaint back to the Investigator,
- The Decision-Maker deems the evidence presented by the new witness to be relevant and not information already established in the record, and
- The witness's late involvement was not the result of bad faith by the witness, the Parties, or others.

If the above criteria are not met, but the witness's evidence is deemed relevant and not duplicative, the Decision-Maker may, at their discretion, engage in any of the following actions:

- Delay the hearing
- Provide the Parties with at least five (5) business days to review the relevant portions of the new witness's statements, if such statements are submitted
- Remand the Formal Complaint back to the Investigator for further investigation or verification
- Allow the Parties to review and comment on the testimony of the new witness¹⁰

If the evidence is deemed not relevant, the Decision-Maker may proceed with the hearing absent the new witness's participation.

22. Pre-Hearing Meetings

The Decision-Maker will offer to convene pre-hearing meeting(s) with the Parties and their Advisors to familiarize them with the hearing process and invite them to submit the questions or topics they wish to ask or discuss at the hearing. This allows the Decision-Maker to consider their relevance ahead of time to avoid any

¹⁰ 34 C.F.R. § 668.46(k)(3)(B)(3) requires "timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings."

improper evidentiary introduction in the hearing or to provide recommendations for more appropriate phrasing.

However, this advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or from asking for a reconsideration on a Decision-Maker's pre-hearing decision based on any new information or testimony offered at the hearing. The Decision-Maker will consider arguments that evidence identified as relevant in the Final Investigation Report is, in fact, not relevant. Similarly, evidence identified by the Investigator(s) as directly related but not relevant may be argued to be relevant. The Decision-Maker will document and share their rationale for any evidence or question exclusion or inclusion, if any, at a pre-hearing meeting with each party.

The Decision-Maker will work with the Parties to finalize a witness list for the hearing, and the Title IX Coordinator will notify any witnesses of the hearing's logistics. The Decision-Maker, **only** with the agreement of all 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 Final Investigation Report or during the hearing, and their presence is not essential to assess their credibility.

Pre-hearing meeting(s) will not be recorded. The pre-hearing meetings will typically be conducted as separate meetings with each party/Advisor, and can be done remotely, or as a written communication exchange. The Decision-Maker will work with the Parties to establish the format and timing of the meetings and will circulate a summary of any rulings made to ensure all Parties and Advisors are aware.

23. Hearing Procedures

A. Evidentiary Considerations

The Parties must provide all evidence to the Investigator(s) prior to completion of the Final Investigation Report. Evidence offered after that time will be evaluated by the Decision-Maker for relevance. If deemed relevant, the Parties and Decision-Maker must agree to admit it into the record. If the evidence is deemed not relevant, the Decision-Maker may proceed with the hearing absent the new evidence.

The new Relevant Evidence will be admitted to the record if:

- All Parties and the Decision-Maker assent to the new evidence being included in the hearing without remanding the Formal Complaint back to the Investigator,
- The evidence is not duplicative of evidence already in the record, and

- The new evidence was either not reasonably available prior to the conclusion of the Final Investigation Report, or the failure to provide it in a timely manner was not the result of bad faith by the Parties, witnesses, or others.

If the above criteria are not met, but the evidence is deemed materially relevant and not duplicative, the Decision-Maker may, at their discretion, engage in any of the following actions:

- Delay the hearing
- Provide the Parties with at least five (5) business days to review the Relevant Evidence
- Remand the Formal Complaint back to the Investigator for further investigation or analysis
- Allow the Parties time to review and comment on the new evidence

If the evidence is deemed not relevant, the Decision-Maker may proceed with the hearing without allowing the new evidence.

B. Collateral Misconduct

The Decision-Maker has the authority to hear and make determinations on all allegations of Discrimination, Harassment, Retaliation, and Other Prohibited Conduct under the Policy and may also hear and make determinations on any additional alleged collateral misconduct that occurred in concert with the Discrimination, Harassment, Retaliation, or Other Prohibited Conduct, even though those collateral allegations may not specifically fall within the Policy.

C. Joint Hearings

In complaints involving more than one Respondent and/or involving more than one Complainant accusing 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.

D. Introductions and Hearing Procedure Explanation

The Decision-Maker will:

- Explain the hearing procedures
- Introduce the participants
- Answer any procedural questions prior to and as they arise throughout the hearing

E. Investigator Presentation of Final Investigation Report

The Investigator(s) will present a summary of the Final Investigation Report, including a review of the facts that are contested and those that are not. The Investigator may be questioned first by the Decision-Maker and then by the Parties through their Advisors. The Investigator may attend the duration of the hearing or be excused after their testimony at the Decision-Maker's discretion.

F. Testimony and Questioning

The Parties and witnesses may provide relevant information in turn, beginning with the Complainant's opening statement, then the Respondent's, and then questioning in the order determined by the Decision-Maker. The Decision-Maker will facilitate questioning of the Parties and witnesses first by the Decision-Maker and then by the Parties through their Advisors.

All questions are subject to the Decision-Maker's relevance determination. The Advisor will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted). The proceeding will pause to allow the Decision-Maker to consider the question (and state it if it has not already been stated aloud), and the Decision-Maker will determine whether the question will be permitted, disallowed, or rephrased. The Decision-Maker will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Decision-Maker will limit or disallow questions they deem not appropriate on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), seek or pertain to impermissible evidence, or are abusive, and has the final say on all questions and relevance determinations. The Decision-Maker may consult with legal counsel on any admissibility questions.

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

G. Refusal to Submit to Questioning and Inferences

Any party or witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. The Decision-Maker can only rely on the available Relevant Evidence in making a Final Determination. The Decision-Maker may not draw any inference **solely** from a party's or witness's absence from the hearing or refusal to answer any or all questions. Typically, after brief opening statements, the order of questioning will be questions from the

Decision-Maker, questions from the party's own Advisor, then questions from the other Parties' Advisors. The same order will be used for questioning witnesses, who do not typically make opening statements. The Parties then make brief closing statements, and then the hearing transitions into closed session for deliberation.

An Advisor may not be called as a witness at a hearing to testify to what their advisee has told them during their role as an Advisor unless the party being advised consents to that information being shared.

H. Hearing Recordings

Transylvania University records hearings (but not deliberations) for purposes of review in the event of an appeal. No unauthorized audio or video recording of any kind is permitted during the hearing.

The Decision-Maker, the Parties, their Advisors, Appeal Decision-Makers, and other appropriate Transylvania University officials will be permitted to review the recording or review a transcript of the recording upon request to the Title IX Coordinator. No unauthorized disclosure, including sharing, copying, or distribution of the recording or transcript, is permitted.

24. Standard of Evidence

Transylvania University uses the preponderance of the evidence when determining whether a Policy violation occurred. This means that Transylvania University will decide whether it is more likely than not, based upon the available information at the time of the decision, that the Respondent violated the Policy.

25. Deliberation and Determination

The Decision-Maker will also review any pertinent conduct history provided by the Dean of Students and/or Vice President of Human Resources and will determine the appropriate sanction(s) in consultation with other appropriate administrators as necessary.

The Decision-Maker will then prepare a written statement detailing all Findings and Final Determinations, the rationale(s) explaining the decision(s), the evidence used in support of the determination(s), the evidence not relied upon in the determination(s), any credibility assessments, and any sanction(s) and rationales explaining the sanction(s), and will deliver the statement to the Title IX Coordinator.

This statement must be submitted to the Title IX Coordinator within five (5) 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.

26. Notice of Outcome

The Title IX Coordinator will provide the Parties with a written outcome notification within ten (10) business days of the conclusion of the Formal Grievance Process. The outcome notification will specify the Finding for each alleged Policy violation, any sanction(s) that may result, which Transylvania University is permitted to share pursuant to federal or state law, and a detailed rationale, written by the Decision-Maker, supporting the Findings to the extent Transylvania University is permitted to share under federal or state law.

The notification will also detail the Parties' equal rights to appeal, the grounds for appeal, the steps to request an appeal, and when the determination is considered final if no party appeals.

The Title IX Coordinator will provide the Parties with the outcome notification simultaneously, or without significant time delay between notifications. The written outcome notification may be delivered by one or more of the following methods: in person, emailed to the Parties' Transylvania-issued or other approved email account, or mailed to the Parties' local or permanent address as indicated in official Transylvania University records. Once emailed, mailed, and/or received in person, the outcome notification is presumptively delivered.

27. Rights of the Parties

- The right to an equitable investigation and resolution of all credible allegations of prohibited harassment, discrimination, and/or retaliation made in good faith to Transylvania University officials.
- The right to timely written notice of all alleged violations, including the identity of the Parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.
- The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.
- The right to be informed in advance of any public release of information by Transylvania University regarding the allegation(s) or underlying incident(s), whenever possible.
- The right not to have any personally identifiable information released by Transylvania University to the public without consent provided, except to the extent permitted by law.
- The right to be treated with respect by Transylvania University officials.
- The right to have Transylvania University policy and these procedures followed without material deviation.

- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
- The right not to be discouraged by Transylvania University officials from reporting sexual harassment, discrimination, and/or retaliation to both on-campus and off-campus authorities.
- The right to be informed by Transylvania University officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by Transylvania University in notifying such authorities, if the Party so chooses. This also includes the right not to be pressured to report.
- The right to have allegations of violations of this Policy promptly responded to and with sensitivity by Transylvania University officials.
- The right to be informed of available supportive measures, such as counseling; advocacy; health care; legal, Student financial aid, visa, and immigration assistance; and/or other services, both on campus and in the community.
- The right for Transylvania University to implement a no-contact or a no-trespass order against a non-affiliated third party when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct.
- The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available. No formal report or investigation, either institutional or criminal, needs to occur before this option is available.
- The right to have Transylvania University maintain such actions for as long as necessary and for supportive measures to remain confidential, provided confidentiality does not impair Transylvania University's ability to provide the supportive measures.
- The right to receive sufficiently advanced, written notice of any Transylvania University meeting or interview involving another party, when possible.
- The right to identify and have the Investigator(s), Advisors, and/or Decision-Maker(s) question relevant available witnesses, including expert witnesses.
- The right to provide the Investigator(s)/Decision-Maker(s) with a list of questions that, if deemed relevant by the Investigator(s)/Decision-Maker(s), may be asked of any party or witness.
- The right to have inadmissible sexual predisposition/prior sexual history or irrelevant character evidence excluded by the Decision-Maker(s).
- The right to know the relevant and directly related evidence obtained and to respond to that evidence.
- The right to a fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.

- The right to receive a copy of all relevant and directly related evidence obtained during the investigation, subject to privacy limitations imposed by state and federal law, and a ten (10)-business-day period to review and comment on the evidence.
- The right to receive a copy of the final investigation report, including all factual, policy, and/or credibility analyses performed, and to have at least ten (10) business days to review and comment on the report prior to the hearing.
- The right to be informed of the names of all witnesses whose information will be used to make a Finding, in advance of that Finding, when relevant.
- The right to regular updates on the status of the investigation and/or resolution.
- The right to have reports of alleged Policy violations addressed by Investigators, Title IX Coordinators, and Decision-Maker(s) who have received relevant annual training.
- The right to preservation of confidentiality/privacy, to the extent possible and permitted by law.
- The right to meetings, interviews, and/or hearings that are closed to the public.
- The right to petition that any Transylvania University representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
- The right to have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the Resolution Process.
- The right to the use of the appropriate standard of evidence (preponderance of the evidence) to make a Finding and Final Determination after an objective evaluation of all relevant evidence.
- The right to be present, including presence via remote technology, during all testimony given and evidence presented during any hearing.
- The right to have an impact and/or mitigation statement considered by the Decision-Maker(s) following a determination of responsibility for any allegation, but prior to sanctioning.
- The right to be promptly informed of the Finding(s) and sanction(s) (if any) of the Resolution Process and a detailed rationale of the decision (including an explanation of how credibility was assessed) in a written Notice of Outcome letter delivered simultaneously (without undue delay) to the Parties.
- The right to be informed in writing of when a decision by Transylvania University is considered final and any changes to the Final Determination or sanction(s) that occur post Notification of Outcome.
- The right to be informed of the opportunity to appeal the Finding(s) and sanction(s) of the Resolution Process, and the procedures for doing so in accordance with the standards for appeal established by Transylvania University.
- The right to a fundamentally fair resolution as defined in these procedures.

28. 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
- The need for sanctions/responsive actions to bring an end to the Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct
- The need for sanctions/responsive actions to prevent the future recurrence of Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct
- The need to remedy the effects of Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct on the Complainant and the community
- The impact on the Parties
- The Respondent's acknowledgment of responsibility or contrition
- 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 common sanctions¹¹ that may be imposed upon Students singly or in combination:

1) *Reprimand*

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.

2) *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.

3) *Restrictions*

A Student may be restricted in their activities, including, but not limited to, being restricted from locations, programs, participation in certain activities, or

¹¹ Transylvania University policies on transcript notation will apply to these proceedings.

extracurriculars, study abroad, or holding leadership roles in Student organizations

4) *Probation*

An official sanction for violation of Transylvania University institutional policy, providing for more severe disciplinary sanctions in the event that the Student 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.

5) *Suspension*

Separation from Transylvania University, or one or more of its facilities, for a defined period of time, typically not to exceed two years, after which the Student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension, on successfully applying for readmission, or upon a general condition that the Student is eligible to return if Transylvania University determines it is appropriate to re-enroll/readmit the Student. The Student is typically required to vacate Transylvania University property within 24 hours of notification of the action, though this deadline may be extended at the discretion of the Title IX Coordinator or other appropriate official. During a Transylvania-wide suspension, the Student is banned from Transylvania University property, functions, events, and activities unless they receive prior written approval from an appropriate Transylvania University official. This sanction may be enforced with a trespass action, as necessary.

6) *Expulsion*

Permanent separation from Transylvania University. The Student is banned from Transylvania 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.

7) *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.

8) *Revocation of Degree*

While very rarely exercised, 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.

9) *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:

- Verbal or Written Warning
- 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.

29. Withdrawal or Resignation Before Complaint Resolution

A. Students

Should a Respondent decide not to participate in the Formal Grievance Process, the process proceeds absent their participation to a reasonable resolution.

If a Student Respondent withdraws from Transylvania University, the resolution process typically ends with a dismissal, as Transylvania University no longer has disciplinary jurisdiction over the withdrawn Student. However, 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 alleged Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct.

Regardless of whether the complaint is dismissed or pursued to completion of the Formal Grievance Process, Transylvania University will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct.

When a Student withdraws or leaves while the process is pending, the Student may not return to Transylvania University in any capacity until the Formal Complaint is resolved and any sanctions imposed are satisfied. If the Student indicates they will not return, the Title IX Coordinator has discretion to dismiss the Formal Complaint and bar the Student from returning. The appropriate institutional administrators will be notified accordingly.

If the Student Respondent takes a leave for a specific period of time (e.g., one semester or term), the Formal Grievance Process may continue remotely. If found in violation, that Student is not permitted to return to Transylvania University unless and until all sanctions, if any, have been satisfied.

B. Employees

Should an Employee Respondent decide not to participate in the Formal Grievance Process, the process proceeds absent their participation to a reasonable resolution.

If an Employee Respondent leaves their employment with Transylvania University with unresolved allegations pending, the Formal Grievance Process typically ends with dismissal, as Transylvania University has lost primary disciplinary jurisdiction over the former Employee. However, 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 alleged Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct.

Regardless of whether the matter is dismissed or pursued to completion of the Resolution Process, Transylvania University will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct.

When an Employee resigns and the Formal Complaint is dismissed, the Employee may not return to Transylvania University in any capacity. A note will be placed in the Employee's file that they resigned with allegations pending and are not eligible for academic admission or rehire with Transylvania University. The records retained by the Title IX Coordinator and Human Resources Office will reflect that status.

30. Appeal of the Final Determination

The Title IX Coordinator will designate an Appeal Decision-Maker to hear the appeal. No Appeal Decision-Maker will have been previously involved in the Formal Grievance Process for the Formal Complaint. If a panel is used, the Title IX Coordinator will designate a voting chair.

A. Appeal Grounds

Appeals are limited to the following grounds:

- 1) A procedural irregularity that affected the outcome of the matter
- 2) 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
- 3) The Title IX Coordinator, Investigator(s), or Decision-Maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the 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 Appeal Chair and the Parties and their Advisors will be notified in writing of the denial and the rationale.

B. Appeal Requests

Any party may submit a written request for appeal to the Title IX Coordinator within five (5) business days of the delivery of the Notice of Outcome.

The appeal request will be forwarded to the Appeal Decision-Maker for consideration to determine if the request meets the appeal grounds (a Review for Standing). This is not a review of the merits of the appeal, but solely a determination as to whether the request could reasonably be construed to meet the grounds and is timely filed.

If the appeal request does not provide information that meets the grounds in the Procedures, the request will be denied by the Appeal Decision-Maker, and the Parties and their Advisors will be simultaneously notified in writing of the denial and the rationale.

If any of the information in the appeal request meets the grounds in the Procedures, then the Appeal Decision-Maker will notify all Parties and their Advisors, the Administrator, and, when appropriate, the Investigator(s) and/or the original Decision-Maker.

All other Parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the Decision-Maker will be provided a copy of the appeal request with the approved grounds and then be given five (5) business days to submit a response to the portion of the appeal that was approved

and involves them. The Appeal Decision-Maker will forward all responses, if any, to all Parties for review and comment.

The non-appealing party (if any) may also choose to appeal at this time. If so, that appeal request will be reviewed by the Appeal Decision-Maker to determine if it meets the grounds in the Procedures and will either be approved or denied. If approved, it will be forwarded to the party who initially requested an appeal, the Title IX Coordinator, and the Investigator(s) and/or original Decision-Maker, as necessary, who will submit their responses, if any, within five (5) business days. Any such responses will be circulated for review and comment by all Parties. If denied, the Parties and their Advisors will be notified in writing.

No party may submit any new appeal request after this time period. The Appeal Decision-Maker will collect any additional information needed and all documentation regarding the approved appeal grounds, and the subsequent responses will be shared with the Appeal Decision-Maker, who will promptly render a decision.

C. Appeal Determination Process

In most circumstances, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Appeal Decision-Maker will deliberate as soon as is practicable and discuss the merits of the appeal.

Appeal decisions are to be deferential to the original determination, making changes to the Finding/Final Determination only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so. All decisions are made by majority vote and apply the preponderance of the evidence standard of evidence.

An appeal is not an opportunity for the Appeal Decision-Maker to substitute their judgment for that of the original Decision-Maker merely because they disagree with the Finding and/or sanction(s).

The Appeal Decision-Maker may consult with the Title IX Coordinator and/or legal counsel on questions of procedure or rationale, for clarification, if needed. The Title IX Coordinator will maintain documentation of all such consultation.

D. Appeal Outcome

An appeal may be granted or denied. Appeals that are granted should normally be remanded (or partially remanded) to the original Investigator(s) and/or Decision-Maker with corrective instructions for reconsideration. In rare circumstances where an error cannot be cured by the original Investigator(s) and/or Decision-Maker or the Title IX Coordinator (as in cases of bias), the Appeal

Decision-Maker may order a new investigation and/or a new hearing with new Pool members serving in the Investigator and Decision-Maker roles.

A notice of appeal outcome letter will be sent to all Parties simultaneously, or without significant time delay between notifications. The appeal outcome letter will specify the Finding on each appeal ground, any specific instructions for remand or reconsideration, all sanction(s) that may result which Transylvania University is permitted to share according to federal or state law, and the rationale supporting the essential Findings to the extent Transylvania University is permitted to share under federal or state law.

Written notification may be delivered by one or more of the following methods: in person, emailed to the Parties' Transylvania-issued email, or mailed to the Parties' local or permanent address as indicated in official institutional records. Once received in person, emailed, and/or mailed, the appeal outcome letter will be presumptively delivered.

Once an appeal is decided, the outcome is final and constitutes the Final Determination; further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new determination). When appeals result in no change to the Finding or sanction, that decision is final. When an appeal results in a new Finding or sanction, that Finding or sanction can be appealed one final time on the grounds listed above and in accordance with the Procedures.

If a remand results in a new Finding or sanction that is different from the original Finding or sanction, that new Finding or sanction can be appealed, once, on any of the available appeal grounds.

E. Sanction Status During the Appeal

Any sanctions imposed as a result of the hearing are stayed (i.e., not implemented) during the appeal process. Supportive measures may be maintained or reinstated until the appeal determination is made.

If any of the sanctions are to be implemented immediately post-determination, but pre-appeal, then emergency removal procedures and interim suspension procedures (detailed above) for a show cause meeting on the justification for doing so must be permitted within two (2) business day hours of implementation.

31. Long-Term Remedies / Other Actions

Following the conclusion of the Formal Grievance 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 is intended to stop the Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct, remedy the effects, and prevent recurrence.

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

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Course and registration adjustments, such as retroactive withdrawals
- 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 assistance
- 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 Transylvania University owes 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.

32. Failure to Comply with Sanctions and/or Responsive Actions

All Respondents 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.

Supervisors are expected to enforce the completion of sanctions/responsive actions for their Employees.

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

33. Retaliation¹²

Transylvania University seeks to create an environment where its students and employees are free, without fear of reprisal, to use its procedures to determine if there has been a violation of their rights under this policy. Any act of retaliation for reporting a complaint or participating in an investigation or proceeding under this policy will result in appropriate disciplinary action.

Retaliation is defined as an adverse act or words taken against an individual who engages in a protected activity, such as exercising their right to oppose or report discrimination or participating in an investigation or resolution proceedings.

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.

Transylvania University and/or any member of the Transylvania community,

- taking or attempting to take materially adverse action,
- by intimidating, threatening, coercing, harassing, or discriminating against any individual,
- for the purpose of interfering with any right or privilege secured by law of this Policy, or
- because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy and procedure.

The exercise of rights protected under the First Amendment does not constitute retaliation. It is also not retaliation for Transylvania University to pursue Policy violations against those who make materially false statements in bad faith in the course of a resolution under this Policy. However, the determination of responsibility, by itself, is not sufficient to conclude that any party has made a materially false statement in bad faith.

34. Recordkeeping and Record Maintenance

Transylvania University will maintain for a period of seven (7) years records of:

- 1) Each Discrimination, Harassment, Retaliation, and Other Prohibited Conduct Formal Grievance Process, including any Final Determination regarding

¹² Retaliation allegations can be routed through Process B if Transylvania University so elects, but where retaliation and sexual harassment allegations are both alleged, they may be processed under Process A to resolve them together.

responsibility or appeal, and any audio or audiovisual recording or transcript required under federal regulation

- 2) Any disciplinary sanctions imposed on the Respondent
- 3) Any supportive measure provided to the Parties and any remedies provided to the Complainant or the community 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 other actions taken in response to a report or Formal Complaint 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

This covers records maintained in any medium. All such records are considered private or confidential, in accordance with FERPA and the directive from the Department of Education to maintain the confidentiality of records related to Discrimination, Harassment, and Retaliation. These records may be shared internally with those who have a legitimate educational interest and will be shared with the Parties to a resolution process under applicable federal and/or state law. The Office of Title IX and Civil Rights controls the dissemination and sharing of any records under its control.

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

Drafts and Working Files

Preliminary drafts and "working files" are not considered records that Transylvania University must maintain, and these are typically destroyed during the course of an investigation or at the conclusion of the resolution process. They are preliminary versions of records and other documents that do not state a final position on the subject matter reviewed or are not considered to be in final form by their author and/or the Title IX/Civil Rights Office. An example of a "working file" would be the Investigator's notes made during an interview on topics that they want to revisit in subsequent interviews. Sole possession records maintained as such in accordance with FERPA are also included in this category. All drafts of Investigation Reports shared with the Parties are maintained.

Attorney Work-Product

Communications from the Title IX/Civil Rights Office or its designees with Transylvania University's legal counsel may be work-product protected by attorney-client privilege. These communications are not considered records to be maintained by the Title IX/Civil Rights Office or accessible under this policy unless the Title IX/Civil Rights Coordinator, in consultation with legal counsel as necessary, determines that these communications should be included as accessible records.

Record Storage

Records may be created and maintained in different media formats; this policy applies to all records, irrespective of format. All records created pursuant to this policy, as defined above, must be stored in digital format and maintained by the Title IX office. The complete file must be transferred to the Title IX office, typically within fourteen (14) business days of the Resolution (including any appeal), if the file is not already maintained within the Title IX office. Security protocols must be in place to preserve the integrity and privacy of any parts of any record that are maintained in the Title IX office. The Title IX office will store all records created pursuant to the Policy, regardless of the identities of the Parties.

35. Disability 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 Title IX Coordinator, who will work with Accessibility Services for Students and the Vice President of Human Resources for Employees, as appropriate, to review the request and, in consultation with the person requesting the accommodation, determine which accommodations are appropriate and necessary for full participation.

36. Other Support

Transylvania University will address other reasonable requests for support for the Parties and witnesses, including:

- Language services/Interpreters
- Access and training regarding use of technology throughout a resolution process
- Other support as deemed reasonable and necessary to facilitate participation in a resolution process

Appendix A: Definitions

- **Advisor** is a person chosen by a party, or appointed by the institution, who may accompany the party to meetings related to the resolution process, advise the party on that process, and conduct cross-examination¹³ for the party at the hearing, if any.
- **Appeal** person or panel accepts or rejects a submitted appeal request, determines whether an error occurred that substantially affected the investigation or original determination, and directs corrective action, accordingly.
- **Complainant** means an individual who is alleged to have been subjected to conduct that could constitute discrimination, harassment, retaliation, and/or other prohibited conduct under this policy.
- **Confidential Resource** is an Employee who is not a Mandated Reporter of notice of discrimination, harassment, retaliation, and/or other prohibited conduct under this policy (irrespective of Clery Act Campus Security Authority status).
- **Day** means a business day when Transylvania University is in normal operation. All references in this policy to ‘days’ refer to business days unless specifically noted as calendar days.
- **Decision-Maker** means the person or panel who reviews evidence, determines relevance, and makes the Final Determination of whether this Policy has been violated and/or assigns sanctions.
- **Directly Related Evidence** is evidence connected to the allegations, but which is neither inculpatory (tending to prove a violation) nor exculpatory (tending to disprove a violation) and cannot be relied upon by the Decision-Maker(s). Compare to [Relevant Evidence](#) below.
- **Education program or activity** means locations, events, or circumstances where Transylvania University exercises substantial control over both the Respondent and the context in which the discrimination, harassment, retaliation, and/or other prohibited conduct occurs and also includes any building owned or controlled by a Student organization that is officially recognized by Transylvania University.
- **Employee** is a person employed by Transylvania University either full- or part-time, including Student Employees when acting within the scope of the employment.
- **Faculty** is any member of the Transylvania University community who is responsible for academic activities, teaching, research, or the academic evaluation of Students.

¹³ 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.

- **Final Determination** is a conclusion by a preponderance of the evidence that the alleged conduct did or did not violate policy.
- **Finding** is a conclusion by a preponderance of the evidence that the conduct did or did not violate policy.
- **Formal Complaint** is a document submitted or signed by a Complainant or signed by the Title IX Coordinator alleging a Respondent engaged in Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct under this policy and requesting that Transylvania University investigate the allegation(s).
- **Formal Grievance Process** means a method of formal resolution designated by Transylvania University to address allegations of Title IX Sexual Harassment, and which complies with the requirements of 34 CFR § 106.45 and the Violence Against Women Act §304.
- **Informal Resolution** is a complaint resolution agreed to by the Parties and approved by the Title IX Coordinator that occurs prior to a formal Final Determination being reached.
- **Investigation Report** is the summary of all relevant evidence gathered during the investigation. Variations include the draft investigation report and the final investigation report.
- **Investigator** means the person(s) charged by Transylvania University to gather facts about an alleged violation of this Policy, assess relevance and credibility, synthesize the evidence, and compile this information into an investigation report of relevant evidence and a 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 discrimination, harassment, retaliation, and/or other prohibited conduct with the Title IX Coordinator.¹⁴
- **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 discrimination, harassment, retaliation, and/or other prohibited conduct on behalf of Transylvania University.
- **Parties** include the Complainant(s) and Respondent(s), collectively.
- **Pregnancy** or Related Condition is pregnancy, childbirth, termination of pregnancy, lactation, or medical conditions related thereto, or recovery therefrom.

¹⁴ 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.

- **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.
- **Protected Characteristic** is any characteristic for which a person is afforded protection against discrimination, harassment, retaliation, and/or other prohibited conduct by law or Transylvania University policy.
- **Reasonable Person** is a person under similar circumstances and with similar identities to the Complainant.
- **Relevant Evidence** is evidence that may aid a Decision-Maker in determining whether the alleged discrimination, harassment, retaliation, and/or other prohibited conduct occurred, or in determining the credibility of the Parties or witnesses.
- **Remedies** typically are post-resolution 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 is alleged to have engaged in conduct that could constitute discrimination based on a protected characteristic, harassment, or retaliation for engaging in a protected activity under this policy, or other prohibited conduct.
- **Resolution** means the result of an Informal Resolution, formal grievance process, or administrative resolution process.
- **Sanction** means a consequence imposed by Transylvania University on a Respondent who is found to have violated this policy.
- **Sex or on the basis of sex** is birth sex under Title IX. On the basis of sex includes actions that are sexual in nature, and actions targeted to a person because of the person's actual or perceived sex.
- **Student** is, for the purpose of this policy, 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 educational relationship with Transylvania University.
- **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 encompass a designee of the Coordinator for specific tasks.
- **Title IX Team** refers to the Title IX Coordinator, any deputy coordinators, investigators, and any member of the Formal Grievance Process Pool.

Appendix B: Privacy and Confidentiality

For the purpose of this Policy, privacy and confidentiality have distinct meanings.

Privacy means that information related to Notice or Formal Complaint will be shared with a limited number of Transylvania University Officials who “need to know” in order to assist in the assessment, investigation, and resolution of the Formal Complaint. All Employees who are involved in Transylvania University’s response to a Notice under the 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 Student Records Policy. The privacy of Employee records will be protected in accordance with Human Resources policies.

Confidentiality exists in the context of laws (including Title IX) that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, and their patients, clients, parishioners, and spouses. Transylvania University has designated individuals who can have privileged communications as Confidential Resources. See [Section 6](#) of the Equal Opportunity, Harassment, and Nondiscrimination Policy for more information about Confidential Resources.

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: (1) the individual gives written consent for its disclosure; (2) there is a concern that the individual will likely cause serious physical harm to self or others; or (3) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or individuals with disabilities. Confidential Resources may share non-identifiable information for statistical tracking purposes as required by the federal Clergy Act. Other information may be shared as required by law.

Appendix C: Violence Risk Assessment

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 Violence Risk Assessment (VRA) is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

To assess an individual's level of violence risk, the Title IX Coordinator will initiate the VRA process through the Violence Risk Assessment Team, which will assign a member(s) to perform the assessment according to the specific nature of the Title IX case. The VRA is conducted independently from the Title IX process, free from outcome pressure, but is informed by it.

VRAs are non-clinical assessments and must be understood as an ongoing process, rather than a singular evaluation or meeting. A VRA is not an evaluation for an involuntary behavioral health hospitalization, nor is it a psychological or mental health assessment.

VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

When conducting a VRA, the assessor(s) use an evidence-based process consisting of:

- 1) An appraisal of **risk factors** that escalate the potential for violence
- 2) A determination of stabilizing influences that reduce the risk of violence
- 3) A contextual **analysis of violence risk** by considering environmental circumstances, hopelessness, and suicidality; catalyst events; nature and actionability of threat; fixation and focus on target; grievance collection; and action and time imperative for violence
- 4) The application of **intervention and management** approaches to reduce the risk of violence

The assessor(s) will follow the process of conducting a violence risk assessment as outlined in the Care Team manual and will rely on a consistent, research-based, reliable system that allows for the evaluation of the risk levels. Assessors are trained to mitigate any bias and provide the analysis and Findings in a fair and equitable manner.

Some examples of formalized approaches to the VRA process include: The NABITA Risk Rubric, The Structured Interview for Violence Risk Assessment (SIVRA-35), Violence Risk Assessment of the Written Word (VRAWW), Workplace Assessment of Violence Risk (WAVR-21), Historical Clinical Risk Management (HCR-20), and MOSAIC.

The VRA team member(s) conducts a VRA process and makes a recommendation to the Title IX Coordinator as to whether the VRA indicates there is a substantial, compelling, and/or immediate risk to the health and/or safety of an individual or the community.

APPENDIX B

Transylvania University 2025/2026

**Grievance Process for Alleged Non-Title IX Violations of the
Equal Opportunity, Anti-Harassment, and
Nondiscrimination Policy
(Process B)**

For All Faculty, Students, Employees, And Third Parties

ONE POLICY, TWO PROCEDURES MODEL (1P2P)

BASED ON THE ATIXA 2024 ONE POLICY, TWO PROCEDURES MODEL

@AUGUST 2024, ATIXA. USE AND ADAPTATION PERMITTED. ALL OTHER RIGHTS RESERVED

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Overview

Transylvania University is committed to providing an educational and employment environment that is free from discrimination based on protected characteristics, harassment, and retaliation in protected activity.

Transylvania University will act on any Notice/Formal Complaint of violation of the Policy on Equal Opportunity, Harassment, and Nondiscrimination (“the Policy”) that is received by the Title IX Coordinator¹ or any other Official with Authority. Transylvania uses two sets of procedures, known as Process A and Process B.

Process A is compliant with the federal Title IX regulations. It involves an investigation and live hearing, including cross-examination. It also includes an Alternative Resolution option. Process A is applicable to all Formal Complaints of alleged Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, or Stalking that occur within the University’s Education Program and Activity and fall under Title IX jurisdiction.

Process B applies to Formal Complaints of alleged Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, or Stalking that fall outside of the University’s Education Program and Activity and therefore cannot be adjudicated under the Title IX Formal Grievance Process.

Process B is also used for complaints of Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct on the basis of Protected Characteristics as listed in the Transylvania University Equal Opportunity, Harassment, and Nondiscrimination Policy that do not fall under Process A.

Occasionally, a Formal Complaint will include conduct that falls within both Processes A and B. When that occurs, Process A will typically be used to address all allegations.

Nondiscrimination Administrator Contact

The Title IX Coordinator at Transylvania University oversees implementation of Transylvania University’s Equal Opportunity, Harassment, and Nondiscrimination policy and coordinates Transylvania University’s timely, thorough, and fair response through investigation and resolution of all alleged prohibited conduct under this Policy.

In addition to the Title IX Coordinator, Transylvania University has determined the following Administrators as Officials with Authority (OWA): Vice President of Student Life & Dean of Students Michael Covert or designee, Vice President of Human Resources, Michelle Bliffen or designee, and Director of Public Safety, Steve Herold, or designee. For the purpose of this policy, OWA’s have been

¹ Anywhere this procedure indicates “Title IX Coordinator,” Transylvania University may substitute a trained designee.

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, the listed Officials with Authority may also accept notice or complaints on behalf of Transylvania University.

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

Ann James

Title IX Coordinator

238 Young Campus Center

300 North Broadway, Lexington, KY Phone:
(859) 233-8502

Email: titleix@transy.edu

Web: <https://www.transy.edu/campus/campus-safety/title-ix/>

Notice/Complaint

Upon receipt of a Notice or a Formal Complaint of an alleged Policy violation, the Title IX Coordinator will initiate a prompt initial assessment to determine the University's next steps. The Title IX Coordinator will contact the Complainant to offer supportive measures, provide information regarding resolution options, and determine how they wish to proceed.

Collateral Misconduct

Collateral misconduct includes potential violations of other Transylvania University policies that occur in conjunction with alleged violations of the Policy, or that arise through the course of the investigation, for which it makes sense to provide one resolution for all allegations. Thus, the collateral allegations may be charged along with potential violations of the Policy, to be resolved jointly under these Procedures. In such circumstances, the Title IX Coordinator may consult with University officials who typically oversee such conduct (e.g., human resources, student conduct, academic affairs) to solicit their input as needed on what charges should be filed, but the exercise of collateral charges under these procedures is within the Title IX Coordinator's discretion. All other allegations of misconduct unrelated to incidents covered by the Policy will typically be addressed separately through procedures described in the Student, Faculty, or Employee Handbook(s).

Mandated Reporting and Confidential Resources

A. Mandated Reporting

All Transylvania University community members are encouraged to report actual or suspected discrimination, harassment, retaliation, and/or other prohibited conduct as outlined in this Policy to the appropriate official(s), although there are

some limited exceptions. Transylvania University has designated all Employees (Faculty, Staff, as, as well as Volunteer Coaches and Student Employees who have responsibilities over other students like Residence Life Staff, Student Orientation Leaders, Campus Center Building Managers, and DPS workers), with the exception of confidential Employees, as Mandated Reporters of alleged Title IX violations. Mandatory Reporters are obligated to share knowledge, notice, and/or reports of sex-based discrimination, harassment, retaliation, and/or other prohibited conduct that they become aware of in the course and scope of their work with the Title IX Coordinator.

Failure of a Mandated Reporter to report an incident of Discrimination, Harassment, Retaliation, or Other Prohibited Conduct of which they become aware is a violation of Transylvania University Policy and can be subject to disciplinary action for failure to comply/failure to report. This also includes situations when a Respondent is a Mandated Reporter. Such individuals are obligated to report their own misconduct, and failure to do so is a chargeable offense under the Policy.

A Mandated Reporter who is themselves a target of Discrimination, Harassment, Retaliation, or Other Prohibited Conduct under this Policy is not required to report their own experience, though they are, of course, encouraged to do so.

To make informed choices, it is important to be aware of confidentiality or mandatory reporting requirements when consulting institutional resources. Within the institution, some resources may maintain confidentiality (see below) and are not required to report actual or suspected harassment, discrimination, or retaliation in a way that identifies the Parties. They may offer options and resources without any obligation to inform an outside agency or institution 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 alleged crimes and/or policy violations, and these Employees will pass reports to the Title IX Coordinator (and/or police, if desired by the Complainant or required by law), who will act when an incident is reported to them.

The following sections describe Transylvania University's reporting options for a Complainant or third party:

B. Confidential Resources

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

- Counseling Center (for Students only)
Appointment via counseling@transy.edu Tricia
Hite, LPCC; thite@transy.edu

Jessica Tazelaar, jtazelaar@transy.edu

- Student Health

Appointment via my.transy.edu – My Health Portal Melissa Harris, ARNP;
mharris@transy.edu; 859-233-8127

- Director of the Lula Morton Drewes Center

Dr. Krissalyn Love; Klove@transy.edu; 859-233-8804; 252 Campus Center

- Director of Spirituality & Religious Life

Sarah Harcourt Watts; sharcourtswatts@transy.edu; 859-233-8608; 244 Campus Center

- Employee Assistance Program

The Woodland Group; info@woodlandgroup.org; 859-255-4864)

- Community-based agencies:
 - Licensed professional counselors
 - Medical providers
 - Local rape crisis counselors (e.g., Sexual Violence Resource Center)
 - Domestic violence resources (e.g., Green House 17)
 - Clergy/chaplains
 - Attorneys

The above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, professional credentials, or official designation, 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.

Institutional resources and the Employee Assistance Program are available to help free of charge and may be consulted on an emergency basis during normal business hours.

Employees who have confidentiality as listed above, and who receive reports within the scope of their confidential roles, will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient, or parishioner.

Grievance Procedure

A. Initial Assessment

Following receipt of a Notice or a Formal Complaint of an alleged violation of the Equal Opportunity, Harassment, and Nondiscrimination Policy, the Title IX Coordinator² engages in an initial assessment, typically within five (5) business days. The initial assessment typically includes:

- Assessing whether the reported conduct may reasonably constitute a Policy violation
- Determining whether Transylvania has jurisdiction over the reported conduct
- Offering and coordinating supportive measures for the Parties
- Notifying the Complainant, or the person who reported the allegation(s), of the available resolution options
- Determining whether the Complainant wishes to file a Formal Complaint
- Notifying the Respondent of the available resolution options if a Formal Complaint is made

1. Helping a Complainant Understand Resolution Options

If the Complainant indicates they wish to initiate the Administrative Resolution option, the Title IX Coordinator will work with the Complainant to determine which resolution option they want to pursue. The Title IX Coordinator will seek to abide by the Complainant's wishes but may have to take another approach depending upon their assessment of the situation.

Upon receiving a complaint that falls under the Administrative Resolution process, the Title IX Coordinator will initiate an investigation.

If any Party indicates that they want to pursue an Alternative Resolution option, the Title IX Coordinator will refer the matter to the appropriate Administrator if the other Parties consent to participate.

If the Complainant does not want any action taken, the Title IX Coordinator will consider that request, and in most circumstances no Resolution process will be initiated unless deemed necessary by the Title IX Coordinator. The Complainant can elect to pursue the Resolution process in the future.

2. Title IX Coordinator's Authority to Initiate the Grievance Process

The Title IX Coordinator has ultimate discretion as to whether to pursue an Administrative Resolution process.

² 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.

The Title IX Coordinator will consider elements such as patterns of behavior, predation, threats, violence, use of weapons, or involvement of minors in determining whether to initiate a Resolution process and may consult with appropriate Transylvania University officials and/or conduct a violence risk assessment to aid their determination whether to initiate a complaint.³

When the Title IX Coordinator initiates a complaint, they do not become the Complainant. The Complainant is the person who experienced the alleged misconduct. If the Title IX Coordinator declines to initiate a complaint, alternative processes may be available and can be explored.

The process followed considers the Parties' preference but is ultimately determined at the Title IX Coordinator's discretion. If at any point during the initial assessment or investigation the Title IX Coordinator determines that reasonable cause does not support the conclusion that Respondent violated the Policy, 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.

B. Interim Suspension

Transylvania University may interim suspend a Student accused of Discrimination, Harassment, Retaliation, or Other Prohibited Conduct upon receipt of Notice or at any time during the Administrative Resolution process.

When an interim suspension is imposed, wholly or partially, the affected Student will be notified of the action, which will include a written rationale, and the option to challenge the interim suspension within three (3) business days of the notification. Upon receipt of a challenge, the Title IX Coordinator will meet with the Student (and their Advisor, if desired) as soon as reasonably possible thereafter to allow them to show cause why the removal/action should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the interim suspension is appropriate, should be modified, or should be lifted. When this meeting is not requested within three (3) business days, objections to the interim suspension will be deemed waived. A Student can later request a meeting to show why they no longer pose a safety concern because the related conditions have

³ See detailed information regarding Violence Risk Assessment in [Appendix C](#)

changed. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is fair for them to do so.

The Respondent may provide information, including expert reports, Witness statements, communications, or other documentation for consideration prior to or during the meeting. When applicable, a Complainant may provide information to the Title IX Coordinator for review.

An interim suspension may be affirmed, modified, or lifted as a result of a requested review or as new information becomes available. The Title IX Coordinator will communicate the final decision in writing, typically within three

(3) business days of the review meeting.

C. Placing an Employee on Leave

When the Respondent is an Employee, accused of misconduct in the course of their employment, existing provisions for interim action are typically applicable instead of the above Emergency Removal process. See the Employee Handbook for more information.

D. Counter-Complaints

Transylvania University is obligated to ensure that the Administrative Resolution process is not abused for retaliatory purposes. Although Transylvania University permits the filing of counter-complaints, the Title IX Coordinator will use an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. When counter-complaints are not made in good faith, they will not be permitted. They will be considered potentially retaliatory and may constitute a Policy violation.

Counter-complaints determined to have been reported in good faith will be processed using the Administrative Resolution process below. At the Title IX Coordinator's discretion, investigation of such claims may take place after resolution of the underlying initial allegations.

E. Advisors in the Administrative Resolution Process

Although not required, the Parties may each have an Advisor of their choice (friend, mentor, family member, attorney, or any other individual a Party chooses) present with them throughout the Administrative Resolution process. The Advisor is someone selected by the Party to provide advice, accompany them to meetings, help interpret College policies and procedures, and offer guidance throughout the process. With exceptions, the Parties may select whomever they wish to serve as

their Advisor as long as the Advisor is eligible and available⁴. An Advisor cannot have institutionally conflicting roles, cannot be another Complainant or Respondent or a Witness who has an active role in the matter, or a supervisor who must monitor and implement sanctions.

A Party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. Parties are expected to provide the Title IX Coordinator with timely notification if they change Advisors. If a Party changes Advisors, consent to share information with the previous Advisor is assumed to be terminated, and a release for the new Advisor must be submitted.

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 to advise that Party.

Transylvania University may permit Parties to have upon special request to the Title IX Coordinator a support person in addition to an Advisor. A support person is an individual chosen by a Party to provide emotional or moral support during the resolution process. A support person cannot actively participate in the process but may assist with administrative tasks like requesting a break or taking notes. The decision to grant this request is at the Title IX Coordinator's sole discretion and will be granted equitably to all Parties.

1. Advisor's Role in the Administrative Resolution Process

Advisors should help the Parties to prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. Advisors may not provide testimony or speak on behalf of their advisee unless given specific permission to do so.

The Parties are expected to respond to questions on their own behalf throughout the Administrative Resolution process. Although the Advisor may not speak on behalf of their advisee or disrupt interviews or hearings, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any Administrative Resolution process meeting or interview.

2. Records Shared with Advisors

All communication is directed at the Complainant or Respondent. Parties may share this information directly with their Advisor. Doing so may help the Parties participate more meaningfully in the Resolution process.

⁴ "Available" means the party cannot insist on an Advisor who simply does not have inclination, time, or availability.

Advisors are expected to maintain the confidentiality of the records shared with them. Advisors will be asked to sign a Non-Disclosure Agreement (NDA). 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.

3. Advisor Expectations

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.

4. Advisor Policy Violations

Any Advisor who oversteps their role as defined by this policy, who shares information or evidence in a manner inconsistent with the Policy, or who refuses to comply with Transylvania University's established rule of decorum will be warned. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting/interview/hearing may stop. Transylvania University reserves the right to remove the Advisor, and the Party will have the opportunity to select a different Advisor.

F. Ensuring Impartiality

No individual materially involved in the administration of the Administrative Resolution process, including the Title IX Coordinator, Investigator(s), and Review Officer(s), may have or demonstrate a conflict of interest or bias for a Party generally, or for a specific Complainant or Respondent.

The Parties may raise a concern regarding bias or conflict of interest at any time during the Administrative Resolution process, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another trained individual 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 VP of Human Resources, Michelle Bliffen.

G. Resolution Timeline

Transylvania University will make a good faith effort to complete the Administrative Resolution process in a prompt manner. 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 health conditions. Transylvania University will promptly resume its Administrative Resolution process as soon as feasible. The Parties will be communicated with to update them on the progress and timing of the process.

During such a delay, Transylvania University will implement and maintain supportive measures for the Parties as deemed appropriate.

The Administrative Resolution process involves an objective evaluation of all Relevant Evidence obtained, including evidence that supports that the Respondent violated the Policy and evidence that supports that the Respondent did not violate the Policy. Credibility determinations will not be based solely on an individual's status or participation as a Complainant, Respondent, or Witness. All Parties have a full and fair opportunity, through the Investigation process, to suggest Witnesses and questions, to provide evidence, and to receive a written Investigation Report that accurately summarizes this evidence.

H. Resolution Options Overview

Transylvania University offers two options to resolve allegations of Discrimination, Harassment, Retaliation or Other Prohibited Conduct: the Informal Resolution option and the Administrative Resolution process. The process considers the Parties' preferences but is ultimately determined at the Title IX Coordinator's discretion. Generally, allegations involving an Employee Respondent and a Student Complainant will be resolved through the Administrative Resolution process, as well as situations involving dangerous patterns of behavior or significant ongoing threat to an individual and/or the community.

Resolution proceedings are private. All persons present at any time during a resolution process are expected to maintain the privacy of the proceedings in accordance with the Policy.

There is an expectation of privacy around what Investigators share with Parties during interviews and for any materials the institution shares with the Parties during the resolution process. The Parties have discretion to share their own knowledge and evidence with others if they choose, except for information the Parties agree not to disclose as part of an Informal Resolution. Transylvania encourages Parties to discuss any sharing of information with their Advisors before doing so.

1. Informal Resolution

Informal Resolution approaches are voluntary processes used to resolve conflicts, allegations, address harm, prevent future incident(s) and/or restore educational access.

To initiate and engage in an Informal Resolution, a Complainant or Respondent may make a request to the Title IX Coordinator at any time prior to a Final Determination, or the Title IX Coordinator may offer the option to the Parties.

Participation in an Informal Resolution is strictly voluntary. Transylvania University will obtain confirmation that all Parties wish to resolve the matter through an Informal Resolution option before proceeding and will not pressure the Parties to participate in an Informal Resolution. If an investigation is already underway, the Title IX Coordinator has discretion to determine if the investigation will be paused, if it will be limited, or if it will continue during the Informal Resolution process.

It is not necessary to pursue an Informal Resolution option first in order to pursue the Administrative Resolution process. Any party participating in the Informal Resolution can withdraw from this process at any time prior to reaching a Resolution Agreement and can initiate or resume the Administrative Resolution process. The Alternative Resolution facilitator may also end the process early at their discretion.

The Parties may agree, as a condition of engaging in Informal Resolution, on what statements made or evidence shared during the Informal Resolution process will not be considered in the Administrative Resolution process should the Informal Resolution not be successful.

This section details four approaches to Informal Resolutions.

a. Supportive Resolution

Supportive resolution can occur when the Title IX Coordinator can resolve the matter informally by providing supportive measures only to remedy the situation. Supportive Resolution involves only the Complainant who opts for it.

The Title IX Coordinator will meet with the Complainant to determine reasonable supports designed to restore or preserve the Complainant's access to Transylvania University's education program and activity. Such supports can be modified as the Complainant's needs evolve over time or circumstances change.

If the Respondent has received the Notice of Investigation and Allegations, the Title IX Coordinator may also provide reasonable supports for the Respondent as deemed appropriate.

This option is available when the Complainant does not want to pursue other resolution options, and the Title IX Coordinator does not initiate a complaint. At the discretion of the Title IX Coordinator, this resolution option can result in an agreement between the Complainant and Transylvania University that does

not require assent from any other Party, as long as it does not unduly burden any other Party or function punitively with respect to them.

b. Educational Conversation

The Complainant(s) may request that the Title IX Coordinator address their allegations by meeting (with or without the Complainant) with the Respondent(s) to discuss concerning behavior and institutional policies and expectations. Such a conversation is non-disciplinary and non-punitive. Respondent(s) are not required to attend such meetings, nor are they compelled to provide any information if they attend. The conversation will be documented as the Informal Resolution for the matter if it takes place. In light of this conversation, or the Respondent's decision not to attend, the Title IX Coordinator may also implement remedial actions to ensure that policies and expectations are clear and to minimize the risk of recurrence of any behaviors that may not align with Policy.

c. Accepted Responsibility

This resolution option can be used when the Respondent accepts responsibility for violating policy and is willing to agree to actions that will be enforced similarly to sanctions, and the Complainant(s) and Transylvania University are agreeable to the resolution terms.

The Respondent may accept responsibility for any or all of the alleged Policy violations at any point during the Administrative Resolution Process. If the Respondent indicates an intent to accept responsibility for **all** alleged Policy violations during the Administrative Resolution Process, the ongoing process will be paused, and the Title IX Coordinator will determine whether this Resolution is an option.

If available, the Title IX Coordinator will then determine whether all Parties and Transylvania University are able to agree on responsibility, restrictions, sanctions, restorative measures, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of Transylvania University Policy, implements agreed-upon restrictions and remedies, and determines the appropriate responses in coordination with other appropriate Administrator(s), as necessary.

This resolution is not subject to appeal once all Parties indicate their written agreement to all resolution terms. When the Parties cannot agree on all terms of resolution, the Administrative Resolution Process will either begin or resume.

When a resolution is reached, the appropriate sanction(s) or responsive actions are promptly implemented to effectively stop the Discrimination or

Harassment, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

d. Alternative Resolution

The **Alternative** Resolution is a structured, remedies-based approach that allows Parties to address complaints outside of formal investigations and adjudications. It is a person-centered approach that gives Parties a say in the outcome. The goal is to facilitate mutually agreed-upon terms to resolve the alleged conduct. It does not result in a determination of whether policy was violated.

The Alternative Resolution is not subject to appeal once all Parties indicate their written agreement to all resolution terms. When the Parties cannot agree on all terms of resolution, the Administrative Resolution process will either begin or resume.

Transylvania University offers a variety of Alternative Resolution mechanisms, such as conflict coaching, shuttle negotiation, facilitated dialogue, mediation, or restorative practices, in order to best meet the specific needs of the Parties and the nature of the allegations when the Parties agree to resolve the matter through an Alternative Resolution mechanism. Alternative Resolution may involve agreement to pursue individual or community remedies, including targeted or broad-based educational programming or training; supported direct conversation or interaction with the Respondent(s); indirect action by the Title IX Coordinator or other appropriate Transylvania University officials; and other forms of resolution that can be tailored to the needs of the Parties. Some Alternative Resolution mechanisms will result in an agreed-upon outcome, while others are resolved through dialogue. All Parties must consent to the use of an Alternative Resolution approach, and the Parties may, but are not required to, have direct or indirect contact during an Alternative Resolution process.

The Title IX Coordinator has the authority to determine whether Alternative Resolution is available or successful to facilitate a resolution that is acceptable to all Parties, and/or to accept the Parties' proposed resolution, usually through their Advisors, often including terms of confidentiality, release, and non-disparagement.

The Title IX Coordinator may consider the following factors to assess whether Alternative Resolution is appropriate, or which form of alternative resolution may be most successful for the Parties:

- The Parties' amenability to alternative resolution and motivation to participate

- Likelihood of potential resolution, considering any power dynamics between the Parties
- The nature and severity of the alleged misconduct
- The Parties' motivation to participate
- Civility of the Parties
- Rationality of the Parties
- Results of a violence risk assessment/ongoing risk analysis
- Respondent's disciplinary history
- Whether interim action is needed
- Skill of the alternative resolution facilitator with this type of Complaint
- Adequate resources to invest in alternative resolution (e.g., time, staff)
- Goals of the Parties
- Complaint complexity

Parties do not have the authority to stipulate restrictions or obligations for individuals or groups that are not involved in the Alternative Resolution process. The Title IX Coordinator will determine whether additional individual or community remedies are necessary to meet the institution's compliance obligations in addition to the Alternative Resolution.

The Title IX Coordinator maintains records of any resolution that is reached and will provide notification to the Parties of what information is maintained. Failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions (e.g., dissolution of the agreement and resumption of the Administrative Resolution Process, referral to the conduct process for failure to comply, application of the enforcement terms of the agreement). Where the failure to abide by the Alternative Resolution agreement terms results in a failure to remedy a Policy violation, the Title IX Coordinator must consider whether to dissolve the agreement and reinstate the Administrative Resolution process to remedy the impact as required by law. The results of reports resolved by alternative resolution are not appealable.

If an Informal Resolution option is not available or selected, Transylvania University will initiate or continue an investigation and subsequent Administrative Resolution process to determine whether the Policy has been violated.

2. Administrative Resolution Process

The Administrative Resolution process is used when Informal Resolution was not elected or successful. It can be pursued at any time during the process for any behavior for which the Respondent has not accepted responsibility that would constitute conduct covered by the Equal Opportunity, Harassment, and Nondiscrimination Policy if proven. This Resolution process includes appeal rights for all Parties.

The Administrative Resolution process involves a formal investigation and an objective evaluation of all Relevant Evidence obtained, including evidence that supports that the Respondent violated the Policy and evidence that supports that the Respondent did not violate the Policy. A Review Officer makes a finding of responsibility and determines sanctions.

Credibility determinations will not be based solely on an individual's status or participation as a Complainant, Respondent, or Witness. All Parties have a full and fair opportunity, through the Investigation process, to suggest Witnesses and questions, to provide evidence, and to receive a written Investigation Report that accurately summarizes this evidence.

Pending completion of the Administrative Resolution process described in this section, the University may take preventative steps to protect parties involved from risk of retaliation or further discrimination or harassment.

Administrative Resolution proceedings are confidential. All individuals present at any time during the Resolution process are expected to maintain the confidentiality of the proceedings in accordance with Transylvania University Policy.

The Administrative Resolution process differs depending on whether the Respondent is a Student or an Employee.

A. Employee-on-Employee or Employee-on-Student Misconduct

If the Respondent is an Employee, the conduct will be referred to the Office of Human Resources for investigation and adjudication. If the Respondent is an Employee and the Complainant is a Student, the conduct allegation will be referred to the Office of Human Resources, which will then coordinate with the designee in the Office of Student Life to address the complaint.

1) *The Investigation Process*

Complaints of harassment or discrimination will be promptly and thoroughly investigated by a designated member of the Human Resources team. The employee alleged to have committed misconduct will be notified that they are under investigation. They, along with the complainant, will sign a confidentiality statement and are assumed not responsible until formal determination.

Investigations may include speaking with the person making the complaint, the person accused, and other relevant persons, including Witnesses, identified in the process. The investigation may also include a review of documents, emails, and other communications, if any, that are relevant to the complaint.

Absent circumstances requiring an extension, the Investigation process (including the report described below) will be completed within twenty (20)

business days after the complaint is submitted. If an extension is needed, the Investigator will promptly inform the Complainant of the need for an extension and the new date by which the Investigation process will be completed.

2) *Investigative Report with Recommendation*

Upon conclusion of an investigation, the Investigator shall prepare a written report that addresses whether the investigation substantiated a violation of this policy and the reasons supporting the Investigator's conclusion. The Investigation Report will include a finding of responsibility, based on the preponderance of the evidence standard, as well as a recommendation for consequences if Respondent is found responsible for policy violations. Absent special circumstances, the person conducting the investigation will promptly provide a report of the findings to both the Complainant and Respondent.

3) *Determination*

The Investigative Report will be forwarded to the Review Officer(s). When the Respondent is Staff, the report will be reviewed by the Staff's supervisor, the Vice President of Human Resources, and/or a committee. When the Respondent is Faculty, the Vice President for Academic Affairs and Dean of the University and/or a Review committee will review the report. The Review Officer(s) will assess the findings and issue the formal determination.

Absent special circumstances, a copy of the final decision in this process will be provided to the Parties' supervisors for initiation of any corrective action that may be appropriate.

4) *Appeal*

If either Party disagrees with the report, they may appeal one time to the next available level according to the chain of reporting set out above. Thus, for example, with a complaint of harassment brought against a Faculty member, the Finding of Determination could be appealed to the Vice President for Academic Affairs and Dean of the University, who would appoint a committee or an external professional to address the appeal. A finding of responsibility for a Staff Party can be appealed to the Vice President of Human Resources, who would address the appeal or appoint an external professional if previously involved in the case.

All appeals must be received within five (5) business days after the Finding of Determination has been delivered.

Absent special circumstances, the decision on the appeal shall be based solely on information gathered at the previous level and shall be rendered within twenty (20) business days after the appeal was received. The decision on appeal is final.

5) *Sanctions / Responsive Actions*

If, upon completion of the process described in this section, a violation of this policy is substantiated, the University will take prompt corrective action, up to and including termination or dismissal. The University reserves the right to provide information about any discrimination, harassment, or retaliation to the appropriate legal authorities if required by law or if the University, in its sole discretion, believes illegal conduct has occurred.

Responsive actions for an Employee who has engaged in Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct include:

- Verbal or Written Warning
- Performance Improvement/Management Process
- Enhanced Supervision, Observation, or Review
- Required Counseling
- Required Training or Education
- Probation
- Denial of Pay Increase / Pay Grade
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Transfer
- Shift or schedule adjustments
- Reassignment
- Delay of (or referral for delay of) Tenure Track Progress
- Assignment to a new Supervisor
- Restriction of Stipends, Research, and/or Professional Development Resources
- Suspension/Administrative Leave with pay
- Suspension/Administrative Leave 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.

The office of Human Resources or the Vice President for Academic Affairs and Dean of the University is responsible for the effective implementation of any sanctions or responsive actions regarding Employee Staff Respondents or Employee Faculty Respondents, respectively, who were determined responsible for violating Transylvania University Equal Opportunity, Anti-Harassment and Nondiscrimination Policy.

The office of Human Resources or the Vice President for Academic Affairs and Dean of the University will maintain a copy of the outcome in the personnel file(s) for the parties involved.

B. Student-on-Student or Student-on-Employee Misconduct

If the Respondent is a Student, the conduct will be investigated and adjudicated as described below.

The Administrative Resolution starts with Notice of Investigation and Allegations, followed by a thorough, reliable, and impartial investigation.

1) *Notice of Investigation and Allegations (NOIA)*

Upon initiation of an investigation about alleged policy violations regarding a Student Respondent, the Title IX Coordinator will provide the Parties written Notice of the Investigation and Allegations (the “NOIA”).

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available. For a climate/culture investigation, the NOIA will be sent to the department, office, or program head for the area/program being investigated.

The NOIA will include:

- A summary of all allegations
- A description of, link to, or copy of the applicable procedures
- A statement that Transylvania University presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a Final Determination that the Policy has been violated
- A statement that determinations of responsibility are made at the conclusion
- A statement about Transylvania University’s policy on Retaliation
- Information about process confidentiality
- A statement informing the Parties that Transylvania University’s Policy prohibits knowingly making false statements, including knowingly submitting false information during the Administrative Resolution process
- Information about how a Party may request disability accommodations or other support assistance during the Administrative Resolution process
- An instruction to preserve any evidence that is directly related to the allegations

Notification will be made in writing and may be delivered by one or more of the following methods: in person, emailed to the Parties’ Transylvania-issued or other approved email account, or if not possible through these methods, mailed to the Parties’ local or permanent address as indicated in official Transylvania University records. Once emailed, mailed, and/or received in person, the outcome notification is presumptively delivered.

2) *Investigation*

The Title IX Coordinator can investigate the matter, work as a Co-Investigator, or appoint a trained Investigator(s), whether internal or external to Transylvania University. If the Title IX Coordinator is the Investigator, the responsibilities of the Coordinator will be delegated to an appropriate, trained Administrator.

All investigations are thorough, reliable, impartial, prompt, and fair. They involve interviewing all available, relevant Parties and Witnesses, obtaining Relevant Evidence, and identifying sources of expert information, as necessary.

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

After an interview, Parties and Witnesses will be asked to verify the accuracy of the recording, transcript, or summary of their interview. They may submit changes, edits, or clarifications. If the Parties or Witnesses do not respond within the time period designated for verification, objections to the accuracy of the recording, transcript, or summary will be deemed to have been waived, and no changes will be permitted.

Transylvania University may consolidate Complaints against more than one Respondent, or by more than one Complainant against one or more Respondent(s), when the allegations arise from the same facts or circumstances or implicate a pattern, collusion, and/or other shared or similar actions.

Investigations involve the following:

- Determine the identity and contact information of all involved Parties and potential Witnesses to participate in an investigation interview
- Identify issues and develop a strategic investigation plan, including a Witness list, evidence list, intended investigation timeframe, and order of interviews for the Parties and Witnesses
- Provide written notification of the date, time, and location of all investigation meetings, including the expected participants and purpose
- Conduct any necessary follow-up interviews with Parties or Witnesses
- Provide the Parties and Witnesses an opportunity to verify the accuracy of either a summary or transcript of their interview(s)
- Solicit the names of suggested Witnesses and questions each Party wishes to have asked of another Party or Witness

- Write a Draft Investigation Report that gathers, assesses, and synthesizes the evidence, accurately summarizes the investigation and Party and Witness interviews, and provides all Relevant Evidence
- Provide the Parties and their respective Advisors, if any, an electronic or hard copy of the Draft Investigation Report 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 (10) days.
- Write a Final Investigation Report that incorporates new Relevant Evidence and information obtained through the Parties' review of the Draft Investigation Report and any follow-up meetings.
- Provide the Parties and their respective Advisors, if any, an electronic or hard copy of the Final Investigation Report for a five (5) business-day review. The Parties may provide a written response.
- Provide the Title IX Coordinator with the Final Investigation Report, including assessment and synthesis of the Relevant Evidence.
- Based on the evidence gathered and using the preponderance of the evidence standard, make a non-binding preliminary determination as to whether the Respondent violated University policy.

3) *Investigation Process Details*

Witness Role and Participation in the Investigation

Witnesses who are Transylvania University Employees are strongly encouraged to cooperate with and participate in Transylvania University's investigation and Administrative Resolution process. Student Witnesses and Witnesses from outside the Transylvania University community are encouraged to cooperate with Transylvania University investigations and to share what they know about a complaint.

Party and/or Witness interviews may be conducted in person, via online video platforms (e.g., Zoom, Microsoft Teams, FaceTime, Google Meet), or, in limited circumstances, by telephone. Transylvania University will take appropriate steps to ensure the security/privacy of remote interviews.

Parties and Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred.

If it is later determined that a Party or Witness intentionally provided false or misleading information, Transylvania University will determine whether any additional action is necessary and appropriate, including, but not limited to, referring that information to another process for resolution.

Interview Recording

It is standard practice for Investigators to create a record of all interviews pertaining to the Administrative Resolution process by recording, transcript, or written summary. The Parties may review copies of their own interviews upon request. No unauthorized audio or video recording of any kind is permitted during investigation meetings.

All interviews are recorded, and all involved persons are made aware of the audio recording. The recording, transcript, and/or summary of those meetings will be provided to the Parties for their review, after which the Parties may suggest additional questions to be asked of another Party or Witness or additional Witnesses. Those subsequent meetings or interviews are also recorded, transcribed, and/or summarized.

Evidentiary Considerations

Any evidence that is relevant and credible may be considered, including a Respondent's prior disciplinary history as well as evidence indicating a pattern of misconduct, subject to the limitation in (d) below. The Investigator may determine and weigh the relevance of any Witness or other evidence to the findings. The process should exclude irrelevant or immaterial evidence and may disregard evidence lacking in credibility, or that is improperly prejudicial.

The Parties must provide all evidence to the Investigator(s) prior to completion of the Final Investigation Report. Any evidence available to but not disclosed by a Party during the investigation might not be considered in the Final Investigation Report. The Investigator has discretion to include new evidence received after the Draft Investigation Report and deemed materially relevant and not duplicative in the Final Investigation Report. The Parties will be provided five (5) business days to review and contest the new Relevant Evidence included in the Final Investigation Report.

Evidentiary Exclusions

Investigation and the Finding do not consider: (1) incidents not directly related to the possible violation(s), unless they evidence a pattern; (2) the irrelevant sexual behavior of the Parties (though there may be a limited exception made regarding the sexual behavior between the Parties); (3) irrelevant character evidence.

A Party or Witness's records that are made or maintained by a physician, psychologist, or psychiatrist are inadmissible unless the Party or Witness provides voluntary, written consent for the records to be considered.

Draft Investigative Report

Before the Investigator concludes the investigation and finalizes a written report, the Parties will have an equal opportunity to review the evidence that the Investigator deemed relevant. The Draft Investigation Report includes a summary of the investigation and relevant statements made by the parties and Witnesses and provides all relevant evidence that supports or contradicts the allegations, including a summary of the material facts where the Parties agree or disagree.

This is true regardless of whether a Party has participated in the investigation.

The Title IX Coordinator will review the report for accuracy and possible bias. If the record is incomplete, the Title IX Coordinator may direct the Investigator to reopen the investigation and direct any additional inquiry necessary, including meeting informally with the Parties or any Witnesses if needed. To the extent credibility is in dispute and relevant to one or more of the allegations, the Title IX Coordinator may meet individually with the Parties and Witnesses to question them in order to assess their credibility.

The Title IX Coordinator will have the reviewed Draft Investigation Report delivered by one or more of the following methods: in person, emailed to the Parties' Transylvania-issued or other approved email account, or if not possible through these methods, mailed to the Parties' local or permanent address as indicated in official Transylvania University records. Once emailed, mailed, and/or received in person, the outcome notification is presumptively delivered. The Parties have ten (10) business days to provide a written response to the Draft Investigation Report.

Final Investigative Report & Preliminary Determination of Responsibility

At the end of the investigation, the Investigator will prepare a Final Investigation Report. This report will include a summary of the alleged policy violations, the scope of the investigation, the Respondent's response to the allegations, statements of the Complainant(s) and Witnesses, new Relevant Evidence, and information obtained through the Parties' review of the Draft Investigation Report and any follow-up meetings.

The Final Investigation Report will conclude with a finding of fact and credibility determinations, if necessary, an analysis of whether a policy violation has occurred, and a Preliminary Non-Binding Determination of Responsibility, based on the preponderance of evidence, of whether the Respondent violated the Policy.

The Title IX Coordinator will provide the Final Investigation Report to the Parties. It may be delivered by one or more of the following methods: in

person, emailed to the Parties' Transylvania-issued or other approved email account, or if not possible through these methods, mailed to the Parties' local or permanent address as indicated in official Transylvania University records. Once emailed, mailed, and/or received in person, the outcome notification is presumptively delivered.

The Parties have five (5) business days to provide a written response to the Final Investigation Report and to contest the Investigator's Preliminary Determination.

4) *Respondent Admits Responsibility*

If a Respondent elects to admit to the charged violations and waive further process at any point in the Administrative Resolution process, the Title IX Coordinator is authorized to accept that admission, adopt it as their Finding/Final Determination, and refer to the Sanction Officer for determination of sanctions and/or responsive actions. This will waive the Respondent's right to appeal. If the Respondent rejects the Finding/Final Determination/Sanctions, or does not admit to all charged violations, the Administrative Resolution process continues to its conclusion. The Complainant retains their right to appeal a Final Determination when a Respondent admits responsibility.

5) *Impact/Mitigation Statements*

Each Party may submit an impact and/or mitigation statement to the Title IX Coordinator which will be shared with the Sanction Officer if or when a determination of responsibility has been made.

6) *Final Determination of Responsibility*

Six (6) business days after delivery of the Final Investigative Report to the Parties, the Title IX Coordinator will forward the Final Investigation Report and statements made by the parties, if any, to the Review Officer who may be a trained University Employee or outside contractor.

The Review Officer will review all investigation documentation and relevant information and, if deemed necessary, may direct the Investigator to re-open the investigation, or conduct any additional inquiry necessary by meeting informally with the Parties or any Witnesses.

The Review Officer has discretion in what information considered will be given the most weight in arriving at a final outcome. At the conclusion of the review, the Review Officer will use the preponderance of the evidence standard to make a final determination on each allegation, which may uphold the preliminary decision or modify it.

7) Sanctions / Responsive Actions

If there is a finding of responsibility, the Review Officer will notify the Sanction Officer, who will determine sanctions and /or responsive actions. The Review Officer may be the Sanction Officer, or a trained University Employee or outside contractor may take this responsibility.

The Sanction Officer may consider impact and/or mitigation statements from the Parties and review them prior to determining appropriate sanction(s). The impact or mitigation statements will be sent to both Parties.

Although a Respondent's previous conduct violation, if any, is not generally admissible as information supporting the current allegation(s), the Title IX Coordinator or appropriate Administrator may supply the Sanction Officer with information about previous good faith allegations and/or findings when that information suggests a potential pattern and/or predatory conduct to be considered when determining consequences.

The Sanction Officer may consult with relevant campus partners to ensure that sanctions or responsive actions are proportionate compared to other policy violations and what level of response is most effective to stop the behavior, prevent its recurrence, and mitigate ongoing or future impacts to the campus community.

Factors considered when determining any sanctions and responsive actions 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 Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct
- The need for sanctions/responsive actions to prevent the future recurrence of Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct
- The need to remedy the effects of Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct on the Complainant and the community
- The impact on the Parties
- The Respondent's acknowledgment of responsibility or contrition
- Any other information deemed relevant by the Title IX Coordinator or Review Officer

Sanctions 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.

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

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

- *Educational conference*: A structured discussion between the Student and an appropriate Administrator about the policy violation, individual accountability, the impact on the community, and improved decision-making.
- *Reprimand*: 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.
- *Required Counseling*: A mandate to meet with and engage in either Transylvania-sponsored or external counseling to better comprehend the misconduct and its effects.
- *Restrictions*: A Student may be restricted in their activities, including, but not limited to, being restricted from locations, programs, participation in certain activities or extracurriculars, study abroad, or holding leadership roles in Student organizations
- *Probation*: An official sanction 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 from Transylvania University and all its facilities, for a definite period of time not to exceed two (2) years, after which the Student is eligible to return. Eligibility may be contingent upon satisfaction of readmission requirements, or upon a general condition that the Student is eligible to return if Transylvania University determines it is appropriate to re-enroll/readmit the Student. During a suspension, the Student is banned from Transylvania University property, functions, events, and activities unless they receive prior written approval from an appropriate Transylvania University official. This sanction may be enforced with a trespass action, as necessary.
- *Expulsion*: Permanent separation from Transylvania University. The Student is banned from Transylvania University property, and the Student's presence at any Transylvania University-sponsored activity or event is

prohibited. 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 by 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.
- *Other Actions:* In addition to or in place of the above sanctions, Transylvania University may assign any other sanctions as deemed appropriate.

The Office of Student Life is responsible for the effective implementation of any sanctions or remedies regarding Student Respondents who were determined responsible for violating Transylvania University Equal Opportunity, Anti-Harassment and Nondiscrimination Policy.

8) *Notice of Outcome of Responsibility*

Within five (5) business days at the conclusion of the Administrative Resolution process, the appropriate Administrator (Review Officer, Sanction Officer, or Title IX Coordinator) will provide the Parties with a written outcome notification. The outcome notification will specify the Finding for each alleged Policy violation, which Transylvania University is permitted to share pursuant to federal or state law, and a detailed rationale, written by the Review Officer, supporting the Findings to the extent Transylvania University is permitted to share under federal or state law.

The notification will also detail the Parties' equal rights to appeal, the grounds for appeal, the steps to request an appeal, and when the determination is considered final if no Party appeals. Unless based on the Respondent's admission of responsibility, the Determination may be appealed by any Party.

Notice may be delivered by one or more of the following methods: in person, emailed to the Parties' Transylvania-issued or other approved email account, or if not possible through these methods, mailed to the Parties' local or permanent address as indicated in official Transylvania University records. Once emailed, mailed, and/or received in person, the outcome notification is presumptively delivered.

The Title IX Coordinator will receive a copy of the outcome notification.

9) *Appeals*

a. *Appeal Grounds*

Disagreement with the findings or determination is not, in and of itself, a ground for appeal. The Parties have appeal rights on the following grounds:

- A procedural irregularity affected the outcome of the matter
- New evidence that would change the outcome and was not reasonably available at the time the determination regarding responsibility was made
- The final determination by the Sanction Officer is substantially contrary to the weight of the evidence on record (applicable to sanction of suspension, expulsion, or termination, only)
- The Title IX Coordinator, Investigator(s), or Review Officer 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

b. *Appeal Request*

The appeal must be filed within five (5) business days of the delivery of the Notice of Outcome with the appropriate Administrator (Vice President of Human Resources for Employee Respondents and Title IX Coordinator for Student Respondents).

The appeal request will be forwarded to the Appeal Officer who may be a trained University Employee or outside contractor. The Appeal Officer will determine if the request meets the appeal grounds and is timely filed.

If the appeal request does not provide information that meets the grounds in the procedures, the request will be denied by the Appeal Officer, and the Parties will be simultaneously notified in writing of the denial and the rationale.

If any of the information in the appeal request meets the grounds in the Procedures, then the Appeal Officer will notify all Parties, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the original Review Officer who may submit within five (5) business days a response to the portion of the appeal that was approved and involves them. The responses will be shared with the Parties.

c. *Appeal Determination Process*

In most circumstances, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Appeal Officer will deliberate as soon as is practicable and discuss the merits of the appeal.

Appeal decisions are to be deferential to the original determination, making changes to the Finding/Final Determination only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so. All decisions are made by the preponderance of the evidence standard of evidence.

An appeal is not an opportunity for the Appeal Officer to substitute their judgment for that of the original Review Officer merely because they disagree with the Finding and/or sanction(s).

d. *Appeal Outcome*

An appeal may be granted or denied. Appeals that are granted should normally be remanded (or partially remanded) to the original Investigator(s) and/or Review Officer with corrective instructions for reconsideration. In rare circumstances where an error cannot be cured by the original Investigator(s) and/or Review Officer or the Title IX Coordinator (as in cases of bias), the Appeal Officer may order a new investigation and/or a review with new members serving in the Investigator and Review and Sanction Officer roles.

A notice of appeal outcome letter will be sent to all Parties simultaneously, or without significant time delay between notifications. The appeal outcome letter will specify the Finding on each appeal ground, any specific instructions for remand or reconsideration, all sanction(s) that may result which Transylvania University is permitted to share according to federal or state law, and the rationale supporting the essential Findings to the extent Transylvania University is permitted to share under federal or state law.

Written notification may be delivered by one or more of the following methods: in person, emailed to the Parties' Transylvania-issued or other approved email account, or if not possible through these methods, mailed to the Parties' local or permanent address as indicated in official Transylvania University records. Once emailed, mailed, and/or received in person, the outcome notification is presumptively delivered.

Once an appeal is decided, the outcome is final and constitutes the Final Determination. Further appeals are not permitted except in the case of a new determination, which finding or sanction can be appealed one final time on the grounds listed above and in accordance with the Procedures.

10) *Sanction Status During the Appeal*

Any sanctions imposed as a result of the Final Determination are stayed (i.e., not implemented) during the Appeal process, and supportive measures may be maintained or reinstated until the appeal determination is made.

If any of the sanctions are to be implemented immediately post-determination, but pre-appeal, then the interim suspension procedures for a show-cause meeting on the justification for doing so must be permitted within three (3) business days of implementation.

C. Withdrawal or Resignation While Charges are Pending

1) *Students*

Should a Student Respondent decide not to participate in the Administrative Resolution process, the process proceeds absent their participation to a reasonable resolution.

If a Student Respondent withdraws from Transylvania University, the Resolution process typically ends with a dismissal, as Transylvania University no longer has disciplinary jurisdiction over the withdrawn Student. However, 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 alleged Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct.

Regardless of whether the Formal Complaint is dismissed or pursued to completion of the Administrative Resolution process, Transylvania University will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct.

When a Student Respondent withdraws or takes a leave of absence while the process is pending, the Student may not return to Transylvania University in any capacity until the allegations are resolved and any sanctions imposed are satisfied. If the Student indicates they will not return, the Title IX Coordinator has discretion to dismiss the allegations and bar the Student from returning. Appropriate University officials may be notified accordingly.

If the Student Respondent takes a leave of absence for a specified period of time (e.g., one semester or term), the Administrative Resolution process may continue remotely. If found in violation, the Student Respondent is not permitted to return to Transylvania University unless and until all sanctions, if any, have been satisfied.

2) *Employees*

Should an Employee Respondent decide not to participate in the Administrative Resolution process, the process proceeds, absent their participation, to a reasonable resolution. If an Employee Respondent leaves their employment with Transylvania University with unresolved allegations pending, the

Administrative Resolution process typically ends with dismissal, as Transylvania University has lost primary disciplinary jurisdiction over the former Employee. However, Transylvania University may continue the Administrative Resolution process when, at the discretion of the Vice President of Human Resources, if doing so may be necessary to address safety and/or remedy any ongoing effects of the alleged Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct.

Regardless of whether the allegations are dismissed or pursued to completion of the Administrative Resolution process, Transylvania University will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct.

When an Employee Respondent resigns and the allegations are dismissed, the Employee may not return to Transylvania University in any capacity. Appropriate University officials will be notified accordingly. A note will be placed in the Employee's file that they resigned with allegations pending and are not eligible for academic admission or rehire with Transylvania University. The records retained by the Office of Human Resources will reflect that status.

I. 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 long-term remedies or actions with respect to the Parties and/or the campus community to stop the Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct; remedy its effects; and prevent its recurrence.

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

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Course and registration adjustments, such as retroactive withdrawals
- Community education
- 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 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 Transylvania University owes 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.

J. Failure to Comply with Sanctions and/or Responsive Actions

All Respondents are expected to comply with assigned sanctions, responsive actions, corrective actions, and/or Alternative Resolution terms within the timeframe specified by the final hearing Administrator, including the Appeal Officer or the Alternative Resolution agreement.

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.

A suspension imposed for non-compliance with sanctions will only be lifted when compliance is achieved to the satisfaction of the Hearing Administrator (Dean of Students or designee for Students, or VP of Human Resources or designee for Employees).

K. Retaliation⁵

Transylvania University seeks to create an environment where its Students and Employees are free, without fear of reprisal, to use its procedures to determine if there has been a violation of their rights under this policy. Any act of retaliation for reporting a complaint, participating in an investigation, or proceeding under this policy will result in appropriate disciplinary action.

Retaliation is defined as an adverse act or words taken against an individual who engages in a protected activity, such as exercising their right to oppose or report discrimination or participating in an investigation or resolution proceedings.

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.

⁵ Retaliation allegations can be routed through Process B if Transylvania University so elects, but where retaliation and sexual harassment allegations are both alleged, they may be processed under Process A to resolve them together.

Transylvania University and/or any member of the Transylvania community,

- taking or attempting to take materially adverse action,
- by intimidating, threatening, coercing, harassing, or discriminating against any individual,
- for the purpose of interfering with any right or privilege secured by law of this Policy, or
- because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy and procedure.

The exercise of rights protected under the First Amendment does not constitute retaliation. It is also not retaliation for Transylvania University to pursue Policy violations against those who make materially false statements in bad faith in the course of a resolution under this Policy. However, the determination of responsibility, by itself, is not sufficient to conclude that any Party has made a materially false statement in bad faith.

L. Recordkeeping and Record Maintenance

In implementing this Policy and Procedures, the Title IX Coordinator will maintain records of all allegations, investigations, and Resolutions, for a period of seven

(7) years following the conclusion of the Resolution process.

M. Statement of Rights of the Parties

- The right to an equitable investigation and resolution of all credible allegations of prohibited harassment, discrimination, and/or retaliation made in good faith to Transylvania University officials.
- The right to timely written notice of all alleged violations, including the identity of the Parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.
- The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.
- The right to be informed in advance of any public release of information by Transylvania University regarding the allegation(s) or underlying incident(s), whenever possible.
- The right not to have any personally identifiable information released by Transylvania University to the public without consent provided, except to the extent permitted by law.
- The right to be treated with respect by Transylvania University officials.

- The right to have Transylvania University policy and these procedures followed without material deviation.
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
- The right not to be discouraged by Transylvania University officials from reporting sexual harassment, discrimination, and/or retaliation to both on-campus and off-campus authorities.
- The right to be informed by Transylvania University officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by Transylvania University in notifying such authorities, if the Party chooses so. This also includes the right not to be pressured to report.
- The right to have allegations of violations of this Policy promptly responded to and with sensitivity by Transylvania University officials.
- The right to be informed of available supportive measures, such as counseling; advocacy; health care; legal, Student financial aid, visa, and immigration assistance; and/or other services, both on campus and in the community.
- The right of Transylvania University to implement a no-contact or a no-trespass order against a non-affiliated third Party when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct.
- The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available. No formal report or investigation, either institutional or criminal, needs to occur before this option is available.
- The right to have Transylvania University maintain such actions for as long as necessary and for supportive measures to remain confidential, provided confidentiality does not impair Transylvania University's ability to provide the supportive measures.
- The right to receive sufficiently advanced, written notice of any Transylvania University meeting or interview involving another Party, when possible.
- The right to identify and have the Investigator(s), Advisors, and/or Review Officer(s) question relevant available Witnesses, including expert Witnesses.
- The right to provide the Investigator(s)/Review Officer(s) with a list of questions that, if deemed relevant by the Investigator(s)/Review Officer(s), may be asked of any Party or Witness.
- The right to have inadmissible sexual predisposition/prior sexual history or irrelevant character evidence excluded by the Review Officer(s).
- The right to know the relevant and directly related evidence obtained and to respond to that evidence.

- The right to a fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.
- The right to receive a copy of all relevant and directly related evidence obtained during the investigation, subject to privacy limitations imposed by state and federal law, and a ten (10)-business-day period to review and comment on the evidence.
- The right to receive a copy of the final investigation report, including all factual, policy, and/or credibility analyses performed, and to have at least ten (10) business days to review and comment on the report prior to the hearing.
- The right to be informed of the names of all Witnesses whose information will be used to make a Finding, in advance of that Finding, when relevant.
- The right to regular updates on the status of the investigation and/or resolution.
- The right to have reports of alleged Policy violations addressed by Investigators, Title IX Coordinators, and Review Officer(s) who have received relevant annual training.

N. 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 Title IX Coordinator, who will collaborate with the Director of Disability Services as appropriate to review the request and, in consultation with the person requesting the accommodation, determine which accommodations are appropriate and necessary for full participation in the process.

O. Other Support

Transylvania University will address other reasonable requests for support for the Parties and Witnesses, including:

- Language services/Interpreters
- Access and training regarding use of technology throughout a Resolution process
- Other support as deemed reasonable and necessary to facilitate participation in a Resolution process

P. Policy Revision

These procedures supersede all previous procedures addressing Discrimination, Harassment, Sexual Misconduct, Retaliation, and/or Other Prohibited Conduct for incidents occurring on or after August 14, 2020. The Title IX Coordinator regularly reviews and updates the Policy and procedures. Incidents occurring before August

14, 2020, will be addressed using the policy that was in place at the time of the incident, and the procedures used will be those in place at the time of the Formal Complaint. Transylvania University reserves the right to amend this document as necessary, and those changes are effective once they are posted online.

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

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

A change required by a court or government order could occur during an active Investigation or Resolution process. If that happens, Transylvania University reserves the right to adjust the Policy and Procedures accordingly and notify the Parties of any necessary mid-process changes. This could include entirely replacing the Policy or associated procedures, which could necessitate restarting an Investigation or Resolution process. Transylvania University will make every effort to minimize the impact on the Parties as much as possible if changes are unavoidable.

The Policy is effective 10/01/2025

Appendix A: Procedural Definitions

- **Advisor** is a person chosen by a Party, or appointed by the institution, who may accompany the Party to meetings related to the Resolution process, advise the Party on that process, and conduct cross-examination⁶ for the Party at the hearing, if any.
- **Appeal** person or panel accepts or rejects a submitted appeal request, determines whether an error occurred that substantially affected the investigation or original determination, and directs corrective action accordingly.
- **Appeal Officer** is a trained person who accepts or rejects a submitted appeal request, determines whether any of the appeal grounds are met, and directs responsive action(s) accordingly.
- **Complainant** means an individual who is alleged to have been subjected to conduct that could constitute discrimination, harassment, retaliation, and/or other prohibited conduct under this policy.
- **Confidential Resource** is an Employee who is not a Mandated Reporter of notice of discrimination, harassment, retaliation, and/or other prohibited conduct under this policy (irrespective of Clery Act Campus Security Authority status).
- **Day** means a business day when Transylvania University is in normal operation. All references in this policy to 'days' refer to business days unless specifically noted as calendar days.
- **Decision-Maker** means the person or panel who reviews evidence, determines relevance, and makes the Final Determination of whether this Policy has been violated and/or assigns sanctions.
- **Directly Related Evidence** is evidence connected to the allegations, but which is neither inculpatory (tending to prove a violation) nor exculpatory (tending to disprove a violation) and cannot be relied upon by the Review Officer(s). Compare to [Relevant Evidence](#), below.
- **Education program or activity** means locations, events, or circumstances where Transylvania University exercises substantial control over both the Respondent and the context in which the discrimination, harassment, retaliation, and/or other prohibited conduct occurs and also includes any building owned or controlled by a Student organization that is officially recognized by Transylvania University.
- **Employee** is a person employed by Transylvania University either full- or part-time, including Student Employees when acting within the scope of the employment.
- **Faculty** is any member of the Transylvania University community who is responsible for academic activities, teaching, research, or the academic evaluation of Students.

⁶ 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.

- **Final Determination** is a conclusion by a preponderance of the evidence that the alleged conduct did or did not violate policy.
- **Finding** is a conclusion by a preponderance of the evidence that the conduct did or did not violate policy.
- **Formal Complaint** is a document submitted or signed by a Complainant or signed by the Title IX Coordinator alleging a Respondent engaged in Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct under this policy and requesting that Transylvania University investigate the allegation(s).
- **Formal Grievance Process** means a method of formal resolution designated by Transylvania University to address allegations of Title IX Sexual Harassment, and which complies with the requirements of 34 CFR § 106.45 and the Violence Against Women Act §304.
- **Informal Resolution** is a complaint resolution agreed to by the Parties and approved by the Title IX Coordinator that occurs prior to a formal Final Determination being reached.
- **Investigation Report** is the summary of all relevant evidence gathered during the investigation. Variations include the draft investigation report and the final investigation report.
- **Investigator** means the person(s) charged by Transylvania University to gather facts about an alleged violation of this Policy, assess relevance and credibility, synthesize the evidence, and compile this information into an investigation report of relevant evidence and a 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 discrimination, harassment, retaliation, and/or other prohibited conduct with the Title IX Coordinator.⁷
- **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 discrimination, harassment, retaliation, and/or other prohibited conduct on behalf of Transylvania University.
- **Parties** include the Complainant(s) and Respondent(s), collectively.
- **Pregnancy** or Related Condition is pregnancy, childbirth, termination of pregnancy, lactation, or medical conditions related thereto, or recovery therefrom.
- **Process A** means the Formal Grievance Process for alleged violations that are applicable under Title IX as outlined by the Federal Government.

⁷ 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.

- **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.
- **Protected Characteristic** is any characteristic for which a person is afforded protection against discrimination, harassment, retaliation, and/or other prohibited conduct by law or Transylvania University policy.
- **Reasonable Person** is a person under similar circumstances and with similar identities to the Complainant.
- **Relevant Evidence** is evidence that may aid a Review Officer in determining whether the alleged discrimination, harassment, retaliation, and/or other prohibited conduct occurred, or in determining the credibility of the Parties or Witnesses.
- **Remedies** typically are post-resolution 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 is alleged to have engaged in conduct that could constitute discrimination based on a protected characteristic, harassment, or retaliation for engaging in a protected activity under this policy, or other prohibited conduct.
- **Resolution** means the result of an Informal Resolution, formal grievance process, or Administrative Resolution process.
- **Review Officer** is a trained person who reviews the investigation results, makes a finding, and may determine sanctions when appropriate.
- **Sanction** means a consequence imposed by Transylvania University on a Respondent who is found to have violated this policy.
- **Sanction Officer** is a trained person who determines sanctions when a Finding of responsibility has been determined.
- **Sex or on the basis of sex** is birth sex. On the basis of sex includes actions that are sexual in nature, and actions targeted to a person because of the person's actual or perceived sex.
- **Student** is, for the purpose of this policy, 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 educational relationship with Transylvania University.
- **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 encompass a designee of the Coordinator for specific tasks.

Appendix B: Privacy and Confidentiality

For the purpose of this Policy, privacy and confidentiality have distinct meanings. **Privacy** means that information related to Notice or Formal Complaint will be shared with a limited number of Transylvania University Officials who “need to know” in order to assist in the assessment, investigation, and resolution of the Formal Complaint. All Employees who participate in Transylvania University’s response to Notice under the 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 Student Records Policy. The privacy of Employee records will be protected in accordance with Human Resources policies.

Confidentiality exists in the context of laws (including Title IX) that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, and their patients, clients, parishioners, and spouses. Transylvania University has designated individuals who can have privileged communications as Confidential Resources.

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: (1) the individual gives written consent for its disclosure; (2) there is a concern that the individual will likely cause serious physical harm to self or others; or (3) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or individuals with disabilities. Confidential Resources may share non-identifiable information for statistical tracking purposes as required by the federal Clergy Act. Other information may be shared as required by law.

Appendix C: Violence Risk Assessment

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 Violence Risk Assessment (VRA) is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

To assess an individual's level of violence risk, the Title IX Coordinator will initiate the VRA process through the Violence Risk Assessment Team, which will assign a member(s) to perform the assessment according to the specific nature of the Title IX case. The VRA is conducted independently from the Title IX process, free from outcome pressure, but informed by it.

VRAs are non-clinical assessments and must be understood as an ongoing process, rather than a singular evaluation or meeting. A VRA is not an evaluation for an involuntary behavioral health hospitalization, nor is it a psychological or mental health assessment.

VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

When conducting a VRA, the assessor(s) use an evidence-based process consisting of:

- 1) An appraisal of **risk factors** that escalate the potential for violence
- 2) A determination of stabilizing influences that reduce the risk of violence
- 3) A contextual **analysis of violence risk** by considering environmental circumstances, hopelessness, and suicidality; catalyst events; nature and actionability of threat; fixation and focus on target; grievance collection; and action and time imperative for violence
- 4) The application of **intervention and management** approaches to reduce the risk of violence

The assessor(s) will follow the process of conducting a violence risk assessment as outlined in the Care Team manual and will rely on a consistent, research-based, reliable system that allows for the evaluation of the risk levels. Assessors are trained to mitigate any bias and provide the analysis and Findings in a fair and equitable manner.

Examples of formalized approaches to the VRA process include: The NABITA Risk Rubric, The Structured Interview for Violence Risk Assessment (SIVRA-35), Violence Risk Assessment of the Written Word (VRAWW), Workplace Assessment of Violence Risk (WAVR-21), Historical Clinical Risk Management (HCR-20), and MOSAIC.

The VRA team member(s) conducts a VRA process and makes a recommendation to the Title IX Coordinator as to whether the VRA indicates there is a substantial, compelling, and/or immediate risk to the health and/or safety of an individual or the community.