



MILLIGAN

UNIVERSITY

Annual Security and Fire Safety Report

2025

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

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

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

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

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

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

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

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

Reporting Criminal Actions or Other Emergencies Occurring on Campus

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

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

- Student Development Staff

Reporting to these individuals who serve as Campus Security Authorities (CSA) ensures the reports will be addressed according to University policy, that crimes identified by the Clery Act will be included in annual statistical disclosures, and that consideration will be given to making timely warning reports when necessary.

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

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

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

Security and Access to Campus Facilities

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

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

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

Maintenance of Campus Facilities

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

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

Campus Security Personnel and Local Law Enforcement

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

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

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

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

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

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

Educational Programs

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

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

Off-Campus Student Organizations

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

Drug and Alcohol Policies

Expected Standards of Conduct

Milligan University prohibits the use, possession, and influence of alcohol or illegal drugs on campus and at any university functions on or off campus.

In compliance with the Drug-Free Schools and Communities Act, the University prohibits the unlawful possession, use or distribution of drugs and alcohol by students and employees on University property or as any part of University activities.

Students may not possess alcoholic beverages or empty alcohol containers on campus, on university property, in personal vehicles on university property, when participating in school sponsored functions/activities, or in on-campus student living areas. Students present in a residence hall room or in an on-campus apartment where alcohol is present and/or being consumed may face disciplinary action for complicity with an alcohol violation.

Milligan students who are 21 or older and who make a decision to consume alcohol are expected to do so responsibly and to honor the biblical expectations of moderation. Milligan students are expected to observe scriptural instructions which caution against intoxication. Intoxication can occur when consuming alcoholic beverages and also with a variety of other intoxicants, some of which are legal and some of which are not. Students whose drinking creates a risk of danger to the health and safety of themselves or others are subject to disciplinary action.

Students, regardless of age, present in an off-campus setting where alcohol is consumed by an underage student may face disciplinary action for complicity with an alcohol violation. Students who host off campus gatherings are responsible for ensuring the safety, well-being, and conduct of their guests, whether the guests are invited or uninvited. Hosts are responsible to ensure that all guests who choose to consume alcohol do so according to the biblical standard of moderation and university policy.

Applicable Legal Standards

Various federal, state, and local statutes make it unlawful to manufacture, distribute, dispense, deliver, sell or possess with intent to manufacture, distribute, dispense, deliver or sell, controlled substances. The penalty imposed depends upon many factors which include the type and amount of controlled substance involved, the number of prior offenses, if any, whether death or serious bodily injury resulted from the use of such substance, and whether any other crimes were committed in connection with the use of the controlled substance. Possible maximum penalties for a first-time violation include imprisonment for any period of time up to a term of life imprisonment; a fine of up to \$4,000,000 if an individual; supervised release; any combination of the above; or all three. These sanctions are doubled

when the offense involves either: 1.) distribution or possession at or near a school or college campus or, 2.) distribution to persons under 21 years of age. Repeat offenders may be punished to a greater extent as provided by statute. Further, a civil penalty of up to \$10,000 may be assessed for simple possession of “personal use amounts” of certain specified substances under federal law. Under state law, the offense of possession or casual exchange is punishable of a Class A misdemeanor; if there is an exchange between a minor and an adult at least two years the minor’s senior, and the adult knew that the person was a minor, the offense is classified a felony as provided in T.C.A. 39-17-417. (21 U.S.C. 801, et. seq.; T.C.A. 39-17417)

It is unlawful for any person under the age of twenty-one (21) to buy, possess, transport, (unless in the course of his employment), or consume alcoholic beverages, wine, or beer. Such offenses are classified as Class A misdemeanors punishable by imprisonment for not more than 11 months, 29 days, or a fine of not more than \$2,500, or both. (T.C.A. 1-3-113, 57-5-301) It is further an offense to provide alcoholic beverages to any person under the age of twenty-one (21), such offense being classified as a Class A misdemeanor (T.C.A. 39-15-404). The offense of public intoxication is a Class C misdemeanor punishable by imprisonment of not more than 30 days or a fine of not more than \$50, or both. (T.C.A. 39-17-310)

Health Risks Associated with the Abuse of Alcohol or Use of Illicit Drugs

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

Alcohol misuse inhibits students' development and is negatively correlated with academic success and personal safety. The vitality of the academic community relies on each member taking personal responsibility for his or her actions, including the use of alcohol and for safeguarding the well-being of others. Therefore, Milligan University expects students to observe state laws regarding alcohol use, particularly those that address underage drinking, and the university holds students accountable for their choices regarding alcohol.

Milligan is committed to the intellectual and personal development and Christian discipleship of all students and seeks to emphasize education about the choices, risks, and personal responsibility regarding the use of alcohol.

Drug and Alcohol Programs Available to Employees and Students

Seek help if you are struggling with drugs and/or alcohol and encourage others who may be to do the same. Help is available from:

- [Milligan Counseling Center](#) 423-461-8500
- Milligan Student Development After Hours On Call 423-483-8391

- [Frontier Health](#) 855-336-9327
- [Alcoholics Anonymous](#)
- <https://www.findtreatment.gov/>

Disciplinary Sanctions

PROHIBITED CONDUCT (Alcohol)

- A. Possession of alcohol or empty alcohol containers on campus.
- B. Underage possession and/or consumption of alcohol
- C. Complicity in an alcohol violation

Definition: A student who is present and fails to intervene in a situation where another student(s) violate(s) the Milligan University drug or alcohol policy.

- D. Under the influence of alcoholic beverages/intoxication
- E. Misuse of alcohol: rapid consumption of alcohol, binge drinking, or actions that may endanger the well-being of self or others
- F. Provision and/or distribution of alcohol to students under 21 years of age
- G. Irresponsible hosting of event at which alcohol is present
- H. Alcohol-related vehicular violations

PROHIBITED CONDUCT (Illicit Use of Drugs)

Possession, use and/or distribution of any illegal drug are serious offenses. Consequently, any offender is subject to immediate dismissal or other Disciplinary Sanctions listed below. Sanctions imposed for violation of these guidelines shall be consistent with local, state, and federal law and may include expulsion from the University. Incidents may be reported to proper legal authorities for prosecution by government officials.

Disciplinary Sanctions for violations of the expected the expected standards of conduct are listed below and may include general sanctions, warnings, mandatory counseling, reprimands, campusing, work on campus, restitution/apology, exclusion from extra-curricular activities, fines, interim suspension, dismissal, and/or expulsion.

In some cases, students may choose which option listed under the disciplinary sanctions he/she prefers for a first offense. If a second offense occurs, the student may be dismissed.

Hazing Policy

Hazing is strictly prohibited at Milligan. It is unacceptable in all forms and has no place in the Milligan University community.

Definition of Hazing

Hazing is defined as an intentional, knowing, or reckless act committed by a person, whether individually or in concert with other persons, against a student, regardless of that student's willingness to participate, that—

- Was committed in connection with an initiation into, an affiliation with, or the maintenance of membership in, an organization (such as a club, society, association, athletic team, fraternity, sorority, or student government)
- Causes or is likely to contribute to a substantial risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical training necessary for participation in an athletic team), of physical injury or psychological injury

Examples of Hazing

Examples of hazing include, but are not limited to:

- Whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity
- Causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity
- Causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances
- Causing, coercing, or otherwise inducing another person to perform sexual acts
- Any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct
- Any activity against another person that includes a criminal violation of local, state, tribal, or federal law
- Any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, state, tribal, or federal law

Definition of Student Organization

For the purposes of identifying hazing, a student organization is an organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution.

Reporting and Investigation of Hazing

All Milligan students, faculty, staff and other members of the campus community who believe that they have witnessed, experienced, or are aware of conduct that constitutes hazing in violation of this policy are encouraged to report the violation to the Dean of Students, Director of Security, Director of Athletics, area vice presidents, or work supervisors. Reports of hazing will be investigated and resolved using the disciplinary procedures found in the student, faculty, and personnel handbooks.

University educational programs relating to the hazing information above and hazing prevention strategies include dissemination of information pertaining to crime prevention via campus email and printed literature, displays and information at college events, programs for students, faculty and staff including residence hall programs and faculty and staff meetings, joint activities with student activities organizations and staff, and other opportunities throughout each school year. New students, faculty and staff are provided with information and/or training regarding hazing as part of annual orientation activities. Prevention strategies include information intended to stop hazing before hazing occurs, and may include skill building for bystander intervention, information about ethical leadership, and the promotion of strategies for building group cohesion without hazing

Hazing in Tennessee State Law

Tennessee state law relevant to hazing in higher education institutions is listed below.

(1) "Hazing" means any intentional or reckless act in Tennessee on or off the property of any higher education institution by one (1) student acting alone or with others which is directed against any other student, that endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger such student's mental or physical health or safety. "Hazing" does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization; and

(2) "Higher education institution" means a public or private college, community college, or university.

(b) Each higher education institution shall adopt a written policy prohibiting hazing by any student or organization operating under the sanction of the institution. The policy shall be distributed or made available to each student at the beginning of each school year. Time shall be set aside during orientation to specifically discuss the policy and its ramifications as a criminal offense and the institutional penalties that may be imposed by the higher education institution. [Acts 1995, ch. 500, § 1.]

Additional Resources

[Hazing Infographic](#)

<https://stophazing.org/>

<https://hazingpreventionnetwork.org/>

[The Gordie Center/Hazing Hotline](#)

Timely Warning of Crimes that Pose a Threat to Campus

The University will issue timely warnings to the campus community when crimes that are considered by the University to represent a threat to students and employees are reported to campus security

authorities or local law enforcement as described in the Reporting Criminal Actions or Other Emergencies On Campus section of this report.

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

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

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

Emergency Response and Evacuation Procedures

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

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

Evacuation means moving all people from a threatened area to a safer place. In cases requiring the evacuation of one building, occupants should proceed to a designated meeting area as directed by campus security, residence life staff, or other University officials. When orders are given to evacuate multiple buildings or large areas of the campus, students, faculty, staff, and visitors should proceed to

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

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

Emergency Notification

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

Emergency notifications can be issued by the director of security, vice president for institutional advancement, director of institutional technology or their designees. Emergency notifications will be issued through the RAVE emergency alert system and may be issued using other means of communication such as email, social media, or posts to the University website. The University will

without delay and considering the safety of the community determine the content of the notification and initiate the notification system, unless issuing a notification would, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. Follow up information regarding campus emergencies will be provided using the emergency alert system, campus email and/or other means of communication. While some notifications may be issued to specific segments of the campus community, due to the size of the campus most notifications will be made campus wide. Determinations of the appropriate segment of the campus community to receive notifications will be made by the director of security, dean of students, University president or any member of the president's cabinet or their designees.

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

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

Emergency Alert System

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

Emergency Response and Evacuation Procedures Testing

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

The RAVE emergency notification system is tested at least once per year. Evacuation procedures are tested through drills such as fire drills at least once per year for each dormitory on campus.

Policy for Reporting of Campus Crime Statistics

In compliance with the Clery Act, Milligan University discloses crime statistics for incidents that occur on campus, on public property within or immediately adjacent to the campus, and in or on noncampus buildings or property that the institution owns or controls, if any. The statistics are gathered from campus security, local law enforcement and other school officials who have significant responsibility for student and campus activities (campus security authorities). Crimes are reported for the following categories (definitions from the Federal Bureau of Investigation's (FBI's) *Uniform Crime Reporting Handbook (UCR)* and the U.S. Department of Education's *Handbook for Campus Safety and Security Reporting*).

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

Clery Act Crimes and Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Geographical Designations for Crime Statistics Reporting

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

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

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

Milligan University Crime Statistics						
Offense	Year	On Campus	Non-campus	Public Property	Total	Residential Facilities
Murder/Non-Negligent Manslaughter	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Negligent Manslaughter	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Rape	2024	1	0	0	1	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Fondling	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Incest	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Statutory Rape	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Robbery	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Aggravated Assault	2024	0	0	1	1	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Burglary	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Motor Vehicle Theft	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Liquor Law Arrests	2024	0	0	1	1	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Drug Law Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Weapons Law Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0

Offense	Year	On Campus	Non-campus	Public Property	Total	Residential Facilities
Liquor Law Violations Referred for Disciplinary Action	2024	1	0	0	1	1
	2023	3	0	0	3	3
	2022	5	0	0	5	5
Drug Law Violations Referred for Disciplinary Action	2024	1	0	0	1	1
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Arson	2024	0	0	0	0	0
	2023	1	0	0	1	0
	2022	0	0	0	0	0
Domestic Violence	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	1	0	0	1	0
Dating Violence	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Stalking	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0

HATE CRIME REPORTING:

There were no hate crimes reported in 2022, 2023, or 2024.

REPORTS OF CRIMES DETERMINED TO BE UNFOUNDED:

No crimes were determined to be unfounded in 2023 or 2021. One crime report was determined to be unfounded in 2022.

Procedure Regarding Missing Students

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

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

Each student has the opportunity to provide the University with emergency contact information. The emergency contact of each student determined to be missing will be contacted within 24 hours of the determination by campus security officials or local law enforcement that the student is missing. Emergency contact information is kept confidential and only accessible to authorized campus officials and to law enforcement officials for furtherance of a missing person investigation.

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

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

Victim Notification

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

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

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

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

to students who request such assistance in filing a report on or off campus. Victims also have the option to decline to notify the police.

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

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

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

Confidentiality of Victims

When a report of dating violence, domestic violence, sexual assault, or stalking is made, the University will protect the confidentiality of the victim and other necessary parties to the greatest extent possible. The University will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without inclusion of personally identifying information about the victim. The University will maintain as confidential any accommodations or protective measures provided to the victim, to the

extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

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

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

Written Notification

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

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

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

Procedures for Institutional Disciplinary Action

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

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

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

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

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

The complainant and respondent shall be provided with the same opportunities to have others present during interviews and/or any further proceedings, including the opportunity to be accompanied by an

advisor of their choice. Advisors serve the roles of support, guidance and advice to complainants and respondents. While advisors are permitted to attend any meeting, interview, or other proceedings, their participation is limited to the roles listed above and advisors are not permitted to represent, speak for, or actively participate in any proceedings or disciplinary process, except in hearings conducted under the University [Sexual Misconduct Policy](#), in which they are permitted to ask cross examination questions to parties and witnesses. Advisors who are disruptive or do not comply with University policy may be removed or dismissed.

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

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

Sanctions and Protective Measures

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

Sanctions Listed in Student Disciplinary Guidelines

III. DISCIPLINARY SANCTIONS

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

The following sanctions may be imposed:

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

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

Information Regarding Registered Sex Offenders

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

The following website provides law enforcement agency information provided by the state of Tennessee concerning registered sex offenders: <https://sor.tbi.tn.gov/home>.

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

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

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

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

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

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

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

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

Primary prevention and awareness programs include:

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

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

Prohibition of Criminal Activity

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

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

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

Domestic Violence:

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

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

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

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

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

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

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

Stalking:

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

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

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

TCA 39-13-111 defines Domestic Assault.

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

TCA 39-13-101 states:

(a) A person commits assault who:

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

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

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

TCA 39-13-111 states:

Domestic abuse victims are:

- (1) Adults or minors who are current or former spouses;
- (2) Adults or minors who live together or who have lived together;
- (3) Adults or minors who are dating or who have dated or who have or had a sexual relationship, but does not include fraternization between two (2) individuals in a business or social context;
- (4) Adults or minors related by blood or adoption;
- (5) Adults or minors who are related or were formerly related by marriage; or
- (6) Adult or minor children of a person in a relationship that is described in subdivisions

Therefore a person commits domestic assault who intentionally, knowingly or recklessly causes bodily injury to another; intentionally or knowingly causes another to reasonably fear imminent bodily injury; or intentionally or knowingly causes physical contact with another and a reasonable person would regard the contact as extremely offensive or provocative AND when victim of such crime is/are adults or minors who are current or former spouses; adults or minors who live together or who have lived together; adults or minors who are dating or who have dated or who have or had a sexual relationship, but does not include fraternization between two (2) individuals in a business or social context; adults or minors related by blood or adoption; adults or minors who are related or were formerly related by marriage; or adult or minor children of a person in a relationship that is described in the previous categories.

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

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

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

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

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

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

39-13-502. Aggravated rape.

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

(1) Force or coercion is used to accomplish the act and the defendant is armed with a weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a weapon;

(2) The defendant causes bodily injury to the victim;

(3) The defendant is aided or abetted by one (1) or more other persons; and

(A) Force or coercion is used to accomplish the act; or

(B) The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless.

39-13-503. Rape.

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

(1) Force or coercion is used to accomplish the act;

(2) The sexual penetration is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the penetration that the victim did not consent;

(3) The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or

(4) The sexual penetration is accomplished by fraud.

39-13-504. Aggravated sexual battery.

(a) Aggravated sexual battery is unlawful sexual contact with a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances:

(1) Force or coercion is used to accomplish the act and the defendant is armed with a weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a weapon;

(2) The defendant causes bodily injury to the victim;

(3) The defendant is aided or abetted by one (1) or more other persons; and

(A) Force or coercion is used to accomplish the act; or

(B) The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or

(4) The victim is less than thirteen (13) years of age.

39-13-505. Sexual battery.

(a) Sexual battery is unlawful sexual contact with a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances:

(1) Force or coercion is used to accomplish the act;

(2) The sexual contact is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the contact that the victim did not consent;

(3) The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or

(4) The sexual contact is accomplished by fraud.

(b) As used in this section, "coercion" means the threat of kidnapping, extortion, force or violence to be performed immediately or in the future.

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

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

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

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

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

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

39-15-302. Incest.

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

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

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

(b) Incest is a Class C felony.

Stalking: The state of Tennessee defines stalking as follows:

TCA 39-17-315 defines Stalking.

(4) Stalking means a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested;

There are additional degrees of stalking, as defined below.

(c) (1) A person commits **aggravated stalking** who commits the offense of stalking as prohibited by subsection (b), and:

(A) In the course and furtherance of stalking, displays a deadly weapon;

(B) The victim of the offense was less than eighteen (18) years of age at any time during the person's course of conduct, and the person is five (5) or more years older than the victim;

(C) Has previously been convicted of stalking within seven (7) years of the instant offense;

(D) Makes a credible threat to the victim, the victim's child, sibling, spouse, parent or dependents with the intent to place any such person in reasonable fear of death or bodily injury; or

(E) At the time of the offense, was prohibited from making contact with the victim under a restraining order or injunction for protection, an order of protection, or any other court-imposed prohibition of conduct toward the victim or the victim's property, and the person knowingly violates the injunction, order or court-imposed prohibition.

(d) (1) A person commits **especially aggravated stalking** who:

(A) Commits the offense of stalking or aggravated stalking, and has previously been convicted of stalking or aggravated stalking involving the same victim of the instant offense; or

(B) Commits the offense of aggravated stalking, and intentionally or recklessly causes serious bodily injury to the victim of the offense or to the victim's child, sibling, spouse, parent or dependent.

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

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

Safe and Positive Options for Bystander Intervention

The term **bystander intervention** refers to safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene in situations of potential harm when there is a risk of criminal offenses such as domestic violence, dating violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

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

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

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

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

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

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

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

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

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

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

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

Risk Reduction

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

REDUCING THE RISK OF VICTIMIZATION

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

REDUCE THE RISK OF BEING ACCUSED OF A SEX OFFENSE

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

Other Sources of Information Regarding Crime on Campus

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

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

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

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

FIRE SAFETY REPORT FOR CAMPUS HOUSING 2025

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

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

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

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

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

Procedures for Student Housing Evacuation in the Case of a Fire

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

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

In case of fire:

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

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

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

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

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

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

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

Milligan University Residential Facilities-Fire Statistics						
Residence Hall		Number of Fires	Cause of Fire	Number of Injuries Due to a fire Requiring Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by a Fire
Hart	2022	0	NA	0	0	0
	2023	0	NA	0	0	0
	2024	0	NA	0	0	0
Sutton	2022	0	NA	0	0	0
	2023	0	NA	0	0	0
	2024	0	NA	0	0	0
Webb	2022	0	NA	0	0	0
	2023	0	NA	0	0	0
	2024	0	NA	0	0	0
Kegley	2022	0	NA	0	0	0
	2023	0	NA	0	0	0
	2024	0	NA	0	0	0
Quillen	2022	0	NA	0	0	0
	2023	0	NA	0	0	0
	2024	0	NA	0	0	0
Williams	2022	0	NA	0	0	0
	2023	0	NA	0	0	0
	2024	0	NA	0	0	0
Jeanes	2022	0	NA	0	0	0
	2023	0	NA	0	0	0
	2024	0	NA	0	0	0
McAnally	2022	0	NA	0	0	0
	2023	0	NA	0	0	0
	2024	0	NA	0	0	0
Pardee	2022	0	NA	0	0	0
	2023	0	NA	0	0	0
	2024	0	NA	0	0	0
Wigginton	2022	0	NA	0	0	0
	2023	0	NA	0	0	0
	2024	0	NA	0	0	0
Hampton	2022	0	NA	0	0	0
	2023	0	NA	0	0	0

	2024	0	NA	0	0	0
Thompson	2022	0	NA	0	0	0
	2023	0	NA	0	0	0
	2024	0	NA	0	0	0
Gragg	2022	0	NA	0	0	0
	2023	0	NA	0	0	0
	2024	0	NA	0	0	0
Unnamed	2022	0	NA	0	0	0
	2023	0	NA	0	0	0
	2024	0	NA	0	0	0
Keefauver	2022	0	NA	0	0	0
	2023	0	NA	0	0	0
	2024	0	NA	0	0	0
Ellis	2022	0	NA	0	0	0
	2023	0	NA	0	0	0
	2024	0	NA	0	0	0
Nutter-Bradley	2022	0	NA	0	0	0
	2023	0	NA	0	0	0
	2024	0	NA	0	0	0
Schnelle	2022	0	NA	0	0	0
	2023	0	NA	0	0	0
	2024	0	NA	0	0	0
Newberry	2022	0	NA	0	0	0
	2023	0	NA	0	0	0
	2024	0	NA	0	0	0
Moore	2022	0	NA	0	0	0
	2023	0	NA	0	0	0
	2024	0	NA	0	0	0
Calvin Phillips	2022	0	NA	0	0	0
	2023	0	NA	0	0	0
	2024	0	NA	0	0	0
Strickland	2022	0	NA	0	0	0
	2023	0	NA	0	0	0
	2024	0	NA	0	0	0
Bush	2022	0	NA	0	0	0
	2023	0	NA	0	0	0
	2024	0	NA	0	0	0
MSA #2	2022	0	NA	0	0	0
	2023	0	NA	0	0	0
	2024	0	NA	0	0	0
MSA #3	2022	0	NA	0	0	0
	2023	0	NA	0	0	0
	2024	0	NA	0	0	0
MSA #4	2022	0	NA	0	0	0
	2023	0	NA	0	0	0
	2024	0	NA	0	0	0

The University maintains a daily fire log. The daily fire log is open to public inspection and new reports or updated information are added within two business days of the initial report being made to the fire department or a campus security authority. Please contact Brent Nipper at wbnipper@milligan.edu or at 461-423-8740 to view the fire log for the most recent 60-day period. The complete fire log can be made available within two business days of the request.

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

Policy Purpose

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

Prohibited Conduct

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

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

Reporting Options

1. **Report to Law Enforcement:**
 - Elizabethton Police Department (911 or 423-542-4141)

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

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

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

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

Medical Care/Preserving Evidence

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

Supportive Measures

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

Supportive measures are offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures are maintained as confidential by the University to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures.

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

Supportive measures may include, but are not limited to:

- Counseling
- Academic and/or work accommodations
- 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

On and Off Campus Services for Victims

Counseling Services:

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

Victim Advocacy Services:

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

Legal Assistance

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

Visa and Immigration Assistance

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

Student Financial Aid Assistance

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

Orders of Protection

- Carter County Clerk's Office (423-542-1825) during business hours
- Carter County Sheriff's Office-Judicial Commissioner (423-542-1850) after business hours

Reporting Process

- **A report is received from an RA, professor, coach, or other staff member.** Disclosures to anyone on campus other than confidential resources like the counseling center or campus minister, require that person to contact the Title IX Coordinator.
- **The Title IX Coordinator contacts the victim.** Contact is usually made by email requesting a meeting. Responding to this initial contact is not required and meeting with the Coordinator does not mean further action has to be taken.
- **The Title IX Coordinator will explain rights, reporting options and resources,** including information about supportive measures, counseling services, local advocacy organizations and how and to whom to make a formal complaint, if wanted.
- **In almost all cases, the complainant can decide if and how to proceed.** Possible next steps include a formal campus investigation, reporting to the police, and in some cases informal resolution between the parties involved.

Grievance Process for Formal Complaints

- After the **initial assessment** meeting, a formal complaint will be made by either the victim or the Title IX Coordinator in cases in which an ongoing threat to campus is identified.
- Formal complaints meeting the parameters of the Title IX Sexual Harassment Policy will be addressed through the **Title IX Grievance Process** below. All other complaints will be addressed through the appropriate student or employee conduct processes.
- A **notice of allegations** is made to the respondent (reported perpetrator).
- An **investigation** is conducted, including evidence gathering, evidence review by parties, investigation report and second review by parties.
- A **hearing** will be conducted by a decision maker(s), including cross examination of the complainant, respondent, and witnesses conducted by each parties' advisors.
- A **determination of responsibility** will be made by the decision maker, including a finding of responsible or not responsible of a policy violation and sanctions imposed on the respondent and remedies available to the complainant when a determination of a policy violation is made.
- An **appeal** of the determination of responsibility may be made by either party if the reason for appeal meets policy parameters for appeal.

- In addition to the formal grievance process, the option to pursue an **informal resolution** is possible if both parties and the Title IX Coordinator agree to pursue.

Additional Information about the Grievance Process

- Complainants and respondents may be accompanied to any meeting or proceeding by an advisor of their choice.
- Parties will be provided with written notice of dates, times, and purpose of any aspect of the proceedings to which they are invited or expected to attend.
- All individuals conducting any aspect of the proceedings will not have conflicts of interest or bias for or against complainants or respondents generally or individual complainants or respondents.
- The burdens of proof and evidence gathering rests on the University, not the parties.
- The standard of proof used in the determinations of findings will be the preponderance of evidence standard (it is more likely than not that a policy violation occurred).

To Learn More

For more information on University safety and security policies and procedures and crime reporting, including the full sexual misconduct policy, please see the Title IX/Sexual Misconduct Policy section of <https://www.milligan.edu/life/student-services/campus-safety/> or the Title IX Coordinator. The Title IX Coordinator for Milligan University is: Brent Nipper, (423) 461-8740, wbnipper@milligan.edu. The Title IX Coordinator's office is located upstairs in the Little Hartland Welcome Center.

Policy Definitions (Prohibited Conduct)

Quid Pro Quo Sexual Harassment: Conduct on the basis of sex in which an employee of the University conditions the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct

Sexual Harassment (Hostile Environment): Unwelcome conduct of a sexual nature determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity

Sexual Assault

- Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Sexual Assault includes Rape, Fondling, Incest, and Statutory Rape.
 - Rape is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - Fondling is 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 or her age or because of his or her temporary or permanent mental incapacity.
 - Incest is sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by law.

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

Dating Violence

- Violence committed by a person—who is or has been in a social relationship of a romantic or intimate nature with the victim; and 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.

Domestic Violence

- Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction within which the institution operates, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Stalking

- Engaging in a course of conduct (two or more acts including, but not limited to, actions in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means; follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property) 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 (significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling).

Policy Definition (Consent)

Understanding consent is an essential part of engaging in healthy relationships and the prevention and awareness of sexual misconduct.

Consent

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

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

1. Report and Initial Assessment

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

When a report of sexual misconduct is received by the Title IX Coordinator, the Title IX Coordinator or designee will promptly contact the complainant to discuss:

- The availability of supportive measures
- Consider the complainant's wishes with respect to supportive measures
- Inform the complainant of the availability of supportive measures with or without the filing of a formal complaint
- Explain to the complainant the process for filing a formal complaint (initial assessment).

When incidents of sexual assault, domestic violence, dating violence or stalking are reported, the complainant will be provided with written notification about:

- The importance of preserving evidence and how to do so
- How and to whom to report an offense if an individual chooses to do so
- Possible accommodations and supportive measures
- Available on-campus and off-campus resources
- Information on orders of protection or other similar orders
- Procedures for disciplinary action

Available accommodations and supportive measures include changes to academic, living, transportation, and working situations; counseling, health, legal assistance, visa, and immigration assistance, student financial aid and other services available for victims, both within the University and in the community. Such accommodations and supportive measures will be provided if they are deemed necessary by University officials and/or requested by the complainant and if they are reasonably available, regardless of whether the complainant chooses to file a formal complaint, report to law enforcement or makes a request for their name or other personally identifiable information not to be shared. Please see [Rights and Options of Victims of Sexual Assault, Dating Violence, Domestic Violence, and Stalking](#).

Where applicable, University authorities will issue mutual no contact orders to students reported to be involved in incidents of sexual misconduct. University authorities will also assist the complainant in contacting the authorities to pursue orders of protection, at the victim's request. For information about pursuing orders of protection without assistance from law enforcement or campus authorities, contact the Carter County Clerk's Office at 423-542-1825 during business hours or the Carter County Sheriff's Office-Judicial Commissioner at 423-542-1850 after business hours.

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

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

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

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

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

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

2. Formal Grievance Process

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

The grievance process will treat complainants and respondents equally by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by completing the grievance process before the imposition of any disciplinary sanctions or other actions, aside from supportive measures, against a respondent.

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

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

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

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

The grievance process includes reasonably prompt time frames for conclusion of the grievance process, including reasonably prompt time frames for filing and resolving appeals and informal resolution processes, and a process that allows for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include but is 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.

The range of disciplinary sanctions applicable to this policy includes warnings, reprimands, suspension and termination of employment for University employees. For students, the range of sanctions includes general sanctions, warnings, counseling, reprimand, campusing, community

service, restitution/apology, exclusion from extra-curricular activities, suspension, expulsion, and interim suspension.

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

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

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

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

3. Notice of Allegations

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

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

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

4. Dismissal of a Formal Complaint

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

- As defined by this policy and the 2020 Title IX regulations
- Occurred in the University's education program or activity AND
- Occurred against a person in the United States

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

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

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

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

5. Consolidation of Formal Complaint

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

6. Informal Resolution

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

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

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

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

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

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

7. Investigation of a Formal Complaint

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

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

The University cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains that party's voluntary, written consent to do so for a grievance process.

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

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

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

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

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

Prior to completion of the investigative report, the University must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. This evidence may be provided in the format of a draft investigation report. The parties must have at least 10 days to submit a written response to the provided evidence described above.

The investigator will consider the responses of the parties prior to completion of the investigative report. The University will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination

The University will create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing (if a hearing is required) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

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

8. Hearings

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

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

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

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

Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

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

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

9. Determination Regarding Responsibility

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

- Identification of the allegations potentially constituting prohibited conduct as defined by this policy and the 2020 Title IX regulations.
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held.
- Findings of fact supporting the determination.
- Conclusions regarding the application of the this policy and/or the University's code of conduct to the facts.

- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the respondent, whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided to the complainant, and the procedures and permissible bases for the complainant and respondent to appeal

The written determination will be provided to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the parties are provided the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. The Title IX Coordinator is responsible for effective implementation of any remedies.

10. Appeals

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

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

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

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

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

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

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

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

Appendix C: Student Disciplinary Guidelines

Disciplinary Sanctions and Fees

The Dean of Students shall enforce all sanctions and keep all other affected offices and persons informed. The student may be compelled to either do or avoid doing specified action which shall be commensurate with the offense(s).

Milligan University may impose a range of disciplinary actions and sanctions with respect to any misconduct for which a student has been determined to be responsible. Possible disciplinary actions and sanctions include any combination of, but are not limited to, the following:

- Camping
- Community Service
- Dismissal
- Exclusion from Extra-Curricular Activities
- Fines
- Reprimand
- Restitution/Apology
- Suspension
- Warning

Disciplinary Procedures

Disciplinary action at Milligan University is viewed as a means of providing a God-honoring, safe environment for student growth and success as well as a means of guiding students toward developing Christian responsibility and maturity. This disciplinary action is affected at the discretion of the Dean of Students subject to the Discipline Committee if a formal hearing is requested. We are committed to fair and appropriate disciplinary actions that are administered impartially, redemptively, and with concern and compassion for all involved.

The university reserves the right to refuse, suspend, or dismiss any student, based on an aggregation of conduct matters, if such action is deemed to be in the interest of the university.

Incidents of sexual harassment including sexual assault, domestic violence, dating violence and stalking will be addressed through the University's Sexual Misconduct Policy, when applicable.

Notification of disciplinary charges, or any ensuing correspondence, may be sent to the parents/guardians of any financially dependent student.

NOTICE OF CHARGE

Non-academic Violations of the Student Code of Conduct: Upon receiving notification of a potential nonacademic violation of the Student Code of Conduct, the Dean of Students shall conduct an investigation and, when warranted, cause a written charge to be made setting forth the person charged, the specific nature of the alleged offense, the time of the alleged offense, if known, and the disciplinary action recommended by the Dean of Students. The student may choose to accept the disciplinary action recommended by the Dean of Students or may choose to request a hearing with the Discipline Committee (see Discipline Committee below).

DISCIPLINE COMMITTEE

The Discipline Committee consists of five faculty members appointed by the Vice President for Academic Affairs and Dean. The Discipline Committee has the discretion to appoint students as ad hoc members of the Discipline Committee depending on the nature of the hearing.

Non-academic Violations of the Student Code of Conduct: Should the accused student desire to appeal the decision and disciplinary action recommended by the Dean of Students, they may request a hearing with the Discipline Committee. He/she shall request such hearing in writing to the Chairperson of the Discipline Committee within three (3) business days of receipt of the charge. The Chairperson, upon receipt of a written hearing request, shall set a hearing date within three (3) business days following such hearing request, providing at least twelve (12) hours' notice of the time of the hearing to the accused student and the members of the Discipline Committee and shall provide the student with necessary instructions regarding the hearing.

If the Dean of Students recommends that a student be dismissed from the university, the recommendation will be made to the Discipline Committee, and a Discipline Committee hearing shall be held at the earliest reasonable time.

Appendix D: Faculty and Personnel Disciplinary Policies

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

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

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

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

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

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

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