




# Tennessee Wesleyan University

2021-22  
Student Handbook



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## **INTRODUCTION**

Tennessee Wesleyan University strives to provide an environment that supports the freedom to learn through responsible academic citizenship. The responsibility to secure and respect general conditions that support freedom to learn is shared by all members of the academic community. Students are obligated to exercise their academic rights and responsibilities with maturity.

## **MISSION STATEMENT**

In keeping with the spirit of the liberal arts, Tennessee Wesleyan University seeks within the framework of the Judeo-Christian tradition to provide for students the highest quality educational experience, to promote personal responsibility, integrity, and purpose, and to prepare students for a life of leadership and service in an ever-changing global community.

## **EQUAL OPPORTUNITY/DIVERSITY STATEMENT**

Tennessee Wesleyan University does not discriminate on the basis of gender, race, color, age, national origin, or ethnic group in education programs or employment activities, nor does the university discriminate against qualified handicapped or disabled persons.

## **ANNUAL FIRE, SAFETY & DISCLOSURE REPORT**

Annually, the university publishes this report to provide information on how our campus community members can utilize services related to general crime prevention and support to reporting violations of campus policy and crimes on our campus. The information within this report complies with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (or Clery Act). The report also supports compliance with the "Campus Sex Crimes Prevention Act", the Tennessee University and University Campus Sex Crimes Prevention Act (Tennessee Code Annotated 40-39-9102), the Family Education Rights and Privacy Act (FERPA), the Wetterling Act, VAWA (Section 304), the Tennessee Bureau of Investigation reporting guidelines, and other important annual disclosures. The report can be found on the university's webpage at <http://www.tnwslesyan.edu/student-life/campus-safety>. Additional copies of this report are available in the Student Life Office, Colloms Campus Center. Written requests can be made to: Student Life, Tennessee Wesleyan University, 204 E. College St., Athens, TN 37303. Individuals can also call the Student Life Office at 423-746-5216 to request a copy of this report.

## **PRIVACY**

The Federal Family Educational Rights and Privacy Act of 1974 (Buckley Amendment) states that no academic, personal records or personally identifiable information about students will be released without their written permission to persons other than those university staff members with legitimate educational interest in those records.

Specific legal provisions include the following:

1. The student must be provided access to official records directly related to the student. This does not include private records maintained by instructional, supervisory, or administrative personnel. A student who wishes to see his/her records may make an appointment with the Registrar's Office. A student may not remove any materials, but is entitled, at his/her own expense to one copy of any material contained in this file.
2. The student must be given the opportunity for a hearing to challenge the accuracy of such records. The right to a hearing under the law does not include challenges of grades assigned by instructors.

3. The university is authorized to provide students' records to Tennessee Wesleyan University officials and employees who have legitimate interests in such access; these are persons who have responsibilities in the university's academic, administrative or service functions. The student's written consent must be received to allow release of identifiable data from the records to any other parties.
4. The University is authorized under the Act to release public directory information concerning students. Directory information may include a student's name, address, telephone number, date and place of birth, major field of study, dates of attendance, degrees and awards received, most recent previous educational agency or institution attended by the student, and any other information authorized in writing by the student. Directory information is subject to release at any time by the University unless the Registrar's Office has received a prior written request from the student that the information not be released.
5. As a private institution, Tennessee Wesleyan reserves the right to contact the parent or legal guardian of a student in the event of serious illness or accident, suspension/dismissal from the university, unpaid bills, disappearance from the campus, or other serious matters.

Additional information can be found in the university catalog,  
<http://www.tnwesleyan.edu/academics/registrar/catalog-schedules/>

## **ACADEMIC LIFE**

### **ATTENDANCE POLICY**

Tennessee Wesleyan University considers regular class attendance an essential element of the instructional process and expects students to undertake all courses with this in mind. The University recognizes two distinct categories of absences, excused absences and unexcused absences. Given these categories and the definitions below, instructors will publish and abide by their course policy in the course syllabus.

#### Excused Absences:

Excused absences include absences due to university-related activities, absences due to medical and family emergencies, and absences due to military service obligations. University related activities include but are not limited to: athletic travel and competition, fine arts travel and performances, travel and presentations at professional meetings, administration approved activities to promote the university. Professors are to consider these absences as a student and/or university responsibility and therefore will excuse the absence, requiring whatever make-up work is necessary.

Students have the responsibility to notify their instructors as far in advance as possible. If a student fails to notify and make arrangements with their instructors ahead of time, the absence may be considered by the faculty member to be unexcused. Excused absences also include medical or family emergencies. These must be documented and the instructor must be notified in advance if possible and as soon as possible if the absence was of an emergency nature. If the absence is not emergency in nature and the student fails to notify and make arrangements with their instructors ahead of time, the absence may be considered by the faculty member to be unexcused. Assuming the absences can be documented and notification was given, instructors will excuse the absence, requiring whatever make-up work is necessary.

Absences for military service obligations are also considered excused absences. Students have the responsibility to notify their instructors as far in advance as possible. If a student fails to notify and make arrangements with their instructors ahead of time, the absence may be considered by the faculty member to be unexcused.



If students will miss graded work (including quizzes or tests) due to a non-emergency excused absence, they must notify their instructor one week or more in advance if possible and arrange to make up these items prior to their absence. If the absence was unforeseen, the student must notify the instructor as soon as possible and arrange to make up the work (including make-up quizzes or tests) within one week of return to class. If students miss a final examination, immediate notification and explanation are imperative. Alternative arrangements must then be made within three days of the missed examination.

Unexcused absences:

Unexcused absences will be dealt with by individual instructors according to their published policy in the course syllabus. Depending on the published policy in the syllabus, instructors may deduct points, disallow make-up work, disallow make-up tests or quizzes, etc. for unexcused absences.

**ADD/DROP POLICY**

After consulting with their advisors, students may drop or add a course under the following guidelines: Courses may be added through the fifth calendar day from the first day of classes. Courses dropped on or before the last day of the first two weeks of school receive no statement on records of having been dropped. A student may withdraw from one or more courses up to exactly one month before the last day of class with a grade of W. After that date, a grade of WP or WF will be assigned by the instructor of the course unless the withdrawal is due to substantiated illness or emergency in which case a W may be assigned by the Vice President for Academic Affairs. Grades of W, WP, and WF do not count in the computation of the student grade point average. Students who fail to withdraw officially from a course will receive a grade of F for the course work. Students must submit the signed Add/Drop form to the Registrar's Office to complete the process. If a student stops attending a class without officially dropping the class, a grade of F will be assigned. Students enrolled in graduate or accelerated programs must refer to the term schedule or program handbook for withdrawal periods.

**GRADING SYSTEM**

Grades are recorded as follows:

- A (-) Indicates work of distinction.
- B (+ -) Indicates better than average work.
- C (+ -) Indicates average work.
- D (+ -) Indicates below average work.
- F Indicates a failing grade.
- I Indicates an incomplete grade. Counts as F in computing GPA.
- P Indicates a passing grade. Does not compute in GPA.
- AU Indicates a course taken for audit only.
- NG Indicates that there was no grade for the course received from the instructor. Does not compute in GPA.
- W Indicates that the student withdrew without penalty from the course.
- WP Indicates that the student withdrew without penalty from the course.
- WF Indicates that the student withdrew without penalty from the course failing. Does not compute in GPA.

**Note:** For students who are receiving educational benefits from the Veterans Administration, the period during which a WP or WF may be granted is limited to the thirty (30) days immediately following registration for the semester.

**Quality Points**

4.00 quality points per hour of A

3.67 quality points per hour of A-  
3.33 quality points per hour of B+  
3.00 quality points per hour of B  
2.67 quality points per hour of B-  
2.33 quality points per hour of C+  
2.00 quality points per hour of C  
1.67 quality points per hour of C-  
1.33 quality points per hour of D+  
1.00 quality points per hour of D  
0.67 quality points per hour of D-

**Note:** *Grades of P, W, WP, WF, NG and AU do not count in the computation of the student grade point average.*

#### **Recognition of Exceptional Grades**

To encourage outstanding scholastic achievement, the University issues two lists each semester, the Honors List and the Dean's List. To be eligible for the Honors List, a student must earn 12 or more non-remedial hours and attain a grade point average of at least 3.70 with no grade below B. To be eligible for the Dean's List, a student must earn 12 or more non-remedial hours and attain a grade-point average of at least 3.40 with no grade below C.

#### **Incomplete Grades**

A student may receive a grade of incomplete ("I") if for some reason there is a failure to complete a small portion of the work in a course. In all cases the student must show that the work cannot be completed due to circumstances beyond the student's control. A grade of "I" must be removed by mid-term of the succeeding term after the student has taken the course. Otherwise the grade will automatically be changed to an "F". Students are to make up examinations at the convenience of the instructors. In computing the student's average, an incomplete will be considered as an "F" until such time as the incomplete is removed.

#### **Grade Appeals**

A student who feels the final grade assigned in a course is incorrect or has been awarded unfairly may appeal the grade utilizing the following procedure. Students must initiate the grade appeal process by no later than midterm of the following semester. A student should first contact his/her instructor to resolve a grade dispute. If the dispute cannot be satisfactorily resolved at this level, the student should contact his/her Department Chair. If the dispute cannot be satisfactorily resolved at this level, the student should submit a written grade appeal to the Vice President for Academic Affairs. Students must use the Grade Appeal form for this purpose; the form is available through the Registrar's Office. Upon receipt of the appeal, the Vice President for Academic Affairs will notify the student of his/her decision, in writing, within five (5) business days. The decision of the Vice President for Academic Affairs is not subject to appeal.

#### **HONOR SYSTEM**

The Tennessee Wesleyan Honor System promotes academic integrity on the Tennessee Wesleyan campus and increases awareness among different groups within the university community—students, faculty, and staff of the importance of academic honesty. Each student has the right and duty to pursue his or her academic experience free of dishonesty. The Honor System establishes the higher level of conduct expected and required of all Tennessee Wesleyan students. Violation of academic integrity, either by plagiarism or by cheating in the classroom or elsewhere, is inconsistent with the philosophy of education of Tennessee Wesleyan University and the moral and ethical prescriptions of the Christian faith.

The basis of the Honor System is the assumption that academic honesty lies at the heart of the academic enterprise. It provides the foundation for the intellectual freedom that is encouraged and shared by all members of the academic community, and it embodies the belief that true academic

freedom and discourse can exist only within a framework of honesty, integrity, and responsibility—values essential to the life of an engaged citizenry. The success of the Honor System depends upon the cooperation of the entire community. Students, faculty, and staff are equally involved in matters of academic integrity.

#### **Honor Pledge**

Upon admission to the university, students agree to abide by the Tennessee Wesleyan Honor System by signing the Honor Pledge, which reads:

"I pledge, on my honor, to conduct myself with  
the foremost level of academic integrity."

Each examination, quiz, or other paper which is to be graded will carry the student's written pledge and signature: "I hereby certify that I have neither given nor received unauthorized aid on this paper." The abbreviation "Pledge" followed by the student's signature holds the same meaning and may be acceptable on papers other than final examinations. Faculty must also include the Honor Pledge on their syllabi to serve as an additional reminder.

#### **Academic Integrity and Honor**

A student who lives by the Honor System is an individual who does more than not cheat, falsify, or plagiarize. A student who lives by the Honor System:

- espouses academic integrity as an underlying and essential principle of the university community.
- understands that each act of academic dishonesty devalues every degree that is awarded by this institution.
- is a welcomed and valued member of Tennessee Wesleyan University.

An understanding of the Honor System must include the following:

- Any adequate conception of Honor demands that an honorable person shall not lie or cheat or steal.
- Membership in the student body carries with it a particular responsibility for the meticulous observance of those standards of conduct that govern an honorable person in every walk of life. This responsibility includes the classroom, residence halls, community, and work.
- The integrity of the degrees granted by the university depend in large degree upon the Honor System; therefore, all students in every class must regard themselves as particularly bound by their honor not to cheat in any form, and are likewise bound in honor not to fail to report any cheating of which they are aware.
- The preservation of equal access to scholarly materials is essential in any academic community; therefore, it is a violation of the Honor System to fail to check out a book taken from the library, or to remove from the building without proper authorization non-circulating materials such as reference books, periodicals, or reserved books.

#### **Academic Dishonesty**

The Student Code defines academic dishonesty as acts of cheating, fabrication, and plagiarism.

Cheating is defined as:

- using or attempting to use or providing others with any unauthorized assistance in taking quizzes, tests, examinations, or in any other academic exercise;
- depending upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments;
- substituting for another student, or permitting another student to substitute for him/herself,

in taking an examination or preparing academic work;

- acquiring tests or other academic material belonging to a faculty member, staff member, or another student without expressed permission;
- continuing to write after time has been called on a quiz, test, examination, or any other academic exercise or activity;
- submitting substantially the same work for credit in more than one class, unless he/she has prior approval from the instructor;
- engaging in any form of research fraud whether by electronic or any other means;
- copying from another student's examination or allowing another student to copy from an examination;
- using outside materials on an examination that are not authorized for use during the test;
- preparing notes to take into a closed-book examination, such as writing on one's hand or desk; and
- collaborating on a project that was intended to be the work of an individual student.

Fabrication is defined as altering or fabricating any information or citation in an academic exercise or activity. Examples of fabrication include:

- falsifying citations, for example by citing information from a non-existent reference;
- manipulating or manufacturing data to support research;
- taking another student's examination or writing another student's paper; and
- listing sources in the bibliography that were not used in the academic exercise.

Plagiarism is defined as the appropriation of the work or ideas of another scholar—whether written or not—and without acknowledgment, or the failure to correctly identify the source, constitutes plagiarism regardless of whether it is done consciously or unintentionally. Ignorance of the standards of academic citation does not excuse violation of the Honor System. Plagiarism may take many forms. In its most blatant form, entire phrases, sentences or paragraphs are used verbatim, without quotation marks or the appropriate citation. Plagiarism also includes paraphrasing the work of another without attribution, or taking a written passage and altering a few words in an effort to make the writing one's own. Moreover, the use of an idea of another that cannot reasonably be regarded as common knowledge constitutes plagiarism. Non-textual images such as drawings, graphs, and maps are also subject to plagiarism, as are the experiments, computer programs, musical compositions, and websites of others. Material taken from any electronic source, i.e., the Internet, may not be used as the original work of the student. Since footnoting and bibliographical conventions differ significantly between disciplines, students should consult with professors about the conventions of academic footnoting and bibliographical documentation expected in a particular course.

Multiple Submissions of the same work may not be submitted to more than one course without the prior approval of all instructors involved. Reasonable portions of a student's previous work on the topic may be used, but the extent of the borrowing must be acknowledged.

#### **Steps in the Disciplinary Process**

When an instructor suspects a student has violated the Honor Code the instructor must notify the student within five (5) business days of the alleged violation or within five (5) business days of the date upon which the instructor became aware of the alleged violation. The instructor also shall attempt to schedule a meeting with the student to present evidence of the alleged violation and to provide the student an opportunity to respond to the accusation. It is the student's responsibility to schedule this meeting within five (5) business days of the student's receipt of the instructor's request. If the student fails to respond the instructor may proceed as follows.

**Plagiarism:** If an instructor determines that a student has committed an act of plagiarism, including self-plagiarism, on a graded assignment the student shall receive a zero for the assignment.

The instructor will notify the student of the penalty in writing and copy his/her Department Chair and the Vice President for Academic Affairs (VPAA). The VPAA will then notify the student that he/she is required to complete a plagiarism tutorial and submit a Certificate of Completion to the VPAA within two weeks of the date of the VPAA's notification. Failure to do so will result in the student's final grade in the course being reduced by one full letter grade. Upon receipt of the Certificate of Completion the VPAA will forward this information to the instructor and the Department Chair.

If a student commits an act of plagiarism with less than two weeks left in the term the student will be given an incomplete and still must complete the plagiarism tutorial and submit a Certificate of Completion within two weeks of the VPAA's notification. Failure to do so will result in the student's final grade in the course being reduced by one full letter grade when the incomplete is subsequently changed to a final grade for the course.

If an instructor determines that a student has committed a second act of plagiarism in the course on a graded assignment the student shall receive a zero for the course.

**Other Violations:** If an instructor determines that a student has committed another type of Honor Code violation (e.g. cheating), the student shall receive a zero on the assignment in question for the first offense and a failing grade for the course upon the commission of a second offense. Upon making either determination the instructor must notify the student in writing of the penalty to be imposed and copy his/her Department Chair and the VPAA.

**Suspension:** The VPAA will maintain the institutional record of all Honor Code violations. When a student has committed three violations of the Honor Code the VPAA will notify the student, in writing, that he/she will be placed on academic suspension for one calendar year beginning at the end of the current term. During this time the student will not be permitted to attend classes at the University or apply credit earned at other institutions toward completion of his/her degree at Tennessee Wesleyan.

To be reinstated, the student must submit a letter to the VPAA formally requesting readmission to the University. The letter must be submitted at least 45 days prior to the end of the suspension period and must include an acknowledgment of the student's past Honor Code violations, a reaffirmation of his/her commitment to abide by the Honor Code if readmitted to the institution, and any other documentation which the student feels is pertinent to his/her case.

## **RESOLVING STUDENT/FACULTY CONFLICT**

The purpose of this procedure is to provide the student with a means for resolving conflict with a faculty member. This process does not include complaints of discrimination or harassment. The steps for those complaints can be found under the Harassment and Discrimination Policy found in this handbook. Examples of a conflict which might be a reasonable cause for using this procedure are included under the Student Rights and Student Responsibilities listed below:

**STEP 1.** The student who has a specific conflict shall first discuss his/her concern with the faculty member in question. In the event that the student has justifiable reasons for not communicating directly with the faculty member, the student may proceed directly to Step 2. However, the student

should be prepared to explain his/her decision to not talk directly with the faculty member.

**STEP 2.** If the student does not believe that the initial conference with the instructor has resolved the conflict, a request may be made for a conference with the faculty member's departmental chair. The department chair may confer with both the student and the instructor. If the student has not yet communicated directly with the faculty member and has justifiable reasons for not doing so, anonymity may be requested at this step. If the instructor is the department chair, the student may proceed directly to Step 3. At the student's request, the department chair will inform the student, in writing, of any outcome of this process within five (5) business days.

**STEP 3.** If the student does not believe that the conference at Step 2 has resolved the conflict, a request may be made for a conference with the Vice President for Academic Affairs. At this point, the student will be expected to present his/her concerns in writing, and this, along with the student's identity, will be provided to the faculty member in question. However, the Vice President may decide that anonymity at this stage is appropriate if the faculty member is the department chair. The Vice President will issue a written reply to the student within five (5) business days. The decision of the Vice President will be final.

In addition to the above procedures, students can utilize the following off campus agencies to file complaints:

- The University provides a "Campus Conduct Hotline" that is an anonymous reporting system designed to protect the principles of honesty, integrity, and excellence of the campus community. A call to the hotline initiates a campus investigation to the issue. Individuals can contact the hotline at (423) 252-1105.
- Complaints relating to quality of education or accreditation requirements shall be referred to the Southern Association of Colleges and Secondary Schools Commission on Colleges (SACSCOC), (<http://www.sacscoc.org/pdf/061705/complaintpolicy.pdf>);
- Complaints related to the application of state laws or rules related to approval to operate or licensure of a particular professional program within a postsecondary institution shall be referred to the appropriate State Board (i.e., State Boards of Health, State Board of Education, and so on) within the Tennessee State Government and shall be reviewed and handled by that licensing board (<http://www.tn.gov>, and then search for the appropriate division);
- Complaints related to state consumer protection laws (e.g., laws related to fraud or false advertising) shall be referred to the Tennessee Division of Consumer Affairs and shall be reviewed and handled by that Unit (<http://www.tn.gov/consumer/>).

## **SCHOOL CLOSINGS**

Occasionally, TWU cancels classes due to inclement weather. The primary means of notification is through the university's alert system. Students, faculty, and staff are encouraged to register their contact information with the alert system. The system will notify the campus via phone calls, text messages, and/or emails. In addition to the university alert system, notification of closing will be made on the following media outlets:

TV stations: Chattanooga Channels:WRCB 3, WTVC 9, and WDEF 12 and Knoxville Channels—WATE 6, WVLTV 8, and WBIR 10.

Please note: In the event you do not see or hear TWU listed on the school closings list, understand this means we are open and the schedule is running on the normal time. Many stations will only list schools experiencing closings or schedules delayed due to the large number of schools, which are

potentially affected.

### **STUDENT EVALUATION OF COURSES**

Near the conclusion of most courses, each student will be given an opportunity to provide feedback about the nature of the course itself, and the quality of faculty instruction in that course. These evaluations are compiled confidentially by the Associate Vice President for Institutional Effectiveness and Research and the results made available to the faculty member and the Vice President for Academic Affairs.

### **STUDENT RIGHTS AND RESPONSIBILITIES**

Students have the right to:

1. be informed of course requirements;
2. be evaluated fairly on the basis of their academic performance as required by a professor as part of a course;
3. experience free and open discussion, inquiry and expression, both in the classroom and in conference;
4. experience competent instruction and advisement;
5. take exception to the data or views presented and reserve judgment about matters of opinion;
6. expect protection against a professor's improper disclosure of students' views, beliefs and political association which may surface as a result of instructing, advising or counseling;
7. expect protection, through established procedures, against prejudicial or capricious evaluation.

Students have the responsibility to:

1. inquire about course requirements if they do not understand them or are in doubt about them;
2. maintain the standards of academic performance established for individual courses and for programs of study;
3. initiate an investigation if they believe their academic rights have been violated;
4. learn the content of any course of study;
5. act in accordance with commonly accepted standards of academic conduct.

### **WITHDRAWAL FROM A COURSE**

As indicated in the academic policies section of the university catalog, students may withdraw from a particular course by the deadline stated in the Academic Catalog. Students withdrawing from a course remain enrolled at Tennessee Wesleyan University. However, those considering withdrawal from a course should consider the impact the reduction in credit hours completed may have on their graduation, financial aid, and athletic eligibility.

### **WITHDRAWAL FROM THE UNIVERSITY**

Students wishing to withdraw from the university must initiate the process with the Vice President for Student Life. The official date of withdrawal will be determined by the date assigned by the Vice President. A schedule of tuition, room and board refunds is listed in the Academic Catalog. Students must check out of the residence hall within 24 hours of withdrawing unless they have made other arrangements with the Director of Residence Life.

## **CAMPUS SERVICES**

### **BOOK VOUCHERS**

If your account with the Student Financial Services Office is current and you have sufficient Financial Aid, you may be able to obtain a book voucher from the Student Financial Services Office to

purchase textbooks in the Campus Bookstore, rather than paying cash. Contact the Student Financial Services Office for details of this policy.

#### **BOOKSTORE**

Students are encouraged to utilize the campus bookstore, operated by Follett, for their textbooks, university paraphernalia, and miscellaneous items. Bookstore hours vary and are posted outside of the store located in the Colloms Center and the TWU app.

#### **CAMPUS ALERT SYSTEM**

Tennessee Wesleyan University contracts emergency notifications services allowing the institution to communicate emergency situation developments to all faculty, staff, students, parents (and community emergency care providers). While available TWU community member contact information is loaded into the system, community members are expected to update the contact information with appropriate information in order to receive phone calls, emails, and text notifications. The updated information allows TWU to provide timely announcements regarding campus developments. If you have questions, please contact the Student Life Office.

#### **CAMPUS EMPLOYMENT**

Students have the opportunity to work in three on-campus, student employment programs. They are as follows:

**Federal Work-Study Program (FWSP)** - A Federal work program administered by Tennessee Wesleyan University offers students the opportunity to be employed on campus. The number of hours a student works per week is based on financial need. Students earn minimum wage and are paid on a monthly basis. Various positions are offered to students to complement their education with practical job experience. This program is restricted to U.S. citizens, or those in the U.S. for other than temporary purposes, who are maintaining satisfactory academic progress.

**Tennessee Wesleyan University Work-Study Program** - An institutional work program, whereby students may work on campus in areas that complement their education. Jobs depend upon availability of work and funds as well as the student's skills and abilities.

**Work Scholarship (need based award)** – If accepted, a work commitment would require a student to work a certain amount of hours each semester. Failure to complete the commitment will result in a balance being placed on your account proportionate to the non-completed hours. Work assignments will be made each fall.

#### **CAMPUS SAFETY**

Tennessee Wesleyan University maintains a staff of competent, well-trained Safety Officers. The Department of Campus Safety is located in Townsend Hall. Campus Safety Officers maintain regular patrols to all areas of the campus. Special attention is paid to the residence halls, lobby areas and parking lots around the campus.

Pursuant to T.C.A. # 49-7-2205 and 2206, Tennessee Wesleyan University makes monthly reports to the Tennessee Bureau of Investigation regarding crimes that have occurred on campus during the past month. The University is also required to make an annual report to the federal government which can be found on the University's website, <http://www.twesleyan.edu/student-life/campus-safety/>. Additionally, individuals are welcome to check this report in the Student Life Office.

#### **CHANGE IN ADDRESS, NAME, OR TELEPHONE NUMBER**

Notify the Registrar's Office whenever you have changes in your address, telephone number or name so that our records will be accurate.

#### **CHECK CASHING**

Students may cash checks up to \$50.00 in the Student Financial Services Office or may open a checking account with a local financial institution.



## COMPUTING SERVICES

The Department of Information Technology Services, located on the lower level of Lawrence Hall, oversees all campus technology, including voice and data networks and associated devices. Among other services, this includes Internet in the residence halls, campus-wide printing services, email, Office 365, Sakai (the campus learning management system), and MyPortal (the campus portal).

Wired and wireless connectivity to the Internet is provided in all campus facilities. Wireless connectivity provides mobility and convenience, while wired connectivity offers increased performance and stability. Students may connect their personal devices to the campus WiFi by selecting the "TWU-Student" network, or may connect an Ethernet cable to an appropriate wall jack (available in each residential room). For best performance, game systems should utilize wired connectivity for network access.

Additionally, the university provides several computer labs for student use. Among them, public access computers are available for extended hours in the Merner Pfeiffer Library and the Fisher Lab; the Colloms Center Lab is open 24/7.

Each student at TWU is provided with an official TWU NetID, @tnwesleyan.edu email address, and access to MyPortal during the orientation/registration process. Additionally, all TWU students are eligible to install Microsoft Office at no additional cost on their personal device(s).

Students are expected to use campus computer and electronic resources responsibly and in a manner consistent with the mission of the university. Network access to any device or resource that may negatively impact the availability and stability of campus network resources (those infected with malware, for instance) is subject to removal from network access until such threat is remedied. For additional usage guidelines, refer to the university computer usage policy found in the "Policies and Procedures" section (pages 32-33) of this student handbook.

If you have any questions regarding any of these services, need advice on computing requirements or recommendations, or would like assistance in connecting to the Internet, please contact the Information Technology Services Help Desk at (423) 746-5339 or email [HelpDesk@tnwesleyan.edu](mailto:HelpDesk@tnwesleyan.edu).

## DISABILITIES SERVICES

Tennessee Wesleyan University affirms its intent to comply with federal regulations regarding persons with disabilities, specifically with section 504 of the Rehabilitation Act of 1973 and with the Americans with Disabilities Act. The University does not discriminate on the basis of disability in employment or admissions.

It is the responsibility of the student seeking reasonable accommodations consequent to a documented disability to contact the Office of Disability Services to request services for accommodations. Mr. John Gaston, Sherman Hall, 423-746-5275, or Dr. Patricia Ging, Sherman Hall, 423-746-

5237 will meet with the student to discuss the individual's disability and the necessary services required.

Any student with a qualifying disability is eligible for reasonable accommodations as determined by the directors of the Office of Disability Services. The student must provide documentation of a qualifying disability. Students are not required to report their disability but must understand that no services will be rendered without a request and proper documentation. An appropriately licensed professional must provide documentation. This documentation must be completed within the last three years. A simple written statement that a student has a disability will not suffice as evidence that a student needs accommodations. Based on the nature of the disability, a complete psychological evaluation including aptitude and achievement tests may be required. An evaluation must provide specific evidence that the disability exists. Current IEPs and evaluations may be provided for review.

Upon review of the documentation provided by the student, the office will assist the student in working with the faculty to secure reasonable accommodations.

Modifications or adjustments, including but not limited to the following, may be made for qualified students with disabilities:

1. Classes may be relocated or rescheduled to reasonably accommodate students with mobility impairments.
2. Alternate methods of testing and evaluation may be made available for students with disabilities that impair their capacity for being tested in standard formats.
3. A medical evaluation of the disability may be required in order to assess the student's needs.

The directors of the Office of Disability Services will determine what reasonable accommodations will be made for students with disabilities and will forward requests for accommodation to the student's professors. The university requests that the student provide advance notice, after being accepted to the university, so that the university may plan to meet the student's need. Reasonable accommodations may not be made without such advance notice. If a student feels that an instructor has not made accommodations, the Vice President for Academic Affairs becomes the contact for complaint.

### **STUDENT FINANCIAL SERVICES**

All TWU students have a right to apply for financial assistance and to be considered for such assistance on an equitable basis with all other students. Students applying for financial aid must submit federal and institutional applications each academic year they are enrolled at TWU. Applications should be completed starting in October prior to the academic year in which assistance is requested. The Student Financial Services Office has a priority deadline of December 1 each year. Applications received on or before this date will be considered on time and will be given first priority for funding, provided that financial need has been determined. Applications received after the December 1 deadline will be awarded financial assistance, if eligible, based on the availability of funds.

Students receiving financial assistance have the responsibility to inform the Student Financial Services Office in writing, of any change in their financial situation. Students have the responsibility to fulfill the Standards of Satisfactory Academic Progress, as outlined by the Student Financial Services Office, with regard to minimum credit hour requirements, grade point average and satisfactory progress toward degree completion. Failure to meet these standards could result in suspension of financial aid eligibility for the upcoming semester. Information concerning appeals, procedures, satisfactory academic progress standards or other related information may be obtained

from the Student Financial Services Office.

### **FOOD SERVICES**

The dining hall is open seven days per week when classes are in session. Students are allowed to invite guests to use the cafeteria at any time; however, guests will pay the standard cafeteria rate. Students are expected to practice courtesy, consideration, and good table manners in the dining hall. The dining hall will be closed during all university holidays. The dining hall hours are:

Weekdays*	Breakfast	7:30-8:30 a.m.	Weekends/Holidays*	Lunch	12:00-1:00 p.m.
	Lunch	11:30 am-1:15 p.m.		Dinner	5:00-6:00 p.m.
	Dinner	5:00-7:30 p.m.			

Note: Although the Dining Hall is open from 7:30 a.m. – 7:30 p.m. on weekdays, items may be limited during times other than those listed above.

Burkett's Monday-Thursday 8 a.m.-9 p.m. Friday 8 a.m.-5 p.m. Saturday 11 a.m.-5 p.m.

\*Hours are subject to change.

1. Meal plan students must present student ID at each meal. Students will not be permitted to enter the dining hall without their student ID.
2. Shoes and shirts must be worn at all times.
3. No food, drink, utensils or other items may be taken from the dining hall. No outside containers are permitted in the dining hall.
4. After eating, return your dishes, silverware, and trash to the dish area.

Please note that there are no refunds for any unused meals or when a student withdraws from the university during a semester.

The university's contract with Aramark provides Aramark with the right of first refusal on all catering on campus, whether for university-related events or for events sponsored by external agencies. If you are planning an activity which involves catering, please contact the food service manager at least two weeks in advance to make the necessary arrangements.

### **GAME ROOM AND EQUIPMENT**

The game room located in the Colloms Campus Center provides recreational activities for students. Entertainment and games are available at no cost or a minimal fee. Students wishing to use billiard equipment, Ping-Pong equipment, board games, or outdoor equipment may do so by checking out the equipment with their TWU student ID or driver's license at the Information Desk.

### **HEALTH CENTER**

The campus nurse provides basic care to students, including some tests for strep, flu and pregnancy. In addition, the nurse will be able to write prescriptions and make doctor referrals if necessary. Services are free to students. The campus nurse is located in the Health Center, directly across the street from the Colloms Campus Center. The office phone number is (423) 746-5274.

### **IDENTIFICATION CARDS**

All students will be issued a photo-bearing Tennessee Wesleyan University student identification card at check-in. Student ID cards are required for admittance to the residence halls, cafeteria, library, university sporting events and other campus activities. When asked by any authorized university personnel (including faculty, RAs and Campus Safety Officers), students must present their ID cards. Failure to do so may jeopardize the privilege of remaining on campus since we must have a method of determining our students from non-students. Students who fail to properly identify themselves upon request by a university official will be subject to disciplinary action. Report lost ID cards to the Student Life Office immediately. Replacement cards will be issued for a \$10.00 fee.

## IMMUNIZATION RECORDS

In accordance with Tennessee Department of Health Rule 1200-14-1-.29, revised December 2009, all full-time students must comply with the following immunization requirements. Students without this documentation may be subject to dismissal from Tennessee Wesleyan University until the issue is resolved.

Who is required to be immunized?

- New full time enrollees in higher education institutions (post-secondary) in Tennessee with enrollments larger than 200 students.
  - New undergraduates enrolled in at least 12 semester hours, or equivalent
  - New graduate students enrolled in at least 9 semester hours, or equivalent
- Exempt: full time distance learning students are exempted from immunization requirements

Measles, mumps and rubella immunity:

- Proof of immunity to measles, mumps and rubella may be provided by meeting one of the following 3 criteria: o Date of birth before 1957, *or*
- Documentation of 2 doses vaccine against measles, mumps and rubella given at least 28 days apart, excluding doses given earlier than 4 days before the first birthday, *or*
- Documentation of blood test (serology) showing immunity to measles, mumps and rubella. If any one of the three is negative, 2 doses of vaccine must be documented.

Varicella (chickenpox) immunity:

- Proof of immunity to varicella (chickenpox) is required by meeting one of the following 4 criteria: o Date of birth before 1980, *or*
- History of chickenpox illness diagnosed by a healthcare provider or verified by a physician, advanced practice nurse or physician assistant to whom the illness is described, *or*
- Documentation of 2 doses of varicella vaccine given at least 28 days apart, excluding doses given earlier than 4 days before the first birthday, *or*
- Documentation of blood test (serology) showing immunity to varicella.

Hepatitis B immunity (only for health science students expected to have patient contact):

- Proof of immunity to hepatitis B for students in health sciences prior to patient care duties may be documented in one of the following ways: o Documentation of 3 doses of hepatitis B vaccine, *or*
- Blood test (serology) showing immunity to hepatitis B virus (or infection)

Valid exemptions to requirements:

- Medical: Physician or health department indicates that certain vaccines are medically exempted (because of risk of harm). Any vaccines not exempted remain required.
- Religious: Requires a signed statement by the student that vaccination conflicts with his or her religious tenets or practices.

Students who need 2 doses of vaccine, but cannot get both doses before classes start: Such students may enroll with documentation of one dose of each required vaccine, but the institution should have a policy to require timely submission of proof of complete immunization. Such policies might include not releasing semester grades or not allowing course registration for the next semester until proof of complete immunization is provided.

Location of immunization records: Adults can have difficulty locating childhood immunization records. They should check with family members who may have copies of childhood records. They should try to contact the original immunization provider: if a local health department, contact them directly; if a private medical office, contact that office. Schools may have copies of immunization certificates in student files. Children born after the mid-1990s may have records entered in a state-managed immunization registry; such registries now exist in many states, but are unlikely to contain information on adults. If records cannot be located, vaccination is recommended – additional doses of vaccine are not harmful. **For more information: visit <http://twis.tn.gov> or <http://health.state.tn.us/CEDS/required.htm>.**

#### **MAILROOM**

The mailroom, located in the Colloms Campus Center, is available for faculty, staff, and residential students. Commuter students should have mail delivered to their residency or the local post office. The mailroom will be open from 8:30 a.m.-5:00, Monday-Friday. Hours are subject to change and will be posted at the mailroom.

Individuals having items sent to campus, should have them sent to:

Individual's Name  
204 E. College St.  
Athens, TN 37303

#### **PUBLICITY AND PROMOTION**

Student clubs and organizations are encouraged to take advantage of all available opportunities to advertise their meetings and activities. Organizations may also send news release material to the Director of Marketing and Communication for releases to the local media or to the Webmaster for posting on the university website. Publicity materials for posting must be approved by the Student Life Office.

Approved flyers and posters may be posted on any campus bulletin board not specifically designated for another use. Flyers and/or posters may not be placed on glass, wood, or painted surfaces.

Four levels of accessibility to events are recognized:

1. Events intended for both the general public and campus community.
2. Events intended primarily for the campus community, but at which the general public is also allowed.
3. Events intended for the campus community and invited guests of members of the campus community.
4. Events which are open only to the campus community.

#### **RECREATION AND FITNESS FACILITIES**

Tennessee Wesleyan University provides fitness and recreational facilities for all students. All TWU students will have access to the Thunder Fitness Center. Located in Townsend Hall, the Thunder Fitness Center features cardio and strength equipment, available to all students. Students are also encouraged to utilize the sand volleyball court, campus tennis courts, Robb Gym, and Wesley Commons Courtyard if the facilities are not reserved.

#### **RECYCLING**

Tennessee Wesleyan University campus members are encouraged to participate in the on-campus recycling program. The university has recycling containers in all facilities throughout campus and recycles aluminum cans, plastic, newspaper/paper, and cardboard.

## **SCHEDULING CAMPUS EVENTS/ACTIVITIES**

Every campus event should be scheduled through the Student Life Office. All student programs and assembly programs must be approved by the Vice President for Student Life and the date must be registered in his/her office.

Any organization desiring to schedule an approved event in any of the University buildings must make reservations for the room desired through the Student Life Office at least five (5) days in advance. Non-students or individual students requesting audio/visual presentations or speakers at the university should submit their request to the Student Life Office which will either approve or deny the request. If approved, the following points should be considered:

1. An equal time provision for opposing viewpoints should be made available provided:
  - The request for equal time is made within seven days of the date of the original program.
  - The equal time program is scheduled to occur within 30 days of the date of the original program.
2. If a program promotes a point of view which is opposite the stated position of the United Methodist Church, a provision must be made for the audience to be informed of the church's position.

## **SOCIAL REGULATIONS**

All university functions and all social gatherings under the management of a university organization, are under the supervision of the Vice President for Student Life. This regulation applies to all parties held at any time during the regular school year or summer term. Informal gatherings of students, which result in misconduct and criticism against the student body or university, will be investigated. Where evidence of misconduct is established, responsibility for the occasion will be placed on the person(s) involved and on the organization(s) which seems primarily responsible for the function.

## **STUDENT MEDICAL/HEALTH INSURANCE**

Students are required to have medical insurance. All international students are required to participate in the mandatory health insurance program unless they apply and are approved to opt out with the Student Financial Services Office.

## **STUDENT MENTAL HEALTH SERVICES**

Students may face a variety of problems while attending university. Tennessee Wesleyan University provides a broad range of services to its full-time students. The Vice President for Student Life and the Chaplain can assist with many of these issues. Additionally, the university has contracted with Humana to assist students that may need more in-depth services. Students are entitled to three (3) sessions at no costs to them. Students are responsible for costs associated with services beyond the initial three sessions. Students can contact Humana (details on the TWU app under Health and Wellness) or contact the Student Life Office which can also assist you in making an appointment.

## **STUDENT SUCCESS**

Tennessee Wesleyan University provides several avenues of support to ensure student success. The Mosher Success Center, located on the second floor of the Colloms Campus Center, offers students comprehensive support for TWU students. This comprehensive support includes access to student success coaches, career and leadership development, Veteran Services, and more. Students can schedule a meeting with a Success Coach to help with study skills, time management, goal setting, access to peer tutoring, and other academic concerns. Group and individual study spaces are available 24/7 in the Colloms Campus Center.

The Career and Leadership Development Office, located within the Mosher Success Center, provides support to all students to develop their leadership skills and career path. The office is available to discuss future goals and to assist in the investigation of various career opportunities. One-on-one support in resume writing and interview coaching is available throughout the year.

The Office of Veteran Services, located in the Mosher Success Center, provides support to students who have served in any branch of the United States Armed Forces. The office is available to assist veterans with assessment of military experience for credit, transition to campus life, and access to other veteran students. The Collops Campus Center includes a lounge and study space for veteran students in honor of their service.

One-on-one tutoring is available in the Tutoring Center on the ground floor of the Merner Pfeiffer Library throughout the week in writing, math, and science. Specific hours for tutoring are posted online and throughout campus at the beginning of each semester.

All students are welcome to use these services at no additional cost.

### **TWU LIBRARY AND LEARNING COMMONS**

The Library is here to help you with your research! We have thousands of books, e-books, and DVDs, and access to loads of databases full of journal articles, newspapers, magazines, e-books, images and streaming films. The library has desktop computers, printers, scanners, and copiers available for student use; and laptops, chargers, cameras, calculators and other technology available for checkout. Visit the Café for free coffee on the library's lower floor.

#### **Fall and Spring Semester Hours**

Monday – Thursday 8:30 a.m. to 10:00 p.m.  
Friday 8:30 a.m. to 5:00 p.m.  
Saturday closed  
Sunday 2:00 p.m. to 8:00 p.m.

#### **Summer School Hours**

Monday – Friday 8:30 a.m. to 4:00 p.m.  
Closed Saturday and Sunday

Exceptions to the library's regular hours are on the library's website <https://library.twuneslevan.edu>. The library is closed for all holidays appearing on the university calendar.

**Research Help Services:** Librarians are available to help students with research information and advice. Come in, call, or email with librarians for help. You can make an appointment to meet one-on-one with a librarian by visiting the library's website. Librarians teach library instruction classes to TWU 101 and many other university classes.

**Tutoring Services:** The Peer Tutoring Center is located in the library for help with writing, math and sciences. See our website for schedules: <https://library.twuneslevan.edu/tutoring>

**Study Spaces:** Meet your friends in the library learning commons! The main floor and Café have whiteboards, tables and couches for group study. The 1<sup>st</sup> and 3<sup>rd</sup> floor stacks are best for quiet study. Food and beverages are allowed in the café area, and drinks with lids are OK in other parts of the library. No tobacco in the library.

**Checking out books:** Students can check out an unlimited number of books for a period of 3 weeks and can renew each book twice. DVDs, and magazines are checked out for 3 days each. All electronic databases and resources can be accessed 24/7 from anywhere. Your TWU ID is required for checkout. Browse our popular reading section for current fiction. Check your library account and renew books here: <https://library.acaweb.org/patroninfo-S65>

**Logging in from Off Campus:** Log in with your TWU credentials used for email and MyPortal.

**Interlibrary Loans:** We can borrow books and articles for you from other libraries that are not in our collection. It is free of charge to currently enrolled students.

**Course Reserves:** Teachers may place books, articles, and DVDs designated for specific classes on reserve for you. These are found at the library's front desk. Reserves have a limited checkout time and the overdue fines are very high for reserve items. Students can only check out 2 reserves at a time.

**Overdue and Lost Books:** Fines are \$0.25 per day for books and DVDS or \$1.00 per day for reserves. Two hour reserves and loanable technology have much higher fines. Books and loanable technology that are lost or are not returned are billed to the student at the replacement cost plus a processing fee and any accumulated fines. You will not be able to check in, get your grades or log in from off campus if you have overdue books, lost books, and unpaid bills and fines.

## **STUDENT ACTIVITIES**

On the campus there are a number of organizations—educational, social service, athletic, and religious. They provide opportunities for interested students who may desire to become active in them. Participation in an activity has bountiful value to each of its members, as well as value to the organization and to the university.

To be recognized by the university, a new campus organization must route its request through the Director of Student Involvement and the Student Government Association. This request must be accompanied by a copy of the proposed organization's Constitution and Bylaws. The Legislative Body of the Student Government Association will either approve or disapprove the request. This action is to be forwarded to the Student Affairs Committee, which will approve or disapprove the request utilizing the action of the Student Government Association as an advisory opinion. If there is a difference of opinion as to approval or disapproval of the request, this difference will be resolved through a conference of appropriate members of the SGA and the university administration.

Consult the Constitution and Bylaws of the Student Government Association for academic requirements for holding office in student organizations. Only full-time students with a 2.00 or higher GPA may hold an office in a campus organization. Each organization must have a faculty or staff sponsor who shall be approved by the Director of Student Involvement.

### **SOCIAL/ACADEMIC CLUBS AND ORGANIZATIONS**

For a full list of student organizations, please use the link <https://www.tnwesleyan.edu/student-life/student-involvement/clubs-and-organizations.php>.

### **CHEERLEADERING**

Cheerleading team members are chosen by tryouts. In addition, they must meet other standards for admission to TWU. Tryouts are conducted during either spring or fall semester. Cheerleaders must maintain a "C" (2.0) average in order to remain on the squad. Information regarding tryouts will be posted throughout campus prior to tryouts.

### **CONVOCATIONS/CHAPEL**

Tennessee Wesleyan University promotes the philosophy that a liberal arts education requires more than the traditional classroom learning experience alone. Therefore, to promote a well-rounded education and to enhance cultural, spiritual and social development, a convocation program is provided by the university.



Full-time students (those enrolled in twelve hours or more) attending classes on the main campus are required to attend five convocations and/or chapels per semester. A list of scheduled convocation programs is distributed at the beginning of each semester via the university app and posters throughout campus. Additionally, copies are available in the Student Life Office. Convocations are held on Tuesdays at 11:00 a.m. and Chapels are held on Thursdays at 11:00 a.m.

Those individuals who do not meet the required number of convocations each semester will be fined \$10.00 for each missed convocation up to the required number of five. This policy is in effect for all full-time students throughout their stay at the university.

### **GREEK ORGANIZATIONS**

TWU has one National Panhellenic Conference sorority, Sigma Kappa, and one international sorority, Kappa Beta Gamma. Additionally, the university has one local fraternity, Delta Zeta Phi. Students are invited to become members through a system of preferential bidding. Each group has on-campus advisors. Responsibility for Greek organizations rests with the Director of Student Involvement.

Students must be enrolled full-time at the university and have a 2.5 GPA before they can be initiated. Full-time students are eligible to receive a bid at any time during the fall and spring semesters except from the first day of fall semester classes to Primary/Formal Bid Day. No bids may be distributed and/or accepted when classes or finals are not in session. New members must be initiated by the end of the semester in which they accepted a bid except in certain circumstances where the organization or the student has requested a delayed initiation date.

All Greek organizations are governed by the Greek Council and are expected to adhere to the Constitution and Bylaws of the Greek Council. The Greek Council, working in concert under the jurisdiction of the Vice President for Student Life and the Director of Student Involvement, will formulate recruitment and new member policies as outlined in the Greek Council Bylaws.

### **INTERCOLLEGIATE ATHLETICS**

Tennessee Wesleyan University is a member of the NAIA and the Appalachian Athletic Conference. Students who participate in intercollegiate athletics must meet the eligibility rules of both these organizations. There is provision in the intercollegiate athletic program for men's baseball, basketball, bowling, cross country, golf, lacrosse, soccer, tennis, track and field, and e-sports; and women's basketball, bowling, cross country, golf, lacrosse, softball, soccer, tennis, volleyball, and track and field, and e-sports. All full-time TWU students are admitted without charge to all athletic events, except for tournaments. For intercollegiate athletic schedules contact the Athletic Department or the university website.

### **MUSIC ACTIVITIES**

All students at the university are eligible for admission to the music organizations through auditions. The Tennessee Wesleyan Choir and other musical units are active components to campus. The ensembles perform sacred and secular literature for the University, the local community, churches and high schools through extended tours.

The facilities of the Department of Music may be used by the faculty and student body on the basis of availability. Permission to use these facilities must be obtained from the Chair of the Department.

**Music Educators National Conference Student Chapter #722** is open to all students of music who are interested in opportunities for professional development for a career in music education. MENC student members are entitled to all rights of full membership in MENC except that of voting or holding office in the National Organization. MENC Student Chapter meetings will be held to a minimum of three times per year.

## **OUTDOOR AND RECREATIONAL SPORTS**

Tennessee Wesleyan University offers an outdoor program that utilizes the natural resources close to campus. Through the Outdoor Program, students can check out kayaks and bikes. Students can also participate in hiking, rafting and other trips sponsored by the office. Additionally, the recreational sports program is designed to meet the needs and interests of every student. The program is based on voluntary participation in competitive sports between different groups on the campus. This gives those who are not playing on intercollegiate athletic teams an opportunity to engage in regular competition in all sports throughout the school year. Participants must be duly enrolled students, faculty, or staff at TWU.

## **RELIGIOUS ACTIVITIES**

In cooperation with the Coordinator of Spiritual Life's Office, a variety of religious activities are available on the campus of Tennessee Wesleyan University. These activities on campus seek to supplement, not substitute for participation in a local church.

Chapel is held on Thursdays at 11:00 a.m. in Chapel at Trinity United Methodist Church. These chapel services provide Convocation credit, and often include selected speakers/topics/singers. Trinity United Methodist Church is a great partner with TWU and together we are envisioning new opportunities to share the Gospel. The Chaplain provides free coffee and baked goods every weekday from 9:00 a.m.-3:00 p.m. at "Trinity Coffee".

Wesley Christian Fellowship, an ecumenical student group providing opportunities for fellowship and service, meets each week on Tuesday nights at 6:30 p.m. in the Campus Ministry Room (a.k.a. 'The Foundry'), located on the 3rd floor of Old College. Activities include worship, Bible study, and meals and service to those in need in the community.

Baptist Collegiate Ministry provides a nondenominational membership opportunity for Christian fellowship each week on Thursday nights at 6:30 p.m. in the Campus Ministry room. Student-led bible study is held weekly, as well as a fellowship luncheon on Thursdays at 11:45 a.m. at First Baptist Church in Athens.

Fellowship of Christian Athletes (FCA) seeks to present to coaches and athletes, and all whom they influence, the challenge and adventure of receiving Jesus Christ as Savior and Lord, serving Him in their relationships and in the fellowship of the church.

In addition to these weekly religious activities, there are also periodic opportunities for service and mission, such as spring break mission trips, spiritual life retreats, and service to the community.

Your attendance at local churches is strongly encouraged by the university. You will find many churches of various denominations throughout the community. Each of these churches welcomes Tennessee Wesleyan University students into their worship and participation in their programs. A complete listing of area churches, their minister, and their times of worship is published weekly in the local newspaper, *The Daily Post Athenian*.

## **STUDENT PUBLICATIONS**

The university is committed to protecting students' rights to a free press. The university will not restrict the editorial freedom of student publications and the student press. Student publications at the university serve a valuable and necessary function. One of the primary reasons for their existence rests in the educational value for editors, staff, and the student body at large. They should be used as a tool for the establishment and maintenance of free and responsible information dissemination, discussion and intellectual exploration on campus.

In the tradition of liberty of the press, students should be free, individually and collectively, to express their views on issues concerning institutional policy and on other matters of general interest to the student body. The institution must guarantee sufficient editorial freedom for the student publication.

lications to maintain their integrity of purpose as vehicles for free expressions in an academic community. Student publications should be free of censorship, and their editors and managers should be protected from arbitrary suspension and removal due to student, faculty, administration, or public disapproval of editorial policy or content.

At the same time, since the entire academic community is represented in part by student publications, the editors of such publications must recognize their commitment to responsible journalism in the avoidance of libel, indecency and undocumented allegations or personal attacks, and in fair representation of the student body and the university. In an attempt to insure this responsibility, the advisor and one or more members of the respective editorial board reserve the right to preview the publication copy prior to publication.

#### **STUDENT PARTICIPATION IN INSTITUTIONAL DECISION-MAKING**

Student involvement is considered an important part of institutional decision-making and many opportunities are available for TWU students to provide input effecting university-wide plans. Listed below are various avenues through which students participate in institutional planning and decision-making.

- Student Government Association
- Student Representation on the Board of Trustees
- Student Representation on the Student Activities Board
- Regular student involvement on various Ad-Hoc committees
- Informally through random canvassing and opinion questionnaires

Other opportunities for participation in institutional decision-making may be found elsewhere in this handbook. If you have any questions concerning what opportunities are open and how you may become involved contact the Vice President for Student Life.

## **RESIDENCE LIFE**

Tennessee Wesleyan University is a residential university. Residence halls are more than just a place to live. They are classrooms for learning human relations skills and social centers for the residents in each facility. Students living on campus become residents of a small neighborhood within each facility and a member of the larger community of all those who live on campus. As in every such community, policies and procedures are necessary to protect the rights of individuals and the welfare of the community at large. In keeping with the Christian purpose of the university, they also reflect the values and standards of conduct expected of residents. At all times, residents are expected to use good judgment and show respect for the rights and needs of others in the care and use of student housing and facilities. The ideals of the Civic Arts encourage all of us to be active participants in our communities. The residence halls provide an immediate opportunity for community involvement. All residents are responsible for being active, positive participants in their residential community.

#### **BATHROOM AND KITCHEN SINKS**

Students are reminded that sinks in the residence halls and apartments are not designed for disposal of food or foreign objects. Students are discouraged from putting items down the drain that may cause the drains to become clogged.

#### **BUILDING EXTERIORS**

Roofs, ledges, windowsills, and outside walls are not designed for student traffic. Climbing, rappelling or related activities are prohibited.

### **CABLE TELEVISION**

Every Tennessee Wesleyan University residence hall room is wired for access to the campus cable TV network. For questions or to report problems with cable service, please contact the Student Life Office.

### **CANDLES AND INCENSE**

Open flames, including candles and incense (lit or unlit, with or without wicks) are a fire hazard and are strictly prohibited.

### **CHECK-IN/CHECK-OUT**

When you move in, inspect the room carefully and return the form to the Resident Assistant (RA). Any damages not noted on the form will be charged to you when you depart the room. The form is your protection against unnecessary charges.

If you plan to move out of your room, let the RA know 24 hours in advance so he or she may be present to inspect the room and sign off on the Room Inventory. If you are not present during the inspection, the staff member's inspection is final. Students are expected to return the room to its original condition. Rooms requiring special cleaning will be assessed a \$100 cleaning charge for minor cleaning. Additionally, the Residence Life staff will conduct a final inspection of the room. The Student Life Office reserves the right to assess for damages not noted at checkout.

When the residence halls close, you must be completely moved out by the date and time identified by the university. Graduates and/or students participating in graduation must be completely moved out by the designated time on the day of graduation. A \$25.00 per day charge will be assessed to students that are not in compliance with this policy. Additionally, any student that does not formally check out with a RA will be charged \$100 for improper check out.

### **DAMAGES/VANDALISM**

Vandalism is any malicious and/or intentional destruction of property, buildings, or equipment. Students found to be responsible for vandalism will be assessed for the repair of their actions and are subject to disciplinary action. This charge will include all administrative costs, labor and materials associated with necessary repairs.

Damage is any action that requires replacement of property or equipment as a result of an accident or improper use of an item. In the event of damage, students will be billed for associated costs, but are not subject to disciplinary action.

If the university is unable to determine who is responsible for particular damages, or there are damages to common areas (i.e. hallways, bathrooms, corridor doors), the costs will be prorated to the occupants of the building, floor or room/apartment where the damage occurred. Although charges will be billed immediately, the work associated with repairs may be delayed at the discretion of the Student Life Office and Facilities Management. The Director of Residence Life may prorate charges to a particular group, if evidence warrants such action.

Please note that students are not permitted to paint their rooms or common areas in the residence halls or apartments. Students are also not permitted to adhere contact paper or wallpaper to any surface.

### **ELECTRICAL APPLIANCES**

Overloading residence hall electrical systems is a fire and safety hazard. The use of halogen lamps, popcorn poppers and other heat-producing units is prohibited. Open-coil appliances, hot plates, skillets, toasters, toaster ovens and deep fryers are also prohibited.

Outdoor grills, gas or electric, are permitted on campus in designated outdoor areas only. Small microwave ovens (700 watts or smaller) and small refrigerators, not to exceed 3.1 cubic feet in

size, are allowed. The university also permits items such as George Foreman grills (or similar products) in kitchen areas only. All appliances must bear the Fire Underwriters Approval seal or that of a nationally recognized testing organization of equal standing. Unauthorized appliances will be confiscated, with a possibility of disciplinary action.

The university prohibits the use of standard extension cords. Should a student need additional outlets, they need to use 14 gauge electrical strips with a built-in surge protector.

### **FIRE DRILLS, EQUIPMENT AND ALARMS**

It is mandatory that all students clear any building during a fire alarm in less than three minutes. Failure to vacate during a fire alarm or drill is a violation of state law and subject to university judicial action. Fire drills will be conducted at least once each semester.

Individuals who purposely start a false fire alarm will be turned over to civil authorities for prosecution. Misuse of fire extinguishers or fire hoses, covering/removing smoke detectors or covering sprinkler heads is a violation of the fire safety policy. A minimum fine of \$100 will be assessed to students not complying with the above mentioned fire safety policies.

### **KEYS/LOCK OUTS**

Students that misplace or lose keys will be charged \$100 for the changing of the lock and replacement keys. For safety and security purposes, students should report lost or stolen keys immediately to their Resident Assistant or the Director of Residence Life. Students should contact a RA in their building if they are locked out of their room. After a 2<sup>nd</sup> lockout request, RAs will request a lock change and the student will be charged accordingly.

### **KITCHEN AREAS**

Kitchen areas are provided in each of the residence halls. Students are responsible for cleaning the facilities after each use. Facilities Management may dispose of any items left in these areas for any extended period of time (refer to Personal Items in Public Areas).

### **LAUNDRY SERVICES**

Free laundry facilities are provided in each residence hall. Should students experience problems with laundry equipment, they should report it to a member of the Residence Life staff. Only residents may use the laundry facilities since your room fees pay for this service. Students are encouraged to stay with their items while using the laundry room.

### **MAINTENANCE**

All maintenance problems should be reported to a member of the Residence Life staff. Facilities Management staff will complete the repairs as quickly as possible. In case of emergency, notify Campus Safety or a member of the Residence Life staff immediately. Should a work request not be completed in a timely fashion, students should contact the Director of Residence Life directly.

### **PERSONAL PROPERTY/INSURANCE**

The university does not assume responsibility for losses as those resulting from fire, theft or other causes. Check with your family's insurance agent to see if your family homeowner's policy will cover loss of your personal property while at the university. If not, you are urged to provide your own personal loss insurance. More information can be found on the university website under Student Life.

Individuals should report thefts or suspicions of theft to your RA, the Student Life Office, or Campus Safety immediately.

Tennessee Wesleyan University does not assume any responsibility for any personal property left in the residence halls after closing. Any students who leave behind items in their rooms will be charged a removal fee of \$100, in addition to any applicable cleaning charges. Storage facilities

are not available on campus for student belongings.

### **PERSONAL ITEMS IN PUBLIC AREAS**

Dishes, cooking supplies, athletic equipment, room furniture, and other personal belongings are not permitted to be left in public areas. Items left in public areas are a safety, community health, and cleaning issue. Any personal belongings found in a public area for more than 24 hours are subject to disposal.

### **PETS**

University policy prohibits all animals, except fish, in the residence halls. Students may have an aquarium of 10 gallons or less with fish as long as they are kept in sanitary conditions. Discovery of prohibited pets will result in an automatic fine of \$50, even in cases where pets are "just visiting" for a short time. Additional exceptions would be for service animals as defined by the American Disabilities Act or Emotional Support/Assistance Animals. Service animals are permitted with proper documentation of their training and needed service(s). Information for both exceptions is available from the Vice President for Student Life.

### **QUIET AND CONSIDERATION HOURS**

Consideration hours are to be observed 24 hours per day, seven days a week. This means that students should be considerate of others in the residence hall. If you are violating this courtesy, you may be asked to comply or face sanctions. The level of unacceptable noise is defined as anything that is loud enough to be heard outside of one's room. This would include any type of activity, television sound, stereo sounds, etc.

Quiet hours are established to allow adequate study and sleep time in the residence halls. During quiet hours, no noise should be disturbing anyone. Everyone has the right to study in his/her "home" at any time they choose without being disturbed and to go to bed at a reasonable hour. Quiet hours are 9:00 p.m. to 9:00 a.m. daily.

Students are also asked to be aware of the university's community neighbors. Students are expected to maintain a reasonable noise level outside throughout the day. Students creating a disruptive environment may be subject to disciplinary action.

### **REMOVAL OF UNIVERSITY PROPERTY**

Any individual found removing, or in unauthorized possession of, university property from its designated location is subject to disciplinary action and a minimum fine of \$50. Items would include furniture and furnishings (including blinds, televisions, etc.) in individual rooms and common areas.

### **RESIDENT ASSISTANTS**

Resident Assistants are students who live on the floors and are hired by the university to be of service to the residents and assist the Student Life Office in the administration of the hall and in other educational processes.

RAs are on duty every evening. When violations of university rules and regulations occur in the residence halls, Resident Assistants have the authority to deal directly with some violations and to file a report with the Student Life Office. It should also be noted that refusal or failure to respond to or cooperate with a Resident Assistant is, in itself, a violation.

### **ROOM ASSIGNMENTS**

The Student Life Office reserves the right to make all assignment of students to rooms and residence halls. Student requests will be honored whenever possible. Priority for rooms is determined during the registration process in the spring semester based on seniority. See single room policy on page 32.

## **ROOM CHANGES**

To change rooms, obtain a form from the Director of Residence Life. All changes must be authorized by the Director of Residence Life. Students who change rooms without proper authorization are subject to a \$100 improper room change fine.

## **RESIDENCE HALL AGREEMENT**

The residence hall agreement you signed as a resident student refers to this handbook as being a part of that agreement. The residence hall agreement covers university housing, and is binding for the academic year or any portion thereof for which you are enrolled. Resident students are responsible for complying with university regulations and guidelines while living in university housing. Changes to residence hall regulations and guidelines, when announced by an appropriate university official, are binding on students who at the time reside in university residence halls.

## **RESIDENCY EXEMPTION**

All students are considered to be residential and required to take room and board on campus. Exemptions may be made for the following:

1. students living with a parent or guardian who lives within the commuting area (25 mile radius);
2. married students;
3. students with custody of a child;
4. military veterans eligible for benefits under Public Law 358, G.I. bill effective June 1966;
5. financially independent students (as defined by financial aid criteria);
6. seniors, with an approved schedule which will lead to graduation that academic year;
7. students enrolled for less than 12 semester hours for the next semester. (Students may not add hours after registration without being required to live on campus.)
8. International students requesting off-campus must have lived on campus for at least one academic year and be enrolled in your senior year.

To request off-campus living, you must meet one or more of these criteria. Residency Exemption Applications are available in the Student Life Office. To be considered for off campus, students must complete and return a request for exemption form by May 1<sup>st</sup> for the fall term and November 1<sup>st</sup> for the spring term. Completion of a Residency Exemption Application is not a guarantee that a student will be granted off-campus status. Students will be notified, in writing, of the Student Life Office's decision regarding their application.

## **ROOM INSPECTIONS/ROOM SEARCHES**

The university will respect the privacy of a student's room. However, certain circumstances may arise that will require university officials to enter the room. These include, but are not limited to,:

- Inspections for health, safety, and maintenance will be held at least two times per semester. These room inspections will be announced in advance.
- Emergencies, such as a medical crisis, following an arrest, or pursuing criminal suspects.
- University officials may search the room of any resident student based on probable cause or based on information provided to the Student Life Office or Campus Safety regarding violations of the Student Handbook. The search can include, but is not limited to drawers, closets, and personal effects.

The Vice President for Student Life, Director of Residence Life, Campus Safety personnel, Director of Facilities Management, or other representative(s) of the university may be present during these searches. Law enforcement agents may enter with a valid search warrant in accordance with legal procedures governing search and seizure, although certain circumstances do not require a war-

rant. Failure to cooperate with any of the above will result in disciplinary action.

### **ROOM OCCUPANCY/BREAK STAY**

In order for the maintenance staff to clean, paint or repair rooms, all residence halls are officially closed during Christmas Break. Residence halls will remain open during fall break, Thanksgiving, and Spring Break.

### **SINGLE ROOMS**

Single rooms may be requested; however, they are not guaranteed and only available as space permits. A student who requests and is assigned to live in a single-occupancy room is assessed an additional housing fee. A student who requests and is assigned to live alone in a two-person room is assessed an additional housing fee, adjusted on a yearly basis. For information on current fees, contact the Student Life Office or Student Financial Services Office.

Students who find themselves without a roommate will have these options:

1. Refuse to accept the room as a single, recognizing that they may be asked at any time to move or accept an assigned roommate, and continue to pay the double occupancy rate (this status may continue until the conclusion of the semester).

2. If space is available, accept the room as a single and begin paying the additional housing fee.

At the start of the next semester, students who chose option (1) above will be required to select one of the following options:

1. If space is available, accept the room as a single and begin paying the additional housing fee.
2. Accept a roommate or agree to move in with another student (which student moves is determined by credit hours and GPA if necessary).
3. If a roommate is not available, then the student can refuse to accept the room as a single, recognizing that he or she may be asked at any time to move or accept an assigned roommate, and continue to pay the double occupancy rate.

This policy applies to a student who is assigned to a double occupancy room and is not assigned a roommate. If a student requests and receives a single room during the semester, the additional housing fee is prorated based upon the date of check-in into the new room.

### **USE OF FACILITIES DURING HOLIDAYS**

There may be rare occasions when the university will find it necessary to house people in a student's room during extended breaks. This might occur when needed maintenance is being performed during a break, and some residents in that hall need to be temporarily relocated. Another possibility is that of housing conference participants in university housing during an academic break. Although this has not occurred recently, the possibility does exist.

If the room you have been occupying is to be used, you will be given at least one week's notice that the university is invoking its contractual rights. Assistance will be given to students whose rooms are to be used in order to make any needed preparations. The university will hold such guests responsible for any damage to the room and its contents during their occupancy.

### **VISITATION**

Visitation hours are intended for friends and family, never for unrestricted public access to residence halls. Each resident student is responsible not only for his/her own conduct, but for the conduct of his/her visitors. **Visitors are to be accompanied by their host at all times.**

Opposite-sex visitor's visitation hours are from 9:00 a.m. until midnight Sunday-Thursday and 9:00 a.m.-2:00 a.m. on Friday and Saturday. There is no visitation when the university or the residence halls are officially closed (Thanksgiving, Christmas and Spring breaks). Visitation in the main lobby



of each building is 24 hours; however, host(s) must be present and quiet hours maintained.

#### **WALL MOUNTING**

To avoid damage, use 3M Command Strips or a similar non-permanent mounting to display decorations. Nails, tacks, push pins, masking tape, and adhesive decals all cause wall damage. Damages to walls will be charged to the residents of the room.

## **UNIVERSITY POLICIES AND PROCEDURES**

### **ACCEPTABLE USE OF CAMPUS TECHNOLOGY RESOURCES POLICY**

#### **Summary**

Access to computing devices and electronic/data resources owned or operated by Tennessee Wesleyan University imposes certain responsibilities and obligations and is granted subject to university policies, and local, state and federal laws. These resources are available to students, faculty, and staff for their authorized use in a responsible, ethical, and equitable manner that does not infringe upon the rights of others, or expose the university to unnecessary risks. This policy provides general guidelines for the appropriate use of these information resources.

#### **Applicability**

Applies to all University students, faculty and staff, and all others using computer and communication technologies, including the University's network, whether personally or University owned, which access, transmit or store University or student information.

#### **Acceptable Use Policy**

Users accept personal responsibility for the appropriate and lawful use of IT resources. Tennessee Wesleyan University does not impose restrictions on the use of electronic resources that are contrary to the established culture of openness, academic freedom, free inquiry, and free expression. The Information Technology Department is committed to protecting our employees, partners and the university from illegal or damaging actions by individuals, either knowingly or unknowingly.

The list below constitutes the Acceptable Use Policy and code of computing practices for all persons using the Tennessee Wesleyan University computer systems.

- Users are responsible for being aware of and following the published procedures for accessing the computer systems.
- Users must use only the computer accounts that have been authorized for their use. They must use the computer accounts only for the purposes for which they are authorized. Use of Tennessee Wesleyan University's computer resources for personal or business financial gain without express authorization is prohibited.
- Users are responsible for the use of their computer accounts. Users should make use of system-provided protection features such as passwords, and they should take precautions against others obtaining access to their computer resources. Do not make your account available to others for any purpose.

- Users will not attempt to circumvent or subvert system or network security measures.
- Do not access or copy the programs, files, or data belonging to other persons or to Tennessee Wesleyan University without prior authorization. Do not attempt to access files for which you do not have authorization. Programs and data provided by Tennessee Wesleyan University are not to be taken to other computer sites without permission.
- Users may use software on Tennessee Wesleyan University's computers only with permission of the supervisor of that computer if that software has been legally obtained, and if its use does not violate any license or copyright restriction.
- Do not use programs on Tennessee Wesleyan University's computers that were obtained from other computer sites unless they are in the public domain or authorization to use them has been obtained.
- To minimize the impact of your work on the work of other users, you must not attempt to encroach on others' use of the facilities or deprive them of resources. Deliberate wasteful use of resources is prohibited.
- Users are expected to conduct themselves in a manner that does not offend or harass others and that does not interfere with individual and campus activities. Resources are not to be used to store or transmit obscenities or other potentially offensive material including but not limited to abusive use of email.
- Do not attempt to modify system facilities. Do not misuse, damage or misappropriate computer equipment.

#### **Personally Owned Resources**

The use of personally-owned resources and devices is permitted in conducting university business, though it is not a requirement. Individual offices may decide to permit such use at their discretion. Personally-owned resources used for university business are subject to this policy and must comply with all requirements herein. Those resources are also subject to any secondary requirements as required by the Information Technology Services Department for accessing campus resources (security controls, encryption, disaster recovery, etc.).

#### **Consequences of Misuse of Information Resources**

Disciplinary action for violating this code shall be governed by the applicable provisions of the student, faculty and/or staff handbooks, and/or other policies and procedures of Tennessee Wesleyan University. The following disciplinary sanctions may be taken either singularly or in combination by the institution against violators of this code.

- Restitution to reimburse the Institution for damage to or misuse of computing facilities.
- Warning the individual that continuation or repetition of a specified conduct may be cause for other disciplinary action.

- Written reprimand indicating that further violation may result in more serious penalties.
- Restriction of computing privileges for a specified period of time.
- Probation status, with the associated implications, imposed on the individual.
- Suspension or expulsion of the individual from the institution.
- Termination of employment of the individual by the institution.
- Interim or summary suspension until a final determination has been made in regard to the charges made against the individual.

In the event that other institutional regulations are violated, additional penalties may be imposed.

Tennessee Wesleyan University reserves the right to pursue prosecution for violations covered under other civil and criminal statutes.

**Disclaimer**

Tennessee Wesleyan University disclaims any responsibility and/or warranties for information and materials residing on non-University systems or available over publicly accessible networks. Such materials do not necessarily reflect the attitudes, opinions, or values of the Tennessee Wesleyan University, its faculty, staff, or students.

**ALCOHOL AND OTHER DRUG (AODA) POLICY**

Tennessee Wesleyan University recognizes that students may need education and assistance due to issues involving chemical dependency. Tennessee Wesleyan University provides education and assistance to any student displaying the signs of such harmful involvement. Chemical dependency is a serious illness which can be treated successfully if identified early, if appropriate referral to community agencies is made, and if adequate support is afforded to those in the recovery process.

Tennessee Wesleyan University adheres to the laws of the state of Tennessee with regard to the consumption of alcohol, thereby recognizing that individuals under the age of 21 are not of legal drinking age. Given that the majority of the student body at Tennessee Wesleyan University is under the legal age for purposes of the possession or consumption of alcohol, the university policy is designed to accommodate that majority.

Inappropriate public displays of signs, posters or other objects with references to alcohol, drugs, and accumulations of containers (i.e., bottles, cans, kegs, and boxes) are prohibited.

All violations of Tennessee Wesleyan University policies or state and federal laws will be prosecuted by university officials. State and federal officials also have the prerogative to prosecute, separate of the university's actions, in accordance with their procedures. The students' rights and responsibilities outlined herein will be adhered to as the standard administrative practice regarding student discipline and students' rights.

The entire campus community must assume the role of promoting and enforcing a sense of personal responsibility and exhibiting responsible behavior toward the consumption of alcohol. Tennessee Wesleyan University shall be considered an alcohol- and drug-free zone at all times.

The possession or manufacture, sale, use, consumption, or delivery of alcoholic beverages or other controlled substances, or paraphernalia associated with the use of alcohol or other controlled substances by students on Tennessee Wesleyan University's campus, is prohibited. This para-

phernalia includes, but is not limited to: bottles and cans, either empty or full; bongs for drinking or smoking; "bar-like" structures, tappers, kegs, waste containers in excess of 5 gallons, rolling papers, or scales. This rule will be strictly enforced. The university reserves the right to inspect any and all parcels brought onto campus, to confiscate alcoholic beverages or other controlled substances and to initiate disciplinary procedures. Tennessee Wesleyan University respects each student's right to privacy, but reserves the right to inspect students' rooms and packages as outlined in the "Room Entry/Room Search" section of this Handbook.

Use or possession of alcoholic beverages or controlled substances by students off campus is governed and controlled by the laws of the state and or local law enforcement agencies. Tennessee Wesleyan University will cooperate with state and or local law enforcement agencies and owners or proprietors of bars, taverns, restaurants, or other establishments to counteract known violations of university policy and state and local laws by students or student groups associated with the university. Students are not allowed to transport or consume alcoholic beverages on university sponsored trips.

Students not using alcohol or other drugs themselves, but knowingly associating with other students or student groups who are violating the university AODA policy, will be subject to the same disciplinary actions as those students who are actually violating the university policy.

Undesirable conduct stemming from off-campus usage of AODA is subject to disciplinary action by the university, as outlined herein. Any group organization which permits undesirable conduct stemming from off-campus AODA usage is subject to disciplinary action by the university, as outlined herein.

The use or possession of alcoholic beverages on the university campus or on the premises of a sanctioned function of an organization of the university is not allowed. First offense of any of the above mentioned items will result in a sanction of one-year probation and a fine of \$100. The second offense may result in a minimum of immediate suspension for not less than one full semester. The third offense may result in expulsion. The first offense of possession of the drug policy will result in suspension for a minimum of one semester suspension from the university with the possibility of expulsion. The second offense will result in immediate expulsion.

#### **"GOOD SAMARITAN" MEDICAL AMNESTY:**

1) For Victims-Tennessee Wesleyan University provides amnesty to victims who may be hesitant to report to university officials because they fear that they themselves may be accused of minor policy violations, such as underage drinking, at the time of the incident. Educational options will be explored, but no conduct proceedings or conduct record will result.

2) For Those Who Offer Assistance-To encourage students to offer help and assistance to others, university pursues a policy of amnesty for minor violations when students offer help to others in need. At the discretion of the Vice President for Student Life, amnesty may also be extended on a case-by-case basis to the person receiving assistance. Educational options will be explored, but no conduct proceedings or conduct record will result.

3) For Those Who Report Serious Violations- Students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of the university are offered amnesty for their minor violations. Educational options will be explored, but no conduct proceedings or record will result.

Abuse of amnesty requests can result in a decision by the Vice President of Student Life not to extend amnesty to the same person repeatedly.

4) Safe Harbor- TWU has a Safe Harbor rule for students. The university believes that students who have a drug and/or addiction problem deserve help. If any TWU student brings their own use, addiction, or dependency to the attention of university officials outside the threat of drug tests or conduct sanctions and seeks assistance, a conduct complaint will not be pursued. A written action plan may be used to track cooperation with the Safe Harbor program by the student. Failure to follow the action plan will nullify the Safe Harbor protection and campus conduct processes will be initiated.

#### **DRUG FREE WORK PLACE POLICY**

As part of Public Law 100-690, the United States Congress passed the Drug Free Workplace Act of 1988 which became effective on March 18, 1989, as well as the Drug-Free Schools and Communities Act Amendment of 1989 (Public Law 101-226).

In accordance with the Law, the university hereby notifies all its students and employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the workplace and on the campus of Tennessee Wesleyan University. Any violation of the above will be grounds for immediate dismissal from employment or expulsion from enrollment.

Appropriate disciplinary action shall be taken in all cases in which university employees or students are found guilty of controlled substance abuse. The circumstances surrounding the offense and the facts as determined by appropriate investigation will be fully reviewed prior to a decision on the action to be taken. Sanctions may include any one or a combination of the following:

1. Recommended professional counseling.
2. Letter of warning/admonition.
3. Letter of probation.
4. Mandatory participation in an organized drug treatment/rehabilitation program.
5. Suspension from duty without pay.
6. Termination from employment or enrollment.
7. Other appropriate disciplinary action.

The university will provide reasonable assistance, within the framework of existing policies, to employees or students who elect to report an addiction to controlled substances and enter an approved treatment program. This offer of assistance is extended to all employees and students on a one-time basis. Repeated instances of addiction of abuse will be dealt with appropriately.

Drug abuse prevention programs are available at the following:

- Family Center, 607 Ingleside Ave., Athens, TN 37303, 423-596-1429
- Hiwassee Mental Health, 855 Executive Park, Cleveland, TN 37312, 423-479-5454
- Pine Ridge Treatment Center, 2800 Westside Dr. NW, Cleveland, TN 37311, 800-414-4134
- CADAS in Chattanooga, 207 Spears Ave, Chattanooga, TN 37405, 423-756-7644
- Springview Recovery, 1314 Bailey Ave, Chattanooga, TN 37404, 423-265-1186
- Johnson Mental Health Center, 100 Moccasin Bend Rd., Chattanooga, TN, 423-634-8884

#### **FIREARMS AND FIREWORKS**

Storing, possessing, or detonation of firearms (including paintball guns, BB and pellet guns, ammunition, or explosives of any kind) is strictly prohibited. Violations will be subject to disciplinary actions. The storing, possession, or ignition of firecrackers, fireworks, and any other material which may create a hazard is both against city ordinance and university policy.

## **HARASSMENT AND DISCRIMINATION POLICY**

The university values a community atmosphere that is free from all forms of discrimination and harassment. In compliance with federal law, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, Tennessee Wesleyan University does not discriminate on the basis of race, gender, religion, color, national or ethnic origin, age, or disability in the administration of its educational policies, programs, or activities; its admission policies, or employment. The university prohibits conduct which prevents free academic interaction and opportunities or which creates an intimidating, hostile, or offensive study or work environment.

Harassment is defined as any behavior that has the purpose of intentionally creating an intimidating, hostile or offensive environment, or that interferes with or affects an individual's academic or work performance. An individual who believes he or she is being harassed has the following options:

1. Spoken or written identification of the behavior. All conversations addressing the problem should be documented.
2. Consultation with the Vice President for Student Life. During consultation, these individuals are not authorized to take any formal action, but can discuss confidentially the problem.
3. Formal, written complaints may be filed with the Vice President for Student Life.

Formal complaints will be investigated by the appropriate university official. Resolution may include, but is not limited to, mediation or referral to the judicial system.

### **Grievance Procedure for Discrimination or Harassment**

The university encourages all members of the campus community to feel free to discuss incidents they believe constitute or may constitute discrimination or harassment with any member of the campus community they feel comfortable with is appropriate. All university employees are obligated to understand the basic premises of this policy, and should advise individuals seeking their guidance of the resources available to assist them in addressing their concerns. Ultimately the ability of the university to address discrimination and harassment in a fair and adequate manner depends in large part on the willingness of victims to pursue the informal or formal process. Nothing in this policy, however, shall be read to preclude university employees from their obligation to take appropriate action when incidents of discrimination or harassment are made known to them. Individuals found to be in violation of the discrimination, harassment or non-retaliation provisions of this policy may be subject to oral or written warning, probation, suspension, expulsion or termination regardless of the victim's willingness to pursue these procedures.

All individuals in an official capacity who are made or become aware of proceedings under this policy are required to keep the existence and content of all formal and informal proceedings as confidential as possible, except as necessary to conduct the proceedings and effectively administer the affairs of the university.

### **Procedure for Reviewing Complaints of Discrimination and Harassment**

The Vice President for Student Life is the university official responsible for receiving and processing all informal and formal complaints. The Vice President may advise reporters on procedures and alternatives available for handling their grievance. The Vice President for Student Life will keep records of all complaints which shall include a summary of actions taken to resolve the complaint and include the final disposition of the matter.

There are both informal and formal routes for investigation and resolution of complaints of discrimination or harassment. Informal procedures offer opportunities for the resolution of complaints-

identially and expeditiously and without the application of the formal procedures. The formal process involves review by the university Judicial Board.

Individuals who believe they may have been discriminated against or harassed should discuss the complaint with the Vice President for Student Life prior to taking any action on the complaint under these procedures. The initial contact between the reporter and the Vice President will be kept confidential. Members of the campus community receiving complaints, which may be appropriate for review under this policy, are advised to refer complaints to the Vice President for Student Life, who will advise potential reporters concerning the university's Harassment and Discrimination Policy, and the procedures available to pursue a complaint. Any reporter may elect to use either the informal or formal processes. The initial choice of the informal procedure does not preclude a later, formal complaint.

The purpose of the grievance procedures described herein is to provide an alternative forum for redressing the grievances of complaints, and is separate and distinct from the disciplinary procedures described above. If the circumstances underlying a complaint of discrimination or harassment appear to warrant disciplinary action against a university employee or student, such disciplinary action may only be taken in accordance with the disciplinary procedures applicable to that employee or student.

If upon completion of the formal procedures described in this policy, disciplinary proceedings against a university employee or student are initiated based on the subject matter of the grievance, the university administrator or the official body considering disciplinary action may have access to and consider the record of the formal procedures in reaching a determination or recommendation concerning disciplinary action.

#### **Informal Complaint Process**

An informal complaint is a request for a conciliation procedure to redress an alleged instance of discrimination or harassment. It is not a request for a formal hearing or review. If the reporter designates the complaint as informal, he/she thereby requests the Vice President for Student Life or his/her appointee to investigate and conciliate the matter with the respondent or, if the respondent is the university or a division or department, with the appropriate university official.

The Vice President has the primary responsibility for handling all informal complaints. The Vice President will maintain a neutral posture during the conciliation process and should not act as an advocate for any party. It is the Vice President for Student Life's responsibility to insure that all parties are treated fairly, expeditiously and with respect.

The Vice President for Student Life will provide information, advice, and assistance to reporters and respondents who wish to resolve discrimination and harassment charges without going to a formal hearing. Reporters will be apprised of the many ways they can resolve the grievances informally. The Vice President for Student Life has the duty to inform the respondent of a complaint that has been filed against him/her, but may withhold the name of the reporter.

Except for good cause, the informal process will be completed within thirty (30) working days of the filing of the complaint. The reporter may, after the conclusion of the informal process, initiate a formal complaint according to the procedures and requirements outlined below, provided the complaint is filed within the timeline provided.

#### **Formal Complaint Process**

A formal complaint is a written allegation by a reporter that a respondent has committed a discriminatory or harassing act or pursued a discriminatory policy against the reporter. The written allegation must contain the following information:

1. It must identify the reporter and the respondent(s) and should state the nature of their relationship to the university.
2. It must state the type of discrimination or harassment alleged (whether on the basis of race, gender, sexual orientation, national origin, or constituting sexual harassment, etc.).
3. It must contain a brief description of the circumstances of the alleged discrimination including date or dates upon which the alleged discrimination or harassment took place, if applicable.
4. It must include the remedy being requested by the reporter against the respondent of appropriate TWU administrative unit.

The Vice President for Student Life is the authorized university official who may receive formal complaints. The formal process is designed to provide the reporter with a forum for pursuing a remedy specific to the reporter, and is not to be viewed and may not be used as an alternative to appropriate disciplinary procedures.

Except for good cause shown, within sixty (60) days after receiving a formal complaint, the Vice President for Student Life shall make sure the university Judicial Council is convened as described in Section B under the Organization of Judicial Systems, and send a copy of the complaint together with a copy of these procedures and a timetable for the actions required by these procedures to the parties.

The Vice President for Student Life is ultimately responsible for the integrity and fairness of the process and, within the intent of this policy, has broad latitude to take such actions as will assure that the reporter and respondent are treated fairly and given an opportunity to be heard. As a neutral observer, the Vice President, shall attend all meetings and hearings conducted as part of the formal process, schedule all such meetings and hearings, arrange for delivery or mailing of all notices, assure such meetings or hearings are tape recorded, and advise the Judicial Council on procedural and evidentiary issues in a fair and impartial manner.

Violations of the discrimination and harassment policy will be addressed and sanctioned as needed according to the guidelines established by the University Judicial System. Consult the current Student Handbook, for details.

#### **Record Keeping Requirements**

Records of informal and formal complaints and of the status of those complaints shall be maintained by the Vice President for Student Life and shall not be distributed or disseminated. The Vice President may compile and create a statistical analysis of such complaints, and such information may be disseminated so long as the names of the parties to the complaints are not identifiable from such records. The records of complaints maintained by the Student Life Office shall be considered confidential personnel records and shall not be disseminated except as required by these procedures, as required in order to implement the decision on the complaint or as otherwise required by law.

Any complaints or inquiries regarding sexual harassment of a student by an officer, faculty member or staff member should be brought to the immediate attention of Director of Human Resources in Lawrence Hall or calling 423-746-5327. Any complaints or inquiries regarding sexual harassment



of a student by another student should be brought to the immediate attention of Vice President for Student Life. Tennessee Wesleyan University will investigate such claims promptly and thoroughly. If, for any reason, a student wishes to complain or inquire regarding sexual harassment, but feels it would not be appropriate to raise such issues with the Director of Human Resources or the Vice President for Student Life the student may inquire or complain to any officer of Tennessee Wesleyan University at the level of Vice President or above, and such inquiries or complaints will receive a prompt and thorough investigation. If harassment is established, Tennessee Wesleyan University will discipline the offender. Disciplinary action for violations of this policy can range from verbal or written warnings, up to and including immediate termination from employment or dismissal from the Tennessee Wesleyan University for serious or repeated violations.

#### **HAZING POLICY**

Tennessee Wesleyan University prohibits recognized sororities, fraternities, athletic teams, other recognized student organizations, persons or groups using university facilities, and individuals who are members of any such groups or organizations or who attend events or activities sponsored, organized or supported in any way by those organizations, from hazing members, prospective members or other persons seeking to obtain benefits for services from any of those organizations.

Hazing is any action or activity, whether conducted on or off university property, which is designed to, or has the reasonably foreseeable effect of humiliating, denigrating, offending, physically or mentally abusing or exposing to danger a person as a condition, directly or indirectly, of the person's consideration or, continuation in, admission to membership in, participation in activities of, receipt of benefits or services from an organization or group. No persons may consent to participation in hazing activities. Further, a person's consent shall not release or minimize an organization's or person's liability to discipline due to violation of this regulation.

Hazing activities include, but are not limited to the following activities: whipping, beating, paddling, branding, calisthenics, running, exposure to the elements, forced consumption of food, liquor, or drugs (legal or illegal), or any other substances, sleep deprivation, forced exclusion from social contact, conduct which could result in any form of embarrassment, nudity, coerced sexual harassment, kidnapping, or car drops, when conducted in a prohibited manner as defined above.

Recognized student organizations have an obligation to protect the welfare of their prospective and initiated members, guests and the university during initiation activities. Every precaution must be taken to protect against university, individual and organizational liability.

Violation of this regulation shall subject a group or individual to the full range of disciplinary sanctions pursuant to university disciplinary processes and/or debarment from use of University facilities. The Greek Council, and other recognized student governance bodies with jurisdiction over recognized student organizations may establish self-regulation procedures with respect to complaints of violations of this regulation brought against their members. Such processes shall be independent of university disciplinary processes.

#### **INTELLECTUAL PROPERTY POLICY**

##### **INTELLECTUAL PROPERTY REVIEW BOARD**

The Board of Trustees hereby authorizes the President to appoint a committee, made up of faculty and staff, to oversee intellectual property issues and which has the responsibilities and authority described in this document. Hereafter this committee will be referred to as "the committee". Specifically the committee would be made up of faculty members from the standing Promotion, Tenure, and Ethics Committee and three staff members appointed by the President.

##### **WHAT IS INTELLECTUAL PROPERTY?**

Matters of intellectual property on university campuses center around three main categories: *copyrights*, *patents*, and the newer "gray area" of *computer software*.

*Copyright* should hereafter be understood to mean the "bundle of rights that protect original works of authorship fixed in any tangible medium of expression". These works may include but are not limited to literary works; musical works; dramatic works; graphic, and sculptural works; sound recordings; books, periodicals, manuscripts, films, and tapes.

*Patents* should hereafter be understood to mean the "bundle of rights that protect inventions or discoveries which constitute any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof; new and ornamental designs for any useful article and plant patents being for the asexual reproduction of a distinct variety of plant...".

*Computer software or programs* fall into a gray area and therefore will be divided into two categories. Programs which are part of a "new and useful process" will fall under the Patent definition and therefore are eligible for all protections and policies applicable to patents. Programs which embody "minimally original expression" will fall under the copyright definition and therefore are eligible for all protections and policies applicable to copyrights.

#### WHO OWNS THE PROPERTY?

The university subscribes to AAUP's *Statement on Copyright* which states that "it has been the prevailing academic practice to treat the faculty member as the copyright owner of works that are created independently and at the faculty member's own initiative for traditional academic purposes". However, it should be noted that in Academia there is a prevailing practice to "arrange for agreements between university and university administrations and faculty inventors that provide in some detail a means of sharing income from commercial application of patented inventions".

The *Statement on Copyright* specifies three instances where the university can claim ownership of a copyright.

1. Works for hire shall be owned by the university. These include "special works created in circumstances that may be regarded as 'made for hire'...A work should NOT be treated as 'made for hire' merely because it is created with the use of university resources, facilities, or materials of the sort traditionally and commonly made available to faculty members. When the university specifically instructs an employee to create a particular work or any work which may be a part of the employee's job description shall be considered "Works for hire" and are owned by the university.
2. In any instance where the employee voluntarily negotiates a contractual transfer of copyright in the form of a written document, the copyright shall be owned by the University.
3. "Joint works" where the university has contributed under the Copyright Act, will be subject to an exercise of joint ownership by the university and the employee(s). Works fall under this category when the university contributes "specialized services and facilities to the production of the work that goes beyond what is traditionally provided to faculty members generally in the preparation of their course materials. Such arrangements are to be agreed to in writing, in advance, and in full conformance with other provisions of this agreement".

#### WHO MAY USE INTELLECTUAL PROPERTY?

In cases where the individual employee owns the intellectual property (copyright or patent), it shall be understood that the institution may use this property for internal educational, instructional, administrative and accreditation uses. Furthermore, if an employee transfers copyrights to a publisher, every effort should be made to include a clause which allows the institution to use the property for internal instructional, educational, administrative, and accreditation uses.

#### DISTRIBUTION OF FUNDS GENERATED

Revenues received for intellectual property (copyright or patent) owned by a faculty or staff author shall be distributed at the sole discretion of the author. Revenues received for intellectual property

owned by the university shall be distributed at the sole discretion of the university. Revenues received for intellectually property owned by multiple authors should be distributed according to the agreement entered into prior to the start of the project.

In the case of intellectual property (copyright or patent) owned jointly by the university and an employee author(s), funds should be distributed as follows:

1. First the funds should be used to defray costs, if any, from the research, publication, patent, etc.
2. The employee author(s) shall receive \$1000
3. Royalties or funds received above and beyond the money allocated in a and b shall be distributed according to the following formula:
  - One third of the remaining funds will be received by the author(s)
  - One third of the remaining funds will be received by the University
  - One third of the remaining funds will be received by the author(s) department

#### HOW TO RESOLVE EMERGING ISSUES AND DISPUTES

The committee shall be charged with resolving any disputes over the ownership of intellectual property or the distributions of funds generated as a product of the intellectual property. The committee should keep current of technology and other changes that might affect the intellectual property policy and will be charged with recommending any such changes to the President, Senior Staff, and/or the Board of Trustees.

#### MEDIA POLICY

To ensure that members of the media and others seeking information about events and issues related to Tennessee Wesleyan have easy access to the school as a resource and to maintain consistent messages, the university has designated the Director of Marketing and Communication to act as the school's primary media contact. This policy is not meant to censor any individual on campus but to ensure that the public receives consistent and accurate messages about the university and to allow the Director of Marketing and Communication to assist media personnel appropriately.

If a reporter or other member of the media contacts a member of the faculty or staff, or a student, that individual should put the journalist in touch with the university's Director of Marketing and Communication. No student, faculty or staff member is to initiate contact with or make any comment regarding Tennessee Wesleyan to a member of the media without first contacting the Director of Marketing and Communication. The Office of Marketing and Communication should also be notified if a member of the media visits the university.

Additionally, students should not create a university-affiliated page on any form of social media without obtaining prior written approval from the club or organization's advisor AND the Office of Marketing and Communication. The Office of Marketing and Communication also has the right to shut down any page posting inappropriate content or any page that is not adequately maintained.

#### MISSING STUDENT NOTIFICATION/ACTION POLICY

In compliance with the Missing Student Notification Policy (20 USC 1092 C-Section 488 of the Higher Education Opportunity Act of 2008), it is the policy of the Student Life Office to actively investigate any report of a missing student currently enrolled at the University.

Students have the option to provide an emergency person/number to be contact if they are believed to be (a) missing for more than 24 hours and/or (b) in potential danger. This information will only be available to authorized campus officials and law enforcement officers in furtherance of resolving the missing student's investigation/emergency situation.

Anyone who believes that a student has gone missing should report his/her concern to a member of the Residence Life, Student Life or Campus Safety staff. The official receiving the report should:

1. Collect and document the name, campus address, physical description (including last known clothing), vehicle information, and any contact information relative to the student,
2. The last time and location the missing student was seen,
3. The circumstances leading to the belief the student has gone missing,
4. Any friends, other locations, or changes in routine involving the missing student,
5. The name and contact information of the individual filing the report.

The official receiving the report will contact the appropriate member of the Student Life Office and/or Campus Safety. An investigation will be initiated surrounding the circumstances that lead to the concern to determine the threat level to the involved missing student to include as necessary:

1. Initiating a search on campus for the missing student,
2. Attempting to contact the involved missing student directly through cell phones, room phones, or email/social networking venues,
3. Contacting known associates of the missing student,
4. Checking the involved missing student's room for information that might lead to his/her location,
5. Checking the involved missing student's campus email and phone for recent usage. Class schedules and instructors should also be consulted to determine the latest attendance,
6. Making contact with the involved missing student's emergency contact number if the threat level determines it to be a necessary and/or if the student has been missing for more than 24 hours. If the student is under the age of 18 and is not emancipated, the student's parents/guardians must be notified,

LOCAL LAW ENFORCEMENT WILL BE NOTIFIED IF THE THREAT LEVEL DETERMINES IT NECESSARY.

## **TITLE IX SEXUAL HARASSMENT AND NON-DISCRIMINATION POLICY**

### **A. Policy and Procedures for Title IX Sexual Harassment**

#### **Section 1: Introduction**

**1.1 Policy Statement:** Tennessee Wesleyan University (TWU) is committed to creating and maintaining a learning and working environment that is free from unlawful discrimination based on sex in accordance with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in education programs or activities; Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits sex discrimination in employment; and the Campus Sexual Violence Elimination Act, Clery Act, and the Violence Against Women Act (VAWA). Sexual Harassment and Retaliation under this Policy will not be tolerated by TWU and is grounds for disciplinary action, up to and including, permanent dismissal from TWU and/or termination of employment.

**1.2 Purpose:** TWU takes all reported sexual misconduct and harassment seriously. TWU will promptly discipline any individuals within its control who are found responsible for

violating this Policy. Additionally, reported sexual misconduct and harassment that does not meet the definitions and jurisdiction of this Policy will be referred for review to the Vice President for Student Life if allegedly committed by a student or the Director of Human Resources if allegedly committed by an employee under the respective Code of Conduct in compliance with VAWA and Clery Act as listed in the Student Handbook and the TWU Employee Handbook.

**1.3 Applicability:** This Policy applies to students and employees as follows:

- a. **To Students:** Where the Respondent is a student at TWU at the time of the alleged conduct, the alleged conduct includes Sexual Harassment under this Policy, the alleged conduct occurs in TWU's Education Program and Activity, the alleged conduct occurs against a person in the United States, and the Complainant is participating in or attempting to participate in TWU's Education Program or Activity.
- b. **To Employees:** Where the Respondent is an employee at TWU at the time of the alleged conduct, where the alleged conduct includes Sexual Harassment under this Policy, the alleged conduct occurs in TWU's Education Program and Activity, the alleged conduct occurs against a person in the United States, and the Complainant is participating in or attempting to participate in TWU's Education Program or Activity.

**1.4 Chief Title IX Officer and Key Title IX Officials:** The Chief Title IX Officer is the TWU administrator who oversees TWU's compliance with Title IX. The Chief Title IX Officer is responsible for administrative response to reports and Formal Complaints of Sexual Harassment. The Chief Title IX Officer is available to discuss the grievance process, coordinate supportive measures, explain TWU policies and procedures, and provide education on relevant issues. The Chief Title IX Officer may designate one or more Deputy Chief Title IX Officers to facilitate these responsibilities.

Any member of the TWU community may contact the Chief Title IX Officer with questions. Chief Title IX Officer and Deputy Chief Title IX Officer contact information is as follows:

Chief Title IX Officer, Dr. Scott Mashburn, 423-746-5216, [smashburn@tnwesleyan.edu](mailto:smashburn@tnwesleyan.edu)

In addition to the Chief Title IX Officer, TWU appoints investigators, decision makers and informal resolution facilitators who have roles in the formal grievance process more fully explained in Sections 6, 7, and 8 of this policy.

The Chief Title IX Officer, Deputy Chief Title IX Officers, investigators, decision-makers, and informal resolution facilitators will receive annual training in compliance with Title IX. All administrators in these roles will not rely on sex stereotypes and will provide impartial investigations and adjudications of Formal Complaints of Sexual Harassment. All materials used to train these administrators will be publicly made available on TWU's website in accordance with Title IX requirements.

The Chief Title IX Officer, Deputy Chief Title IX Officers, investigators, decision-makers, and informal resolution facilitators shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

- 1.5 **Notification:** TWU will use University electronic mail (email) for purposes of communication and notification under this Policy.
- 1.6 **Free Speech:** Freedom of speech and principles of academic freedom are central to the mission of institutions of higher education. Constitutionally protected expression cannot be considered Sexual Harassment under this Policy.
- 1.7 **Dissemination of Policy:** This Policy will be made available to all TWU administrators, faculty, staff, and students online at [https://www.tnwesleyan.edu/student-life/campus\\_safety.php](https://www.tnwesleyan.edu/student-life/campus_safety.php) and in TWU student handbook and any employee handbook of operating procedures.
- 1.8 **Effective Date:** The effective date of this Policy is August 14, 2020.
- 1.9 **Retaliation and False Statements Prohibited:** Neither TWU nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or 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.
- Alleged violations of Retaliation will be referred to the Chief Title IX Officer to be investigated and resolved under the respective [Code of Conduct](#).
  - The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this Policy.
  - Charging an individual with a Code of Conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy does not constitute Retaliation prohibited under Policy. However, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.
- 1.10 **Amnesty:** Reporting Sexual Harassment is encouraged at TWU. Thus, it is imperative that Complainants and witnesses share information without fear of potential consequences for minor policy violations including, but not limited to, underage consumption of alcohol or the use of illicit drugs. TWU offers parties and witnesses amnesty from such minor violations but may include educational opportunities for individuals in lieu of a finding of responsibility or punitive sanctions.
- 1.11 **Other University Policies:** This Policy takes precedence over other University policies and procedures concerning Sexual Harassment under Title IX in the event of a conflict.
- 1.12 **Fraternalization Policy (Employee Handbook):** As an educational institution Tennessee Wesleyan University is committed to maintaining an environment in which its faculty members, students, administrators, and staff members are safe, can be trusted and

Commented [BS1]: Link to Code of Conduct Here

count on others to be trustworthy, and receive and extend to others respect as human persons. Indeed, mutual respect among faculty members, students, and administrators is an essential ingredient in the educational process, and the greatest care must be taken that it not in any way be eroded.

Virtually all faculty members, administrators, and staff members are, or can appear to be, in a position to exercise power or authority, directly or indirectly, over students, whether or not an individual student is enrolled in their classes, are subject to their direct supervision, or have some form of business to transact with offices at the University. Many students are at a stage in their development when they may be particularly vulnerable to the influence of faculty members, administrators, and staff members who are in positions where they can affect the terms and conditions of a student's standing at the University.

If a student consents to a romantic relationship with a faculty member, administrator, or staff member, the existence of such a relationship could have unintended adverse effects on the educational environment of the University. In some cases, such a relationship can end unhappily or become problematic, resulting in charges of sexual harassment, and even physical or psychological abuse.

There are some circumstances in which faculty members, administrators, staff members work with students that can have the potential for the exploitation of students. For example, a work-study student might be asked to perform services that go beyond the terms and conditions of the work study assignment, e.g. child care or personal business transactions. In such cases, it must be clear that the student may decline such personal invitations without any adverse consequences. It may be that a work-study student will respond to an invitation to provide personal assistance, but this relationship must be one in which the student volunteers, is offered and accepts a fair wage for services, and one which bears no relationship to the continuation of or the evaluation of the work study assignment.

Because of the commitment to maintaining an environment that supports our educational goals, Tennessee Wesleyan University prohibits romantic, sexual, and exploitative relationships between University employees and students. In the event that any such relationship is reported and confirmed the University employee is subject to employee disciplinary procedures up to and including termination in the case of administrators and staff members, or dismissal for cause in the case of faculty members.

There are exceptional circumstances in which the spouse or partner of a University employee is a student at the University. This fraternization policy does not apply in such circumstances. The Vice President for Academic Affairs, in consultation with the senior administration, is the administrative officer who determines whether an exceptional circumstance applies.

- 1.13 Alleged violations of the student or employee Code of Conduct that rise from the same events as alleged Sexual Misconduct under this Policy will be investigated and resolved under the grievance process in this Policy unless the Sexual Harassment has been dismissed under Section 5.2 of this Policy.

## Section 2: Definitions

### 2.1 Definitions of Prohibited Conduct Under this Policy<sup>1</sup>

- 2.1.1 Sexual Harassment** means conduct on the basis of sex that satisfies one or more of the following:
- (1) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct (Quid Pro Quo);
  - (2) Unwelcome conduct determined by a Reasonable Person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity<sup>2</sup>; or
  - (3) Sexual Assault, Dating Violence, Domestic Violence or Stalking as defined in this Policy.
- 2.1.2 Sexual Assault** means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, including Rape, Fondling, Incest, and Statutory Rape as defined in this Policy.
- 2.1.3 Rape<sup>3</sup>** means 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.

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<sup>1</sup> See Section 12 for Tennessee State Laws related to Tennessee State law definitions.

<sup>2</sup> A severe, pervasive, and objectively offensive assessment includes, but is not limited to, a consideration of the frequency of the offensive conduct, the nature of the unwelcome sexual acts or words, such as whether the harassment was physical, verbal or both; whether the harassment was merely an offensive utterance; and the number of victims involved and the relationship between the parties including, but not limited to, the ages of the harasser and the victim. In evaluating whether conduct is severe, pervasive, and objectively offensive, TWU will look at the totality of the circumstances, expectations and relationships.

<sup>3</sup> Rape as defined in the Uniform Crime Reporting Program (UCR) includes: Forcible Rape: The carnal knowledge of a person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity.

Forcible Sodomy: Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her



- 2.1.4 **Fondling<sup>4</sup>** means the touching of the private body parts of another person for the purpose of sexual gratification, without the Consent of the victim, including instances where the victim is incapable of giving Consent because of his/her age or because of his/her temporary or permanent mental Incapacity.
- 2.1.5 **Incest<sup>5</sup>** means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- 2.1.6 **Statutory Rape<sup>6</sup>** means sexual intercourse with a person who is under the statutory age of Consent.
- 2.1.7 **Dating Violence** means violence committed by a person—  
**(A)** who is or has been in a social relationship of a romantic or intimate nature with the victim; and  
**(B)** where the existence of such a relationship shall be determined based on a consideration of the following factors:
- The length of the relationship,
  - The type of relationship,
  - 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.
- 2.1.8 **Domestic Violence** includes felony or misdemeanor crimes of violence committed by:
- a current or former spouse or intimate partner of the victim,
  - a person with whom the victim shares a child in common,
  - a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
  - a person similarly situated to a spouse of the victim under the domestic or family violence laws of Tennessee or

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youth or because of his/her temporary or permanent mental or physical incapacity.

**Sexual Assault with and Object:** —To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

<sup>4</sup> Fondling is referred to as Forcible Fondling in the UCR.

<sup>5</sup> Incest is a Nonforcible Offense in the UCR.

<sup>6</sup> Statutory Rape is a Nonforcible Offense in the UCR.

- 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 Tennessee.

**2.1.9 Stalking** means engaging in a Course of Conduct directed at a specific person that would cause a Reasonable Person to—

- fear for his or her safety or the safety of others; or
- suffer Substantial Emotional Distress.

**2.2 Definitions Related to Sexual Harassment: Consent, Course of Conduct, Incapacitation, Reasonable Person, Substantial Emotional Distress**

**2.2.1 Consent** is affirmative, conscious, voluntary, and revocable. Consent to sexual activity requires of each person an affirmative, conscious, and voluntary agreement to engage in sexual activity.

It is the responsibility of each person to ensure they have the affirmative Consent of the other to engage in the sexual activity. Lack of protest, lack of resistance, or silence do not, alone, constitute consent. Affirmative consent must be ongoing and can be revoked at any time during sexual activity.

The existence of a dating relationship or past sexual relations between the Complainant and Respondent will never by itself be assumed to be an indicator of consent (nor will subsequent sexual relations or dating relationship alone suffice as evidence of Consent to prior conduct).

The Respondent's belief that the Complainant consented will not provide a valid defense unless the belief was actual and reasonable. In making this determination, the decision-maker will consider all of the facts and circumstances the Respondent knew, or reasonably should have known, at the time. In particular, the Respondent's belief is not a valid defense where:

- (1) The Respondent's belief arose from the Respondent's own intoxication or recklessness;
- (2) The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively Consented; or
- (3) The Respondent knew or a reasonable person should have known that the Complainant was unable to Consent because the Complainant was incapacitated, in that the Complainant was:
  - asleep or unconscious
  - unable to understand the fact, nature, or extent of the sexual activity due to the influence of drugs, alcohol, or medication
  - unable to communicate due to a mental or physical condition.

**2.2.2 Course of Conduct** means two or more acts, including, but not limited to, acts in which the individual 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.

**2.2.3 Incapacitation** means that a person lacks the ability to actively agree to sexual activity because the person is asleep, unconscious, under the influence of alcohol or other drugs such that the person does not have control over their body, is unaware that sexual activity is occurring, or their mental, physical or developmental abilities render them incapable of making rational informed decisions. Incapacitated is a state beyond drunkenness or intoxication. A person is not necessarily incapacitated merely as a result of drinking, using drugs, or taking medication.

A person violates this policy when they engage in sexual activity with another person who is Incapacitated and a Reasonable Person in the same situation would have known that the person is Incapacitated. Incapacitation can be voluntary or involuntary. Signs of Incapacitation may include, without limitation: sleep; total or intermittent unconsciousness; lack of control over physical movements (e.g., inability to dress/undress without assistance; inability to walk without assistance); lack of awareness of circumstances or surroundings; emotional volatility; combativeness; vomiting; incontinence; unresponsiveness; and inability to communicate coherently. Incapacitation is an individualized determination based on the totality of the circumstances.

**2.2.4 Reasonable Person** means a reasonable person under similar circumstances and with similar identities to the victim.

**2.2.5 Substantial Emotional Distress** means significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling.

### 2.3 Other Defined Terms

**2.3.1 Actual Knowledge** means Notice of Sexual Harassment allegations to the Chief Title IX Officer or any Official with Authority, except that actual knowledge is not met when the only individual with actual knowledge is the Respondent.

**2.3.2 Business Day** means any weekday not designated by TWU as a holiday or administrative closure day. When calculating a time period of Business Days specified in this Policy, the Business Day of the event that triggers a time period is excluded.

- 2.3.3 **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment. Complainants and Respondents are referred to collectively as "parties" throughout this Policy.
- 2.3.4 **Confidential Employee** means an individual who will not report any information about an incident to the Chief Title IX Officer without the Complainant's permission.
- 2.3.5 **Disciplinary Sanctions** are imposed only after a finding of responsibility through the grievance process or an agreement through the informal resolution process.
- 2.3.6 **Education Program or Activity** includes locations, events, or circumstances over which TWU exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurs. This includes conduct that occurs on TWU property, during any TWU activity, or in any building owned or controlled by a student organization that is officially recognized by TWU.
- 2.3.7 **Formal Complaint** means a document filed by a Complainant or signed by the Chief Title IX Officer alleging Sexual Harassment against a Respondent and requesting that TWU investigate the allegation of Sexual Harassment.
- 2.3.8 **Official with Authority** means an individual who has the authority to institute corrective measures and is required to report Sexual Harassment to the Chief Title IX Officer to initiate TWU's response to the Sexual Harassment allegations. Officials with Authority are limited to the following positions at TWU, Chief Title IX Officer and Deputy Chief Title IX Officers and responsible employees as listed in 2.3.11.
- 2.3.9 **Remedies** are designed to restore or preserve equal access to TWU's Education Program or Activity. Remedies may include, but are not limited to the same individualized services as Supportive Measures; however, Remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.
- 2.3.10 **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. Complainants and Respondents are referred to collectively as "parties" throughout this Policy.
- 2.3.11 **Responsible Employee** means any individual who is employed by TWU and not deemed to be a Confidential Employee. Responsible Employees are required by TWU to report Sexual Harassment to the Chief Title IX Officer promptly upon receiving a report of a Sexual Harassment.

**2.3.12 Retaliation** means intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or Sexual Harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX or this Policy.

**2.3.13 Supportive Measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed.

Such measures are designed to restore or preserve equal access to TWU's Education Programs or Activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or TWU's educational environment, or deter sexual harassment.

Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

### Section 3: Reporting Sexual Harassment and Preservation of Evidence

#### 3.1 Reporting to TWU

**3.1.1 Reporting to Chief Title IX Officer:** Reports of Sexual Harassment may be made to the Chief Title IX Officer in any of the following ways, by anyone, at any time: email, phone, online form or mail. Reports may be made to the Chief Title IX Officer in person in the Colloms Campus Center, Student Life Suite, during normal business hours. After Title IX Sexual Harassment has been reported to the Chief Title IX Officer, the Chief Title IX Officer will promptly offer supportive measures to the Complainant, regardless of whether the Complainant was the reporter of the Sexual Harassment.

**3.1.2 Reporting to Officials with Authority:** The following positions are Officials with Authority: Chief Title IX Officer and Deputy Chief Title IX Officers. If they are notified of Sexual Harassment, they will promptly report such Sexual Harassment to the Chief Title IX Officer.

**3.1.3 Reporting to Confidential Employees:** The University Chaplain and the Campus Nurse at the TWU Health Clinic are Confidential Employees. Reports made to Confidential Employees are considered confidential reports and will not be reported to the Chief Title IX Officer without the Complainant's permission and will not constitute actual notice to TWU.

University Chaplain, Trinity United Methodist Church  
[swhite@tnwesleyan.edu](mailto:swhite@tnwesleyan.edu); 423-252-1110

**3.1.4 Notification to all other TWU Employees:** Employees who are not defined as Officials with Authority or Confidential Employees may but are not required to report Sexual Harassment to the Chief Title IX Officer.

**3.1.5 Anonymous Reporting:** Anonymous reports may be made by telephone, in writing or electronically with Chief Title IX Officer. A decision to remain anonymous, however, may greatly limit TWU's ability to stop the alleged conduct, collect evidence, or take action against parties accused of violating this Policy.

**3.2 Reporting to Law Enforcement:** Reports may be filed with local law enforcement agencies. The Chief Title IX Officer can assist with contacting law enforcement agencies. Law enforcement investigations are separate and distinct from TWU investigations.

Athens Police Department, 815 N. Jackson St., Athens, TN, 9-1-1  
TWU Campus Safety, Townsend Hall, 423-887-3976

**3.3.1 Reporting to Outside Agencies:** Students and employees may report to external agencies:

- **Students**

Office for Civil Rights  
U.S. Department of Education  
61 Forsyth Street S.W. Suite 19T10  
Atlanta, GA 30303-8927  
Telephone: 404-974-9406  
Fax: 404-974-9417  
Email: [ocr.atlanta@ed.gov](mailto:ocr.atlanta@ed.gov)

Office for Civil Rights  
U.S. Department of Health and Human Services  
Sam Nunn Atlanta Federal Center, Suite 16T70  
61 Forsyth Street S.W.  
Atlanta, GA 30303-8927  
Telephone: 1-800-368-1019  
Fax 202-619-3818  
Email: [ocrmail@hhs.gov](mailto:ocrmail@hhs.gov)

- **Employees**

U.S. Equal Employment Opportunity Commission  
220 Athens Way Suite 350

Nashville, TN 37228-9940  
Telephone: 1-800-669-4000  
Fax 615-736-2107  
Email: [info@eeoc.gov](mailto:info@eeoc.gov)

#### 3.4 Outside Agency Support and Resources:

H.O.P.E Center, 423-745-5289  
National Domestic Violence Hotline, 800-799-7233  
Sexual Assault Center of Tennessee, 865-522-7273  
TN Domestic Violence Hotline, 800-356-6767

#### 3.5 Local Emergency Facilities

Starr Regional Medical Center, 1114 W. Madison Ave., Athens, TN

**3.6 Time Limits on Reporting.** There are no time limits on reporting Sexual Harassment to the Chief Title IX Officer or TWU. If the Respondent is no longer subject to TWU's Education Program or Activity or significant time has passed, TWU will have limited ability to investigate, respond and/or provide disciplinary remedies and sanctions.

#### 3.7 TWU Federal Reporting Obligations:

Certain TWU employees, called Campus Security Authorities, have a duty to report certain incidents of misconduct to comply with the Clery Act. Campus Security Authorities are not required to report personally identifiable information for Clery Act purposes, but statistical information must be sent regarding the type of incident that occurred and its general location (e.g., on or off-campus) for publication in an annual report of crime statistics, called the Annual Security Report. Statistics published in the Annual Security Report help to provide the campus community with a clearer picture of the extent and nature of campus crime, but the statistics do not personally identify Complainants or Respondents. Reports by Campus Security Authorities are not official police reports and do not initiate criminal investigations.

When Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking are reported under the Clery Act, TWU must issue timely warnings for such incidents that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

TWU will not disclose a Complainant's name and other identifying information in a timely warning but will provide sufficient information for TWU community members to make informed safety decisions in response to potential danger.

**3.8 Preservation of Evidence:** TWU recognizes that a Complainant may need time to decide whether to report an incident of Sexual Harassment to the police and/or TWU. The purpose of this section is to provide Complainants with suggestions on preserving evidence while they decide whether to report an incident.

TWU encourages Complainants, as soon as possible after experiencing Sexual Assault to take steps to preserve evidence such as:

- Have a forensic sexual assault nurse examination performed as soon as possible after the incident, but no later than 72-96 hours after the incident
- When possible, prior to having a forensic sexual assault nurse examination performed, avoid: changing clothing, bathing, showering, using a douche, using the bathroom, brushing one's teeth, drinking liquids, washing one's hands or face, or combing one's hair;
- Preserve any clothing, sheets, or other materials (items containing bodily fluids should be stored in cardboard boxes or paper bags);
- Preserve or capture electronic communications such as text messages, e-mails, social media posts or exchanges (e.g., Snapchat, Facebook, Twitter);
- Preserve or capture video, audio (e.g., voice mail messages), or photographs, including those stored on smartphones or other devices; and Preserve any other physical, documentary, and/or electronic data that might be helpful to an investigator.

**Section 4: Initial Response to Reported Sexual Harassment:** Upon receipt of a report of Sexual Harassment, the Chief Title IX Officer will promptly contact the Complainant, regardless of whether the Complainant was the individual who initiated the report. During the initial contact with the Complainant, the Chief Title IX Officer will:

- Provide the Complainant with notice of their rights and options
- Explain the process for filing a Formal Complaint;
- Explain the Grievance Process;
- Discuss the availability of Supportive Measures regardless of whether a Formal Complaint is filed;
- Consider the Complainant's wishes with respect to Supportive Measures.

**Section 5: Formal Complaint:** TWU will investigate all allegations of Sexual Harassment in a Formal Complaint.

**5.1 Filing a Formal Complaint:** A Formal Complaint must:

- (1) Contain an allegation of Sexual Harassment against a Respondent;
- (2) Request that TWU investigate the allegation; and
- (3) Be signed by the Complainant or Chief Title IX Officer.

In limited circumstances, if a Complainant does not sign a Formal Complaint, the Chief Title IX Officer may sign a Formal Complaint. In determining whether to sign a Formal Complaint, the Chief Title IX Officer will consider factors that include but are not limited to:

- Whether there have been other reports of Sexual Harassment or other relevant misconduct concerning the same Respondent whether or not the incidents occurred while the Respondent was an TWU student or employee;



- Whether the Respondent threatened further Sexual Harassment or other misconduct against the Complainant or others;
- Whether the alleged Sexual Harassment was committed by multiple perpetrators;
- The nature and scope of the alleged Sexual Harassment including whether the Sexual Harassment was perpetrated with a weapon;
- The ages and roles of the Complainant and the Respondent;
- Whether TWU can pursue the investigation without the participation of the Complainant (e.g., whether there are other available means to obtain relevant evidence of the alleged Sexual Harassment such as security cameras or physical evidence);
- Whether the report reveals a pattern of perpetration (e.g., perpetration involving illicit use of drugs or alcohol) at a given location or by a particular group.

## 5.2 Dismissal of a Formal Complaint.

### 5.2.1 **Required Dismissal:** The Chief Title IX Officer will dismiss a Formal Complaint for purposes of Sexual Harassment if:

- (1) The conduct alleged in the Formal Complaint would not constitute Sexual Harassment as defined in this Policy even if proved;
- (2) The conduct alleged did not occur in TWU's Education Program or Activity; or
- (3) The Conduct alleged in the Formal Complaint did not occur against a person in the United States.

Dismissal of a Formal Complaint does not preclude action under other provisions of the TWU's policies and procedures. If a Formal Complaint is dismissed under this section and the Respondent is a student, the matter will be sent to the Vice President for Student Life for review. Vice President for Student Life will decide whether the matter will be pursued under the TWU Code of Conduct.

If a Formal Complaint is dismissed under this section and the Respondent is an employee, the matter will be sent to the Director for Human Resources for review. The Director of Human Resources will decide whether the matter will be pursued under the TWU Code of Conduct.

### 5.2.2 **Permissive Dismissal:** The Chief Title IX Officer may dismiss a Formal Complaint or any allegations within the Formal Complaint, if at any time during the investigation or hearing:

- (1) A Complainant notifies the Chief Title IX Officer in writing that the Complainant would like to withdraw the Formal Complaint or any allegations within the Formal Complaint,
- (2) The Respondent is no longer enrolled or employed by TWU,

or

(3) Specific circumstances prevent TWU from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations within the Formal Complaint.

**5.2.3 Appeal of Dismissal:** Either party may appeal the dismissal of a Formal Complaint or any allegations therein. See Section 7 for bases and process for appeals.

**5.3 Consolidation of Formal Complaints:** The Chief Title IX Officer may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent or by more than one Complainant against one or more Respondents where the allegations arise out of the same facts or circumstances.

**Section 6: Grievance Process** The grievance process within this Policy is designed to treat Complainants and Respondents equitably. Remedies are provided to a Complainant where a determination of responsibility for Sexual Harassment has been made against the Respondent and Disciplinary Sanctions are not imposed against a Respondent prior to the completion of the grievance process.

**6.1: General Grievance Process Information:**

**6.1.1 Burden of Proof and Burden of Gathering Evidence:** All investigations and proceedings, including hearings, relating to Sexual Harassment will be conducted using a "preponderance of the evidence" (more likely than not) standard. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on TWU, not the parties.

**6.1.2 Presumption of Not Responsible:** The Respondent is presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the end of the grievance process.

**6.1.3 Time Frames for Grievance Process:** TWU strives to complete the grievance process within one hundred and twenty (120) Business Days. Temporary delays and/or extensions of the time frames within this Policy may occur for good cause. Written notice will be provided to the parties of the delay and/or extension of the time frames with explanation of the reasons for such action. Examples of good cause for delay/extensions include but are not limited to considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

**6.1.4 Medical Records:** TWU will not access, consider, disclose, or otherwise use party's records that are that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provi-

sion of treatment to the party, unless TWU obtains that party's voluntary, written permission to do so for the grievance process within the Policy.

- 6.1.5 Privileged Information:** TWU will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding the privilege has waived the privilege.
- 6.1.6 Range of Disciplinary Sanctions and Remedies:** A range of disciplinary sanctions for student respondents can be found in the TWU Student Handbook published on the TWU webpage and available on the TWU app. Sanctions for respondents who are employees can be found in the TWU Employee Handbook.
- 6.1.7 Notice of Meetings, Interviews, and Hearings:** Parties and witnesses will be provided notice of any meeting, interview, and/or hearing with sufficient time (approximately three (3) days) to prepare to participate. This notice will include the date, time, location, participants and purposes of the meeting, interview and/or hearing.

**6.2 Notice of Allegations:** Upon receipt of a Formal Complaint, the investigator will provide Notice of Allegations to the parties who are known. The Notice of Allegations will include:

- (1) Notice of the party's rights and options
- (2) Notice of TWU's grievance process
- (3) Notice of TWU's informal resolution process and options
- (4) Notice of the allegations of Sexual Harassment including:
  - The identities of the parties involved in the incident, if known,
  - The conduct allegedly constituting Sexual Harassment, and
  - The date and location of the incident, if known.

(5) Notice that the Respondent is presumed not responsible of the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.

(6) Notice that the parties may have an advisor of their choice, who may be, but is not required to be an attorney, and that the advisor may inspect and review evidence as explained in section 6 of this Policy.

(7) Notice of the TWU Code of Conduct provision that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

The Notice of Allegations will be updated and written notice provided to the parties if at any time during the investigation, TWU decides to investigate allegations about the Complainant or Respondent that are not included in the initial Notice of Allegations.

### 6.3

**Investigation of Formal Complaint.** TWU will conduct an investigation following a Formal Complaint and Notice of Allegations. During all meetings and interviews the parties may be accompanied by an advisor of their choice, which can be, but is not required to be an attorney. During the investigation stage of the grievance process, the advisor's role is limited to assisting, advising, and/ or supporting a Complainant or Respondent. An advisor is not permitted to speak for or on behalf of a Complainant or Respondent or appear in lieu of a Complainant or Respondent during the investigation phase of the grievance process.

**6.3.1 Opportunity to Provide Information and Present Witnesses:** Each party will be provided an equal opportunity to provide information to the investigator and present witnesses for the investigator to interview. The information provided by the parties can include inculpatory (evidence that may support a finding or conclusion that Respondent engaged in Sexual Harassment) and exculpatory evidence (evidence that may support a finding or conclusion that a Respondent did not engage in Sexual Harassment). The witnesses can include both fact witnesses and expert witnesses.

**6.3.2 Opportunity to Inspect and Review Evidence:** Each party will be provided an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including evidence upon which TWU does not intend to rely upon in reaching a determination regarding responsibility. This review includes inculpatory and exculpatory evidence that is obtained by a party, witness, or other source. Each party and their advisor (if any) will be provided an electronic copy of the evidence for inspection and review. The parties will have ten (10) business days to review submit a written response to the investigator. The investigator will consider the written responses prior to completing an investigative report. All evidence provided during the inspection and review phase will be available at any hearing for the parties to use during the hearing, including for purposes of cross examination.

**6.3.3 Investigative Report:** Following the opportunity to inspect and review evidence directly related to the allegations raised in the Formal Complaint, the investigator(s) will create an investigative report that fairly summarizes relevant evidence obtained during the investigation.

**6.3.4 Review of the Investigative Report:** At least ten (10) Business Days prior to a hearing, the investigator(s) will provide each party and the party's advisor (if any) an electronic copy of the investigative report for their review and written response.

- 6.3.5 Investigation Timeframe:** The investigation of a Formal Complaint will be concluded within 90 Business Days of the filing of a Formal Complaint. The parties will be provided updates on the progress of the investigation, as needed.
- 6.4 Live Hearing:** After the investigation, TWU will provide for a live hearing for all Formal Complaints of Sexual Harassment that have not been dismissed per Section 5.2 or resolved by informal resolution under Section 8. At the request of either party, or at the discretion of the Chief Title IX Officer, TWU will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker and parties to simultaneously see and hear the other party or witness answering questions.
- 6.4.1 Information at the Hearing:** The following information/evidence will be available in electronic form at the hearing:
- (1) Evidence from the investigation, including the evidence directly related to the allegations that was reviewed by the parties, regardless of whether it was incorporated into the report.
  - (2) The investigation report and any attachments/appendices.
- 6.4.2 Decision-maker:** The decision-maker will be appointed by TWU and will not be the Chief Title IX Officer or investigator. The decision-maker will be trained, impartial, and without a conflict of interest. The decision-maker will be an TWU employee or external individual designated by TWU.
- 6.4.3 Challenge to the decision maker:** Either party may challenge the appointment of a decision-maker, based on conflict of interest or bias, in writing to the Chief Title IX Officer, no less than five (5) Business Days prior to the scheduled hearing.
- 6.4.4 Advisor's Role at the Hearing:** Each party must have an advisor present at the hearing. The advisor's role is limited to supporting, advising, and assisting the party during the hearing and conducting questioning (cross-examination) of participants. Advisors are required to follow rules of decorum enforced by the decision-maker. Failure to follow the rules of decorum by an advisor may result in removal of an advisor from the hearing. If a party does not have an advisor present at the live hearing, TWU will appoint the party with an advisor without fee or charge.
- 6.4.5 Recording of the Hearing:** TWU will create an audio or audiovisual recording of all live hearings and make the recording available to the parties for inspection or review.
- 6.4.6 Hearing Process Facilitator:** TWU may designate a hearing process facilitator to coordinate the hearing, including, but not limited to, coordination and scheduling of the hearing; the logistics of physical or virtual rooms for parties and/or witnesses, including separation of the parties; ensuring all technology

is working appropriately; ensuring the parties have access to electronic documents during the hearing; distributing materials; etc. The facilitator may also be the Chief Title IX Officer. The facilitator may invite the parties and their advisors, separately, to a meeting prior to the hearing to review the hearing process for the purpose of ensuring a smooth hearing. This meeting is separate from the pre-hearing conference discussed below.

**6.4.7 Pre-Hearing Matters:** In order to streamline the hearing process, the decision-maker may request the submission of questions prior to the hearing through electronic submission and/or a pre-hearing conference.

**(1) Pre-Hearing Submission of Questions:** The decision-maker may request the parties submit questions, in writing, prior to the hearing. This submission does not preclude the advisor from asking additional questions live during the hearing. The decision-maker may allow for the pre-hearing submission of questions regardless of whether a pre-hearing conference occurs.

**(2) Pre-Hearing Conference:** The decision-maker may hold a pre-hearing conference to further streamline the live hearing, especially in complex cases involving multiple Complainants, Respondents and/or a significant number of witnesses. During the pre-hearing conference, parties and their Advisors will be meet with the decision-maker separately to review written questions previously submitted and/or to submit, in writing, any questions they wish to ask during the live hearing so that the decision-maker can be prepared to respond to the relevancy of said questions during the live hearing. The decision-maker may discuss any preliminary relevancy determinations regarding submitted questions and/or discuss alternative ways in which to ask questions; however, the decision-maker will make any final relevancy determinations in real-time, orally, during the live hearing. This conference does not preclude the advisor from asking additional questions live during the hearing.

At the pre-hearing conference, the decision-maker may also hear arguments regarding the relevance of the evidence identified in the investigation report as relevant or not relevant, and/or directly related to the allegations.

**(3) Hearing Documents:** The decision-maker or hearing facilitator will provide parties with a copy of all materials provided to the decision-maker about the matter.

**(4) Accommodation Requests:** Participants in need of disability related accommodations and/or interpretation services during the hearing must contact the Chief Title IX Officer with said requests five (5) days prior to the hearing.

**6.4.7 Participants in the Hearing.** Participants at the hearing include the decision-maker, the investigator(s) who conducted the investigations, the parties, advisors to the parties, witnesses and anyone providing authorized accommodations. In addition, TWU may have a hearing facilitator present. Any witnesses scheduled to participate in the hearing must have been first inter-

viewed by the investigator (s) or have provided a written statement or answered questions from the investigator in writing.

**The decision-maker will provide the names of all persons participating in the hearing to the parties at least seven (7) days prior to the live hearing.**

**6.4.8 Hearing Process and Phases:** The live hearing will include the following phases:

**(1) Notice of Hearing:** After the investigative report has been completed and at least ten (10) business days prior to the date set for the hearing, the parties and their Advisors (if any) will be provided with a Notice of the Hearing. The Notice will include the date, time, location, name of the decision-maker, names of all participants in the hearing, and the location (virtual or in person) of the hearing. **!**

**(2) Opening Statements:** Each party will have the opportunity to present an opening statement to the decision-maker.

**(3) Questioning of Hearing Participants:** The investigator will be the first witness to provide information. The investigator will submit their investigation report and describe the evidence and information gathered in their investigation. The parties and witnesses will then be called in an order determined by the decision-maker. Questioning of parties and witnesses will occur in the following manner:

- i. By the Decision-maker:** The decision-maker will ask initial questions of the participants at the hearing.
- ii. By the Advisors:** After the decision-maker asks questions of a participant, each party's advisor will be permitted to ask relevant questions and follow up questions orally, directly, and in real time of the participant. The parties are never permitted to ask questions of participants directly. The questioning of participants by advisors will be conducted in the following manner:
  - A question is asked by an advisor
  - Before participant answers the questions, the decision-maker determines whether the question is relevant

- If the question is determined relevant by the decision-maker, the participant answers the question
  - If the question is determined not to be relevant by the decision-maker, the decision-maker must explain the decision to exclude a question as not relevant.
- iii. **Evidence and Questions Excluded:**
- **Sexual Predisposition or Prior Sexual Behavior of the Complainant:** Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent.
  - **Privileged Information:** No person will be required to disclose information protected under a legally recognized privilege. The decision-maker must not allow into evidence or rely upon any questions or evidence that may require or seek disclosure of such information, unless the person holding the privilege has waived the privilege. This includes information protected by the attorney-client privilege.
  - **Medical Records:** Evidence or records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, are not permitted to



be used during a hearing unless the party provides voluntary, written permission to do so for the grievance process within this Policy.

- iv. **Party or Witness Does Not Submit to Cross-examination:** If a party or witness does not submit to cross-examination by an advisor at the live hearing, the decision-maker will not rely on any statement of that party or witness in reaching a determination regarding responsibility. The decision-maker, however, will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

(4) **Closing Statements:** Each party will have the opportunity to present a closing statement to the decision-maker.

(5) **Determination Regarding Responsibility:** After the live hearing, the decision-maker will issue a written determination regarding responsibility using the preponderance of the evidence standard. The decision-maker will provide the Complainant and the Respondent with the written determination simultaneously. The determination regarding responsibility becomes final either on the date that TWU provides the parties with the written determination of the result of the appeal, if an appeal is filed, or, if an appeal is not filed, the date on which an appeal would no longer be considered timely. The written notice will include:

- Identification of the allegations potentially constituting Sexual Harassment;
- A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of this Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions that TWU imposes on the Respondent, and whether remedies designed to restore or preserve equal access to TWU's education pro-

gram or activity will be provided by TWU to the Complainant<sup>7</sup>; and

- The procedures and permissible bases for the Complainant and Respondent to appeal.

**Section 7: Appeals:** Either party may appeal the determination regarding responsibility, or the dismissal of a Formal Complaint or any allegations therein within three (3) Business Days of the receipt of the determination regarding responsibility or dismissal. The appeals must be made in writing and delivered to the Chief Title IX Officer.

- 7.1 Bases for Appeal:** Appeals of the determination of responsibility or the dismissal of a Formal Complaint may be made on the following bases:
- Procedural irregularity that affected the outcome of the matter;
  - New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
  - The Chief Title IX Officer, investigator, or decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

- 7.2 Appeal Procedures:** If an appeal is submitted, TWU will
- (1) Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.
  - (2) Ensure that the decision-maker for the appeal is not the same person as the decision-maker that reached the determination regarding responsibility or dismissal, the investigator or the Chief Title IX Officer.
  - (3) Provide the non-appealing party with five (5) Business Days from receipt of the notification of appeal to submit a written statement in support of the outcome of the determination or dismissal.
  - (4) Issue a written decision describing the result of the appeal and the rationale for the result which can be one of the following:
    - Affirm the decision-maker's determination regarding the Respondent's responsibility and affirm the disciplinary sanctions and remedies, if applicable;
    - Affirm the decision-maker's determination regarding the Respondent's responsibility and amend the disciplinary sanctions and remedies, if applicable;
    - Remand the process back to the hearing stage for the decision-maker to remedy any procedural irregularity or consider any new evidence;
    - Reverse the decision-maker's determination of the Respondent's responsibility and amend the disciplinary sanctions and remedies, if applicable; or

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<sup>7</sup> The Title IX Coordinator is responsible for the implementation of any remedies.

- Affirm or amend the sanctions and/or remedies outlined in the determination issued under this Policy.
- (5) Provide the written decision simultaneously to both parties.

**7.3 Appeal Timeframe:** The appellate decision-maker will release the written decision within twenty (20) Business Days of receiving the appeal.

**Section 8: Informal Resolution Process.** At any time after a Formal Complaint has been signed and before a determination regarding responsibility has been reached, the parties may voluntarily agree to participate in an informal resolution facilitated by TWU, that does not involve a full investigation and adjudication. Types of informal resolution include, but are not limited to, mediation, facilitated dialogue, conflict coaching, and restorative justice and resolution by agreement of the parties.

- 8.1 Informal Resolution Notice:** Prior to entering the informal resolution process, TWU will provide the parties a written notice disclosing:
- (1) The allegations;
  - (2) The requirements of the informal resolution process, including the right of any party to withdraw from the informal resolution process and resume the grievance process and the circumstances which preclude parties from resuming a Formal Complaint arising from the same allegations;
  - (3) Consequences resulting from the informal resolution process, including that the records will be maintained for a period of seven (7) years but will not be used by investigators or decision-makers if the formal grievance process resumes.
- 8.2 Informal Resolution Agreement:** Prior to entering the informal resolution process, the parties must voluntarily agree, in writing to the use of the informal resolution process.
- 8.3 Informal Resolution Availability:** The informal resolution process is not permitted to resolve allegations that an employee committed Sexual Harassment against a student.
- 8.4 Informal Resolution Timeframe:** Informal resolutions of a Formal Complaint will be concluded within 45 days of notice to TWU that both parties wish to proceed with the informal resolution process. Such notice that the parties wish to proceed with an informal resolution process will "pause" the counting of the timeframe to conclude the Grievance Process of this Policy, should the informal resolution process fail, and the parties continue with the Grievance Process.
- 8.5 Informal Resolution Documentation.** Any final resolution pursuant to the Informal Resolution process will be documented and kept for seven (7) years. However, no recording of the informal resolution process will be made, and all statements made during the informal resolution process will not be used for or against either party (and the decision-maker and/or appellate decision-maker may not consider any such statement made during informal resolution) should the parties resume the grievance process. Failure to comply with an informal resolution

agreement may result in disciplinary action.

#### **Section 9: Emergency Removal and Administrative Leave.**

**9.1 Emergency Removal** At any time after the Chief Title IX Officer is on notice of Sexual Harassment, TWU may remove a Respondent on an emergency basis. TWU will only conduct an emergency removal after:

- (1) Undertaking and individualized safety and risk analysis,
- (2) Determining that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal, and
- (3) Providing the Respondent with notice and an opportunity to challenge the decision to the Chief Title IX Officer, within two (2) Business Days following the removal.

**9.2 Administrative Leave:** TWU may place a non-student employee Respondent on administrative leave during the pendency of the grievance process in this Policy.

**Section 10: Recordkeeping:** TWU will maintain all of the documentation related to reports of Sexual Harassment, Formal Complaints, the grievance process, and information resolution process for seven years in accordance with state and federal records laws and requirements. The documentation of all records are private and confidential to the extent possible under law. Student records of the grievance process are disciplinary records under Family Education Rights and Privacy Act (FERPA). Employee records of the grievance process are subject to the Freedom of Information Act (FOIA) and applicable state laws, and included in the employee's official employment record.

**Section 11: Additional Conduct Violations Related to This Policy:** Alleged violations of the terms in this section will be sent to the Vice President for Student Life for student Respondents or to the Vice President for Human Resources for employee Respondents for investigation and adjudication under the University Standards of Conduct as listed in the TWU Student Handbook.

#### **Section 12: Applicable State Laws**

**12.1 Domestic Assault:** TCA § 39-13-111 A person commits domestic assault who commits an assault as defined in TCA § 39-13-101 against a domestic abuse victim.

Domestic abuse victim is defined as:

- (1) Adults or minors who are current or former spouses;
- (2) Adults or minors who live together or who have lived together;
- (3) Adults or minors who are dating or who have dated or who have or had a sexual relationship, but does not include fraternization between two (2) individuals in a business or social context;
- (4) Adults or minors related by blood or adoption;

- (5) Adults or minors who are related or were formerly related by marriage; or
- (6) Adult or minor children of a person in a relationship that is described in subdivisions (a)(1)-(5)

**Assault:** TCA § 39-13-101(a) A person commits assault who:

- (1) Intentionally, knowingly or recklessly causes bodily injury to another;
- (2) Intentionally or knowingly causes another to reasonably fear imminent bodily injury; or
- (3) Intentionally or knowingly causes physical contact with another and a reasonable person would regard the contact as extremely offensive or provocative.

**12.2 Incest:** TCA § 39-15-302 A person commits incest who engages in sexual penetration as defined in § 39-13-501, with a person, knowing the person to be, without regard to legitimacy:

- (1) The person's natural parent, child, grandparent, grandchild, uncle, aunt, nephew, niece, stepparent, stepchild, adoptive parent, adoptive child; or
- (2) The person's brother or sister of the whole or half-blood or by adoption.

"Sexual penetration" means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of the victim's, the defendant's, or any other person's body, but emission of semen is not required

**12.3 Statutory Rape:** TCA § 39-13-506

- (a) Mitigated statutory rape is the unlawful sexual penetration of a victim by the defendant, or of the defendant by the victim when the victim is at least fifteen (15) but less than eighteen (18) years of age and the defendant is at least four (4) but not more than five (5) years older than the victim.
- (b) Statutory rape is the unlawful sexual penetration of a victim by the defendant or of the defendant by the victim when:
  - (1) The victim is at least thirteen (13) but less than fifteen (15) years of age and the defendant is at least four (4) years but less than ten (10) years older than the victim; or
  - (2) The victim is at least fifteen (15) but less than eighteen (18) years of age and the defendant is more than five (5) but less than ten (10) years older than the victim.
- (c) Aggravated statutory rape is the unlawful sexual penetration of a victim by the defendant, or of the defendant by the victim when the victim is at least thirteen (13) but less than eighteen (18) years of age and the defendant is at least ten (10) years older than the victim.

**12.4 Fondling/Sexual Contact:** TCA § 39-13-509

(a) It is an offense for a defendant to engage in unlawful sexual contact with a minor when:

- (1) The minor is at least thirteen (13) but less than eighteen (18) years of age;
  - (2) The defendant is at least four (4) years older than the victim; and
  - (3) The defendant was, at the time of the offense, in a position of trust, or had supervisory or disciplinary power over the minor by virtue of the defendant's legal, professional, or occupational status and used the position of trust or power to accomplish the sexual contact; or
  - (4) The defendant had, at the time of the offense, parental or custodial authority over the minor and used the authority to accomplish the sexual contact.
- (b) As used in this section, "sexual contact" means the defendant intentionally touches or kisses the minor's lips with the defendant's lips if such touching can be reasonably construed as being for the purpose of sexual arousal or gratification.

**12.5 Rape:** TCA § 39-13-503

(a) Rape is unlawful sexual penetration of a victim by the defendant or of the defendant by a victim accompanied by any of the following circumstances:

- (1) Force or coercion is used to accomplish the act;
- (2) The sexual penetration is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the penetration that the victim did not consent;
- (3) The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or
- (4) The sexual penetration is accomplished by fraud.

"Coercion" means:

- (A) Causing or threatening to cause bodily harm to any person, physically restraining or confining any person or threatening to physically restrain or confine any person;
- (B) Exposing or threatening to expose any fact or information that, if revealed, would tend to subject a person to criminal or immigration proceedings, hatred, contempt or ridicule;
- (C) Destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of any person; or

(D) Providing a controlled substance, as defined in § 39-17-402 , or a controlled substance analogue, as defined in § 39-17-454 , to a person.

## **B. Procedures for Resolution of Non-Harassment Title IX Discrimination Complaints**

### **Section 1: Applicability**

The procedures in this section shall be used to investigate and resolve reported Title IX matters that allege discrimination that falls outside of Section A of this Policy ("Non-Harassment Title IX Discrimination"). These procedures shall be used in conjunction with Section A of this Policy for purposes of identification of key Title IX officials (A. Section 1.0) definitions (A. Section 2.0) and reporting options (A. Section 3.0)

Discrimination prohibited under this policy includes the exclusion from participation in, denial of the benefits from, or subjection to unfavorable treatment in any University Education Program or Activity on the basis of sex, including sexual orientation or gender identity and pregnancy status.

### **Section 2: Advisors**

Complainants and Respondents may be accompanied by an advisor of their choice throughout the investigation. An advisor's role is limited to assisting, advising, and/or supporting a Complainant or Respondent. An advisor is not permitted to speak for or on behalf of a Complainant or Respondent or appear in lieu of a Complainant or Respondent

### **Section 3: Investigation Procedures**

If the allegations fall within the scope of this policy and the matter does not resolve using the informal resolution process, the College will conduct a prompt, thorough, and impartial investigation of the reported discrimination. The Title IX Coordinator or their designee will appoint one or more investigators who will conduct investigative meetings, gather information and evidence, and make an independent determination as to whether a violation of the policy occurred using a preponderance of the evidence standard.

The Respondent is presumed not responsible until a determination has been reached by the investigator.

**Section 3.1: Notice of Allegations:** A written Notice of Allegations will be sent to the Complainant and Respondent, constituting the initiation of the investigation. The Notice of Allegations will contain a summary of the allegation(s) or conduct at issue. This will include the identities of the parties involved, the date and location of the incident (if known), and a link to the appropriate policies. Once the Notice of Allegations has been sent to the parties, the investigation begins.

**Section 3.2: Investigation Process:** The Complainant and Respondent will have an equal opportunity to be heard, identify witnesses, and provide information and evidence. The investigator will gather additional information and evidence as appropriate, including, but not limited to, social media information, text messages, email messages, video

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os, and other records. The investigator has the discretion to determine the relevance of information and witnesses and decide whether information or evidence should be excluded as irrelevant.

**Section 3.3: Timing of the Investigation:** The College strives to complete the investigation within sixty (60) business days from the issuance of the Notice of Allegations. All extensions of this time frame will be communicated with the parties in writing.

**Section 3.4: Report:** At the conclusion of the investigation, the investigator will draft a report with a finding regarding responsibility based on a preponderance of the evidence standard. The report will include the applicable sanctions if there is a finding of "responsible." Sanction determinations will be made in collaboration with the Director of Human Resources if the Respondent is a faculty or staff member, or the Dean of Students if the Respondent is a student. A copy of the report will be provided simultaneously to the Complainant and Respondent.

**Section 4: Appeals:** The Complainant or Respondent may appeal the decision of the investigator based only on the following grounds:

- The existence of a procedural irregularity that materially affected the outcome;
- The existence of new evidence that was not reasonably available at the time the determination regarding responsibility that could have affected the outcome;
- The Title IX Coordinator and/or investigator(s) had a conflict of interest or bias that affected the outcome;

Appeals must be made in writing and submitted to (Decide Where) within (INSERT NUMBER OF DAYS) of the receipt of the final decision. The appellate decision maker will notify the other non-appealing party of the appeal and allow for written response from the non-appealing party. A determination regarding the appeal will be made by the appellate decision maker within (insert number of days).

**Section 5: Acceptance of Responsibility:** The Respondent may, at any time, request to resolve the investigation process or resolve specific allegation(s) by accepting responsibility for the alleged misconduct. The Title IX Coordinator will complete a summary report of the information gathered. The Title IX Coordinator will consider the request; if the request is granted, the Title IX Coordinator, in consultation with the Director of Human Resources if the Respondent is a faculty or staff member, or the Dean of Students if the Respondent is a student will determine the appropriate sanction.



**Section 6: Informal Resolution:** The Complainant and Respondent may agree to Informal Resolution at any time prior to a determination regarding responsibility if the Title IX Coordinator deems the matter appropriate for Informal Resolution.<sup>8</sup> The Title IX Coordinator will consider the following when determining whether to permit a matter to move to Informal Resolution:

- The nature of the allegations;
- The dynamics of power or control associated with the alleged offense or the parties involved;
- The Respondent's prior known conduct;
- Whether there would be a continuing safety threat to the University community after resolution of allegations;
- Whether multiple parties are involved;
- Any other factor deemed relevant by the Title IX Coordinator in the interest of overall University safety or safety of the parties involved.

Participation in Informal Resolution is a choice, and either party can request to end Informal Resolution process and pursue an investigation at any time, including if Informal Resolution is unsuccessful at resolving the matter. Similarly, either party can request to end an investigation and pursue Informal Resolution at any time, though entering Informal Resolution must be agreed to in writing by the parties.

If an agreement is reached through Informal Resolution, the parties will be provided simultaneously with a Notice of Outcome. An appeal of the Informal Resolution process or result is not permitted.

#### **Section 8: Allegations Related to Culture**

Allegations related to a culture of Sexual Harassment or Non-Harassment Title IX Discrimination by a group, organization, department, division, or the University as a whole will be investigated and resolved as closely as possible to this policy. Resolutions for a group, organization, division or the University will be communicated with the highest-ranking member of the group, organization, department, division or the University.

#### **Section 7: Intersection of Policies**

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<sup>8</sup> The Title IX Coordinator may, at any time, withdraw approval for the Informal Resolution and return the matter to investigation.

The procedures in this policy are the exclusive means of resolving complaints of alleged violations of Title IX involving complaints of Non-Harassment Title IX Discrimination brought against University faculty, staff, or students. To the extent there are any inconsistencies between these procedures and other University grievance, complaint, or discipline procedures, these complaint resolution procedures will control the resolution of complaints alleging Non-Harassment Title IX Discrimination.

### **STUDENT COMPLAINT POLICY (NON-ACADEMIC ISSUES)**

The purpose of this policy is to provide guidance and procedures for Tennessee Wesleyan University students, faculty and staff members with regard to the handling of informal and formal student complaints. The Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) requires that there be a policy specific to handling and logging written student complaints.

Tennessee Wesleyan University seeks to promote civil discourse among all of our constituencies (students, parents, alumni, members of the Board of Trustees, guests, faculty members, staff members, and other employees of the University). The University seeks to address concerns and complaints with integrity, respect and virtue in communications, relationships and actions. For many student concerns or complaints that do not involve discrimination or harassment, the University seeks to support informal communication channels involving the student and those most directly involved.

#### **Informal Process**

STEP 1. The student who has a specific conflict shall first discuss his/her concern with the community member in question. In the event that the student has justifiable reasons for not communicating directly with the individual, the student may proceed directly to Step 2. However, the student should be prepared to explain his/her decision to not talk directly with the other campus member.

STEP 2. If the student does not believe that the initial conference with the campus member has resolved the conflict, a request may be made for a conference with the Vice President of Student Life. At the student's request, the Vice President of Student Life will inform the student, in writing, of any outcome of this process within five (5) business days.

#### **Formal Process**

To be considered a formal complaint, the complaint must meet the following criteria: a) Be written (this includes complaints received by email); 2) Be received by the Vice President for Student Life; and 3) Include a reporter's name, date, and signature.

Formal complaints will be addressed and written response given to the reporter with twenty (20) business days.

In addition to the above procedures, students can utilize the following off campus agencies to file complaints:

- The University provides a "Campus Conduct Hotline" that is an anonymous reporting system designed to protect the principles of honesty, integrity, and excellence of the campus community. A call to the hotline initiates a campus investigation to the issue. Individuals can contact the hotline at (423) 252-1105.
- Complaints relating to quality of education or accreditation requirements shall be referred to the Southern Association of Colleges and Secondary Schools Commission on Colleges (SACSCOC), (<http://www.sacscoc.org/pdf/061705/complaintpolicy.pdf>);

- Complaints related to the application of state laws or rules related to approval to operate or licensure of a particular professional program within a postsecondary institution shall be referred to the appropriate State Board (i.e., State Boards of Health, State Board of Education, and so on) within the Tennessee State Government and shall be reviewed and handled by that licensing board (<http://www.tn.gov>, and then search for the appropriate division);
- Complaints related to state consumer protection laws (e.g., laws related to fraud or false advertising) shall be referred to the Tennessee Division of Consumer Affairs and shall be reviewed and handled by that Unit (<http://www.tn.gov/consumer/>).

### **TOBACCO POLICY**

There is to be no tobacco use in any university building, including restrooms or offices, or university vehicles. Tobacco usage is to include the use of smokeless tobacco as well as cigarettes, cigars, pipes, and electric cigarettes/vapes. Tobacco usage is prohibited in all student residential facilities, as is the use of smoking devices like hookah pipes and electric cigarettes.

### **VOLUNTARY MEDICAL/PSYCHOLOGICAL LEAVE POLICY AND POLICY ON INVOLUNTARY LEAVE FOR STUDENTS WHO POSE A DIRECT THREAT OF HARM TO OTHERS**

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#### **Introduction**

The following policies and procedures are to be used to help transition a student to a safer environment more conducive to their needs when it becomes clear that remaining at the university is not in the best interest of the student or the university community. This policy also allows for a student to take a leave voluntarily when medical conditions or psychological distress make a leave in their best interest; its goal is to define the length of separation, outline the path to re-entry and ease the transition for the student's return, and to optimize the opportunities for the student's success when they return. Under certain conditions, if a student has not opted to take a leave voluntarily, the university may institute an involuntary leave under this policy.

#### **1. Student-Initiated Voluntary Leave of Absence**

Students may initiate a leave or withdrawal from the University for medical or psychological reasons. At the discretion of the Vice President for Student Life (or designee), and subject to the refund policies of the institution, arrangements may be made for partial or complete refund of tuition and/or fees. Incomplete grades or other academic accommodations may be made as well, subject to the academic policies of the university. Modifications to housing contracts may also be possible. The normal university procedures for leave or withdrawal will be followed, including any documentation requirements. If a student takes a voluntary leave, the leave documentation will specify the duration of the leave, and options for extension. The student is permitted to return upon the end of the leave, subject only to any conditions or restrictions outlined and agreed to prior to the leave or withdrawal. Students taking a leave or withdrawal are under no obligation to accept these conditions, but, should they accept them, they are subject to them. Any conditions should be designed to ensure the success of the student upon return.

Students who elect to fully withdraw, rather than take a leave, are required to reapply for admission after the time specified by the Admissions Office, and will be treated as any other applicant for admission at that time.

## 2. University-Initiated Medical or Psychological Leave

If a student is behaving in a way which is threatening to others, the Vice President for Student Life (or designee) may initiate these procedures. Students who engage in self-harm behaviors that cause a significant disruption to the community may also be subject to the *University's Standards of Conduct*.

### A. Standard for Involuntary Leave on the Basis of Threat of Harm to Others

*Standard for Separating a Student on Basis of Behaviors Resulting from a Condition of Disability:*

This section applies to all involuntary leaves from housing or from the university for any student who is at significant risk of harm to others as a result of a condition covered by disabilities law. When the potential for harm to others is present, involuntary leave actions must consider whether the endangering behavior results from a condition of disability. If so, the student will be protected by Section 504 of the Rehabilitation Act of 1973. Under this federal statute, an individual with a disability may only be separated on the basis of this disability when they are not otherwise qualified to participate in the education program of the institution. The objective of this section is to determine whether it is more likely than not that a student is a direct threat. When a student is a direct threat, they are not otherwise qualified under disabilities law, and may be placed on leave.

A direct threat exists when a student poses a significant risk to the health or safety of others. A significant risk constitutes a high probability of substantial harm. Significance will be determined by:

1. The duration of the risk;
2. The nature and severity of the potential harm;
3. The likelihood that the potential harm will occur; and
4. The imminence of the potential harm.

The university must determine whether reasonable accommodations to policies, practices or procedures will sufficiently mitigate the risk, unless those reasonable accommodations would cause undue hardship for the university.

Determining that a student is a direct threat requires an objective and individualized assessment and hearing. The assessment must be based on a reasonable medical judgment that relies on the most current medical knowledge and/or on the best available objective evidence. This standard also applies to the reinstatement of a student who has been placed on leave. They are entitled to return upon a showing they no longer pose a direct threat of harm to others.

#### *Status of Conduct Proceedings:*

If the student has been accused of a violation of the *University's Standards of Conduct*, but it appears that the student is not capable of understanding the nature or inappropriateness of the action, this policy may be activated prior to issuance of a determination in the conduct process. Interim suspension for threat of harm to others will also likely be imposed.

If the student is placed on medical leave from the university, or another action is taken under these provisions following a finding that the student's behavior was the result of a lack of capacity, such action terminates the pending conduct action. If the student is found not to be subject to leave, conduct proceedings may be reinstated.

**B. Referral for Assessment or Evaluation**

The appropriate official may refer or mandate a student for evaluation by an independent licensed psychiatrist or psychologist (or licensed professional counselor, social worker, licensed clinical social worker, etc.) chosen by the university. Such evaluation may be appropriate if it is believed that the student may meet the criteria set forth in this policy or if a student subject to conduct proceedings provides notification that information concerning a mental health/behavioral condition or disorder will be introduced.

Students referred or mandated for evaluation will be so informed in writing with personal and/or certified delivery, and will be given a copy of these standards and procedures. The evaluation must be completed per the direction of the referral letter, unless the Vice President for Student Life (or designee) grants an extension. A student who fails to complete the evaluation in accordance with these standards and procedures, and/or who fails to give permission for the results to be shared with appropriate administrators, will be referred for conduct action for "Failure to Comply" under the *University's Standards of Conduct*.

**C. University-Initiated Leave Hearing Procedures for Direct Threat of Harm to Others**

a) *Administrative Hearing Option*

The Vice President for Student Life (or designee) may invoke informal resolution procedures to determine the need for an involuntary leave without a formal hearing. This process is also known as an *administrative hearing*. In administrative hearings, medical and administrative evidence (e.g. BIT assessment) will be heard, and final determinations will be made by the Vice President for Student Life (or designee). If the medical evaluation and/or administrative assessment (e.g. BIT assessment) support the need for a leave, the Vice President for Student Life will render a written decision within two business days, barring exigent circumstances, stating the rationale for his/her determination. The decision will be delivered to the student directly, electronically, and/or by regular and certified mail. If the determination is made that a leave is warranted, the notification will include information regarding how long the leave may endure, as well as specifying any conditions of reinstatement. If other actions are pending, the appropriate individuals will be notified and may proceed with their actions.

b) *Formal Hearing Option*

The student subject to an involuntary leave may request a formal hearing in lieu of the administrative hearing described above. If the medical evaluation and/or administrative assessment support the need for a leave, a hearing will be scheduled before the Vice President for Student Life (or designee), and/or core members of the university administration. The student will be informed, in writing electronically and through regular and/or certified delivery, of the time, date and place of the hearing. The student will be given at least two business days to independently review the psychological or psychiatric evaluation prior to the hearing. The student will be notified of who is expected to present information at the hearing, and is expected to notify the Vice President for Student Life (or designee) of any parties with relevant information whom the Vice President should contact to request their appearance at the hearing as a witness. The student may, at the discretion of the Vice President for Student Life (or designee), be assisted by an advisor in the hearing. An advisor is defined in this process as a current member of the faculty, staff or administration of the university. Law permits a student to have an attorney

present to attend/advise, but no advisor will be allowed to speak for or formally represent the student during a formal involuntary leave hearing.

The student and the student's advisor may present information about the necessity of involuntary leave and the student will be given the opportunity to ask questions of others presenting information. The hearing should be conversational and non-adversarial; however, the Vice President for Student Life (or designee) will exercise active control over the proceeding, to include deciding who may present information. Formal rules of evidence will not apply. Anyone who disrupts the hearing may be excluded. There will be a single verbatim record, such as a tape recording, for all involuntary leave hearings. The record will be the property of the university and maintained according to the university's record retention policy for such hearings.

A written decision will be rendered by the committee within two business days, barring exigent circumstances, stating the rationale for its determination. The decision will be delivered to the student in writing electronically and through regular and/or certified delivery. If the determination is made that a leave is warranted, the notification will include information regarding how long the leave may endure, as well as specifying any conditions of reinstatement. If other actions are pending, the appropriate individuals will be notified and may proceed with their actions.

c) *Appeals Process*

The determination of the involuntary leave hearing, administrative or formal, is subject to appeal to the Vice President for Student Life in accordance with the following process:

Students subject to involuntary leave may petition for a review of the determination within three (3) business days of issuance of the hearing committee's written decision. All petitions must be in writing and delivered to the Vice President for Student Life. Reviews will only be considered for one or more of the following purposes:

- a) To consider new information which was unavailable at the time of the original hearing and could be outcome determinative;
- b) To assess whether a material deviation from written procedures impacted the fairness or outcome of the hearing;
- c) To decide if an involuntary leave is disproportionate to the severity of the threat evidenced in the hearing;
- d) To determine if the decision does not align with the information provided in the hearing or whether reasonable accommodations might mitigate the risk without a leave; or
- e) To assess whether bias on the part of a hearing committee member deprived the process of impartiality.

Except as required to explain the basis of new information unavailable at the time of a hearing, review of a hearing will be limited to the verbatim record of the initial

hearing and/or all supporting documents. The review and appeal decision of the Vice President for Student Life is final.

### **3. READMISSION FOLLOWING AN INVOLUNTARY LEAVE**

A student who is seeking reinstatement to the university after an involuntary leave must receive clearance by providing the Vice President for Student Life written evidence from a licensed medical or mental health professional that the student is no longer a direct threat to others and is otherwise qualified to participate in the university's educational programs. Any other conditions outlined in accordance with this policy and/or any conduct sanctions must also be completed. A hearing, as outlined above, may be held to determine whether it is more likely than not that the student is no longer a direct threat.

### **VEHICLE OPERATION AND PARKING POLICY**

The following regulations are designed to provide for an orderly control of traffic on the campus. It is the responsibility of each individual to comply with these regulations.

All vehicles that use campus facilities must be registered in the Student Life Office. Registration may be obtained by: 1) completing their vehicle registration on myPortal and 2) securing a university parking decal. Parking decal is to be adhered to the inside, lower right (passenger side) of the front window. Registration information should be updated as needed.

Parking lots are designated by faculty/staff lots, residents' lots, and commuter lots between 7:00 a.m. and 2:00 p.m., Monday through Friday. Individuals are permitted to park in their designated lot only. Parking maps are available when individuals register their vehicle. Please be aware of designated no parking, visitor parking and handicapped parking spaces.

#### **Fines and Appeals**

Parking with no permit or permit improperly displayed--\$20.00

Parking in improper parking lot--\$20.00

Blocking dumpster, another vehicle, driveway, or fire hydrant--\$20.00

Parking on grass, sidewalk, or other undesignated space--\$20.00

Parking in Fire Lane (Yellow Curb)--\$20.00

Parking in Handicapped Space--\$20.00

Each offense increases \$5.00 per violation

All faculty, staff, and students are required to comply with parking regulations. Vehicles parked in a non-parking area or on grass, blocking dumpsters, driveways, or other vehicles will be ticketed and are subject to towing. Any individual receiving more than four (4) parking tickets in a year may be banned from parking on campus. Appeals of parking tickets must be submitted to the Student Life Office within three (3) business days of the ticket being issued.

## **COMMUNITY LIFE**

Students and recognized student organizations assume certain obligations of performance and behavior while at Tennessee Wesleyan University. As a result, reasonable policies, procedures and regulations have been developed to guarantee each student's freedom to learn and to protect the fundamental rights of others.

### **ADMINISTRATIVE HEARING PROCEDURES**

In all cases where a formal hearing is convened to consider an alleged violation of university policies or procedures, the following special procedures shall apply to the extent they are applicable:

#### **Rights of Both the Reporter and the Respondent:**

1. To be free from intimidation, harassment, and retaliation.
2. To be notified of the case status at any time.
3. To be notified of the hearing outcome in a timely manner.
4. To have the hearing conducted in a swift and timely manner.
5. To have a closed hearing.
6. To be present throughout the entire hearing process.
7. To be advised of the names of all witnesses requested to testify.

**Rights of the Reporter Specifically:**

1. To have an advocate, or person of their choice present throughout the hearing.
2. To make up academic work he/she has missed due to the assault or hearing process.
3. To have irrelevant past sexual history suppressed.
4. To be informed of any and all protection orders and resources available for ongoing assistance, including academic/housing changes.
5. To provide a victim impact statement, either verbally or written, regarding how the assault has affected the victim's psychological, financial, academic, physical and social well-being.

**Rights of the Respondent Specifically:**

1. To be provided with a full and complete explanation of the charges.
2. To be presumed innocent until/if proven otherwise.
3. To be provided with an explanation of the possible range of penalties/punishment.
4. To cross-examine witnesses and to testify on own behalf.
5. To remain silent during hearing proceedings.
6. To present witnesses and documentary evidence, and an explanation or argument on his/her own behalf.
7. To receive, at his/her expense, a written or taped transcript of the hearing.

**UNIVERSITY STANDARDS OF CONDUCT**

Students and recognized student organizations at the university assume an obligation to exhibit conduct in a manner compatible with the university's function as an educational institution. Conduct which is not compatible is outlined below and is subject to disciplinary action. Violations of, including, but not limited to, the items below are in effect on and off university property, at university sponsored or supervised activities, or at functions or facilities of recognized student organizations.

1. Dishonesty such as, but not limited to, cheating, plagiarism, or knowingly or recklessly furnishing false information to the university.
2. Forgery, alteration or misuse of university documents, forms, records, or identification cards, including the giving of any false information, or the withholding of necessary information in connection with a student's admission, enrollment or status in the institution.
3. Obstruction or disruption of teaching, research, administration, disciplinary proceedings or other university activities, including its public service functions, on or off campus, or other authorized non-university activities when the act occurs on university premises.
4. Physical abuse, which includes any action which is likely to be detrimental to the health, safety and/or well-being of another, or psychological abuse which includes any action which unreasonably interferes with the psychological well-being of another (e.g., hazing, harassment).
5. Sexual misconduct and all related offenses as defined in the sexual misconduct policy.



6. Retaliation is any conduct which serves as a reprisal with the intent of causing physical or psychological pain to an individual who has initiated a complaint with the institution. Retaliation includes, but is not limited to, unwelcomed or repeated contacts by telephone, by letter, in person or by third party; damaging or vandalizing personal property; offensive acts/gestures; overt threats, whether or not they were actually carried out; or any conduct that would instill fear and trepidation in the victim.
7. Conduct which threatens or endangers the health, safety or welfare of any person.
8. Unlawfully discriminatory acts.
9. Theft or conversion of property or of services (e.g., computer time) belonging to the university, members of the university community or others.
10. Intentional or reckless destruction, damage, abuse or misuse of university property or the property of others.
11. Unauthorized entry into or use of university property, including facilities, residence halls, equipment, or resources.
12. Disorderly, indecent or obscene conduct or expression.
13. Failure to comply with directions of university officials acting in the performance of their duties including, but not limited to, a requirement to provide unprivileged testimony at a disciplinary hearing or failure to comply with provisions of probation or suspension.
14. Intentional initiation or circulation of any false report, warning or threat of fire, bombs or explosives.
15. Alteration, misuse, abuse of or damage to fire or other safety equipment on university-owned or controlled property.
16. Unauthorized use, possession or storage of any guns, or weapons.
17. Illegal or unauthorized possession, use, sale or distribution of narcotics, drugs or other controlled substances defined as such by local, state or federal law.
18. Bullying is the repeated use by one or more people of a written, verbal or electronic (cyber bullying) expression or a physical act or gesture or any combination thereof, directed at another person that: (i) causes physical or emotional harm to another person or damage to the person's property; (ii) places the person in reasonable fear of harm to self or of damage to person's property; (iii) creates a hostile environment at the University for the person; (iv) infringes on the rights of the person at the University; or (v) materially and substantially disrupts the education process or the orderly operation of the University.  
Any bullying and/or cyber-bullying related to sex and/or gender will be reviewed in accordance with the procedures set forth in the sexual misconduct and relationship violence policy.
19. Violations of university policies, procedures or regulations governing residence on university-owned or controlled property.
20. Violations of federal, state and municipal laws, or any other conduct not included above whether on-campus or off-campus, which unreasonably or unlawfully interferes with the operations of the university, and the pursuit of its educational purposes and objectives or the rights of others, or which renders a person or organization unfit or unsuitable for continued association or affiliation with the university.

Students may be held independently accountable to both civic authorities and to the university for acts which constitute violations of law and/or violations of university policies, regulations or procedures. Disciplinary actions will not be subject to challenge on the ground that criminal charges

involving the same incident has been dismissed, reduced or are in process.

#### **DEFINITIONS OF MISCONDUCT SANCTIONS**

The university seeks to ensure equal treatment of students and recognized student organizations who are subject to disciplinary or academic sanctions and to impose similar sanctions under similar circumstances. The prior conduct record, if any, will be taken into consideration in determining sanctions. Any sanctions imposed by the university shall be confirmed in writing. The standard for determining responsibility is a preponderance of the evidence.

Sanctions include, but are not limited to:

**University Warning** is an official notice to a student or recognized student organization that the conduct is in violation of university standards. The continuation of such conduct or actions may result in further disciplinary action.

**Disciplinary Probation** is a period of observation and review of conduct during which the student or recognized organization must demonstrate compliance with university standards. Terms of this probationary period will be determined at the time probation is imposed.

- **General.** The student or recognized student organization is placed on general disciplinary probation for one or more semesters. This disciplinary action is a warning to the student or recognized student organization that any further misconduct will subject the student or recognized student organization to more severe disciplinary action which may include suspension from the university or loss of university recognition.
- **Strict.** The student or recognized student organization is placed on strict disciplinary probation for a minimum of two semesters. This disciplinary action is a warning to the student or recognized student organization that any further misconduct will subject the student or recognized student organization to more severe disciplinary action which may include suspension from the university or loss of university recognition.

**Disciplinary Suspension** is suspension for a specified period of time or for an indefinite period of time until stated conditions are met. The student may be prevented from returning to university premises. When a student is suspended, a notation will be made on the student's academic record (transcript). During a subsequent semester, a student who desires to be reinstated must notify the Vice President for Student Life and present evidence that the conditions for reinstatement have been satisfied.

**Expulsion** is the act of terminating a student's academic program and his/her right to future enrollment. The student may also be prevented from returning to university premises. This action is taken only following an informal hearing before the Vice President for Student Life or a formal hearing by the University Hearing and Appeals Board. When this action is finalized, a notation will be made on the student's academic record (transcript).

**Loss of Recognition** may occur to recognized student organizations after an informal hearing before the Vice President for Student Life or a formal hearing before the Judicial Council or the University Hearing and Appeals Board. This action deprives the organization of the use of campus resources, the use of the university's name, and the right to participate in campus sponsored activities. This loss of recognition may be for a specific period of time or for an indefinite period of time until stated conditions are met.

**Restitution** is the requirement to make payment to the university or to other persons, groups, or organizations for damages caused.

**Summary Suspension.** Summary suspension is taken in extreme or unusual cases when there is reasonable cause to believe the continued presence of the accused student on campus presents an immediate and definite danger to himself/herself or to other members of the campus community, or threatens disruption of university operations or activities. Summary suspension is immediate

suspension of a student's privilege to attend the university and all of its related functions. A student who has been summarily suspended may not attend classes, may not participate in any university activities and may be excluded from university property. The authority for summary suspension is vested in the Vice President for Student Life.

**Withdrawal Agreements** are used in certain cases where a student's behavior or mental or emotional health may render him/her unfit for continued participation within the university community. The Vice President for Student Life may recommend the student withdraw from the university. Conditions for re-admittance to the university will accompany this withdrawal agreement.

**Other Sanctions** may be imposed instead of, or in addition to, specific sanctions listed in these sections. These include, but are not limited to, recommendation or requirement for counseling, restriction of privileges, work/community service, establishment of mandatory behavioral conditions attendant to continuing enrollment and/or re-enrollment, removal from university housing, or a special educational project designed to assist the student in better understanding the overall impact of his/her behavioral infraction.

#### **MINIMUM SANCTIONS FOR VIOLATIONS OF UNIVERSITY POLICY**

The following is a list of some possible violations of university rules and regulations accompanied by the minimum penalty. It should be noted that this list is not inclusive and therefore any violation or act of indiscretion not mentioned will be dealt with on the merits of the case and the severity of the offense.

**Alcohol.** First offense will result in a sanction of one-year probation and a fine of \$100. The second offense may result in a minimum of immediate suspension for not less than one full semester. The subsequent offenses may result in expulsion.

**Arson.** The intentional ignition of a fire anywhere on campus, other than one which may be approved by the Vice President for Student Life as part of an officially sanctioned activity, will result in a minimum of immediate suspension from the university and possible criminal prosecution. The suspension will be for an indefinite period and application for readmission may be denied until the University is convinced the individual presents no threat to the institution.

**Drugs.** The first offense the drug policy will result in suspension in a minimum of one semester suspension from the university with the possibility of expulsion. The second offense will result in immediate expulsion.

**Electrical Appliances.** The first violation of this policy will result in a \$25.00 fine and confiscation of the item(s). A second violation results in a \$50 fine and confiscation of the item(s).

**Firearms and Fireworks.** First offense will require a minimum penalty of disciplinary probation for not less than one full semester and confiscation of the offending article(s). Confiscated firearms which are not in violation of law will be returned upon written request of the student's parents or guardian. Firearms will not be returned directly to resident students unless assurance is presented that they will not be brought back onto campus. The second offense will result in suspension for a minimum of two full semesters not to include the summer sessions. The discharge of a firearm on campus grounds or in the buildings of the campus is considered a more serious offense and will result in expulsion from the university.

**Fire Safety Equipment.** Improper use of fire safety equipment or setting off false fire alarms presents a threat to lives and property. A first offense will result in a minimum of \$100 fine and may result in a minimum of suspension for one semester. A second offense will result in expulsion.

**Noise.** Quiet hours and consideration hours are established for the residence halls and apartments. The first violation of the policy will result in a \$25 fine. A second violation and subsequent violations carry a \$50.00 fine.

**Pets.** Violations of the pet policy will result in a \$50.00 fine and removal of the pet for the first

offense and a \$100.00 fine and removal of the pet for the second offense.

**Residence Hall Security.** Violations of residence hall security may be defined as being in an unauthorized area of a residence hall, (in residential portions of an opposite sex hall, in lobbies after visitation hours, etc.) the lending or borrowing of keys among students, or any other violation of university policy which may jeopardize hall security. Upon the first offense of violating the residence hall security policy, visitation privileges may be revoked and the student(s) placed on disciplinary probation. The first offense may also carry a suspension of one full semester. The second offense will require a minimum penalty of suspension for at least one full year.

**Smoking/Candles/Incense.** Violations of this policy create a potentially dangerous situation for life and property. The first violation of this policy will result in a \$25.00 fine and removal of the item(s). A second violation will result in a \$50.00 fine and confiscation of the item(s).

**Theft.** On the first offense, the minimum penalty for theft will be disciplinary probation for not less than one full year, restitution and/or creative discipline. Depending upon the circumstances, suspension may be indicated. The second offense will result in immediate suspension from the university. Breaking and entering will require immediate suspension from the university for an indefinite period even upon the first offense.

**Vandalism.** Acts of vandalism or defacing of university property is considered a serious offense. The first offense will result in a minimum of disciplinary probation for one full year, and restitution in the full amount of damages. Creative discipline in the form of university work may also be assigned. Suspension may be required where the vandalism is deemed to be malicious or premeditated. The second offense will result in immediate suspension from the university.

**Visitation.** A first violation of the visitation policy will result in a \$25.00 fine. A second violation will result in a \$50.00 fine and loss of visitation privileges for a minimum of two weeks.

## **DISCIPLINARY ACTIONS AND PROCEDURES**

Students who violate University Standards of Conduct are subject to disciplinary actions. The administration of these actions shall provide procedural fairness to an accused student or recognized student organization. The procedure will afford appropriate process which will be educational and developmental in nature. An adversarial relationship between the accused and the university will be avoided.

The Vice President for Student Life has the primary administrative responsibility for university-wide coordination, investigation and enforcement of student conduct standards. Based on the nature and location of the violation of university standards of conduct, student conduct cases may be acted upon by appropriate university officials as authorized by the Vice President for Student Life. Disciplinary cases will be generally heard by the Vice President for Student Life. When a student is suspended or expelled, the decision may appear before the University Hearing and Appeals Board in a formal hearing. When a recognized student organization loses recognition, the decision may appear before the Judicial Council in a formal hearing.

### **Informal Hearing Procedure**

When a disciplinary case is referred to or acted upon by the Vice President for Student Life, the procedure will normally be conducted in an informal manner. Discussion, counseling, persuasion and other existing informal procedures will normally be used. The student or recognized student organization subject to disciplinary action will be informed at least five (5) calendar days prior to the informal hearing of: (a) the exact charges being made, (b) the time and place of the hearing, and (c) a summary of the evidence to be presented. Pending such action, the student or recognized student organization has the right to be present on campus, attend classes or conduct organizational business except in cases of summary suspension. Decisions made at an informal hearing may be appealed to the University Hearing and Appeals Board. A formal hearing must be requested.

ed by the student or recognized student organization in writing within two (2) business days after notification of the Vice President for Student Life's decision.

#### **Formal Hearing Procedure**

The overriding concern of the university in establishing these procedures is to protect all students from frivolous, capricious or prejudicial decisions by disciplinary authorities. The regulations which govern formal hearings shall be as follows:

- a. A quorum of the membership shall be present throughout the hearing. All members may vote, and all determinations shall be by majority vote. A failure to vote shall be registered as a negative vote. Any member of a hearing board, upon considering any challenges from the accused concerning his/her impartiality, may withdraw voluntarily.
- b. The student or recognized student organization shall have the right to be represented by faculty, staff, or student (not to exceed two persons) should he/she so elect. The student or recognized student organization must submit to the Vice President for Student Life a list of any witnesses and /or evidence 48 hours prior to the scheduled hearing. The Vice President for Student Life may require University students, faculty and staff to provide unprivileged testimony at a disciplinary hearing.
- c. The Judicial Council shall elect a Hearing Officer who will conduct the Formal hearing. The Hearing Officer, in keeping with fair and reasonable guidelines, may impose limits upon the number of witnesses and the amount of evidence that may be introduced where proffered evidence is cumulative, redundant or immaterial. Rules of evidence and rules of procedure do not necessarily apply. Reasonable rules on relevancy and fairness will guide the Hearing Officer in ruling on the admissibility of evidence. In every case, the facts are to be reviewed and judgments made are based upon a reasonable basis.
- d. At the discretion of the Hearing Officer, students charged with violations arising out of the same transaction or occurrence may be heard together rather than separately. In combined hearings, the university may present its case once and at the same time against all of the students charged with violations. Following the presentation of the university's evidence, students whose cases are heard together may separately present, in turn, their evidence and defense, but this presentation shall be given in the context of a single hearing.
- e. All university disciplinary hearings will be closed to the public and non-parties. The Hearing Officer may invite observers with the consent of the parties.
- f. The Hearing Board shall hear all admissible evidence presented and shall deliberate and render its decision in accordance with the instructions of governing principles provided by the Hearing Officer. The decision of the Hearing Board must conform to the instructions given, and shall include a recommended sanction or other disposition of the case. The deliberations of the Board shall commence as soon as reasonable after completion of the hearing. The decision shall be provided to all parties. The Board shall not disclose the individual voting positions of its members nor publish dissenting opinions. The decision of the Board shall be by majority vote.

#### **ORGANIZATION OF THE UNIVERSITY JUDICIAL SYSTEM**

Discipline is under the supervision of the University Judicial System composed of students, faculty, and administration. All problems of discipline should be reported to the Vice President for Student Life. In the absence of the Vice President, infractions of regulations should be reported to the President of the University. The University Judicial Structure is as follows:

**Judicial Council.** Members shall consist of a chairperson and four faculty/staff members selected and trained by the Student Life Office. The Judicial Council shall hear all formal cases involving individual and group violations. The Vice President for Student Life shall serve as advisor to this Council.

**Hearing and Appeals Board.** Members shall consist of an administrator, three faculty members and one alternate faculty member elected by the faculty. The Board shall elect a Chairperson. The Vice President for Student Life shall serve on the Board in a non-voting capacity. The Hearing and Appeals Board shall act as an appeal board for cases from the Vice President for Student Life or the Judicial Council.

**Temporary Hearing Board.** In the event that it is impractical or impossible to convene one of the above mentioned judicial bodies (summer sessions, between terms, etc.) a Temporary Hearing Board will be appointed by Vice President for Student Life. This Board will consist of two staff and three faculty members. The Board shall elect a chairperson. The Vice President for Student Life shall serve on the Board in a non-voting capacity. The Temporary Hearing Board will remain in existence until the case at hand is completed and may be called to reconvene as needed.

#### **APPEALS**

Students may only appeal a decision if one of the following criteria is demonstrated:

1. Fair process procedures were not followed in the case or
2. The discovery of substantive new information which was unknown or unavailable to the student at the time of the hearing and would have had a significant effect on the outcome.

All cases heard by the Vice President for Student Life or the Judicial Council may be appealed to the Hearing and Appeals Board where the matter shall be heard in the same manner as those cases heard in the first instance. All decisions, except those resulting in expulsion, made by the Hearing and Appeals Board are final. In cases of expulsion, cases may be appealed to the President of the University. Decisions rendered by the President of the University shall in all cases be final.

A request for an appeal to the Hearing and Appeals Board must be filed with the Vice President for Student Life within 48 hours of the time of the decision of the Vice President for Student Life or the Judicial Council. A request for an appeal to the President of the University must be filed in the Office of the President within 48 hours of the decision of the Hearing and Appeals Board. The 48 hour deadline may be extended if extenuating circumstances can be demonstrated to the satisfaction of the Hearing and Appeals Board or the President.

#### **READMISSION**

The Hearing and Appeals Board may formally review the probation record of any student prior to readmission in order that the board might be aware that the probationary period or other penalty is duly discharged without further infractions of standards of behavior during the probationary period imposed by the board. The board reserves the option to interview the student prior to readmission.