

# CAMPUS WATCH

LIPSCOMB UNIVERSITY DEPARTMENT OF SECURITY

[www.lipscomb.edu](http://www.lipscomb.edu)



## ANNUAL FIRE AND SAFETY REPORT

**Lipscomb University**

**Annual Security Report  
2020**

### **Introduction:**

Lipscomb University (“Lipscomb” or the “University”) is committed to providing and maintaining a safe and secure environment for the entire Lipscomb community. In order to accomplish this mission, the cooperation and assistance of all Lipscomb students, faculty and staff is needed.

This Annual Security Report is published by Lipscomb’s Office of Security and Safety (“Lipscomb University Department of Security”) in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the

“Clery Act”). By reporting crimes accurately and promptly, members of the Lipscomb community are assisting their fellow community members in making informed decisions on personal safety and property protection. This Annual Security Report presents statistics of crimes reported to Lipscomb University Department of Security and other persons in responsible positions across campus for the previous calendar year.

**Premises:**

The Lipscomb campus is private property. The main campus consists of approximately 65 acres located approximately five miles south of downtown Nashville at One University Park Drive, Nashville, Tennessee. Lipscomb’s main campus has a total population of approximately 5,700 students, faculty and staff. Of this number, over 4,600 are undergraduate or graduate students, including over 1,450 campus residents. Lipscomb employs approximately 1,150 people, which includes all full and part-time faculty and staff. Access to the Lipscomb campus is generally unrestricted for Lipscomb students, faculty, staff, their guests and others with legitimate reasons to be on the property. Campus residence halls are, however, restricted to occupants and their authorized guests.

Lipscomb’s campus includes leased office spaces located at 3252 Aspen Grove Drive, Suite #9, Franklin, Tennessee, and at 147 4<sup>th</sup> Avenue North, Nashville, and Stokes Middle School, Nashville, 3701 Belmont Boulevard, Nashville, Woodmont Hills Church of Christ, 3710 Franklin Pike, Nashville, Cofer’s Chapel, 3915 Franklin Pike, Nashville, Academy Athletic Complex, 1027 Caldwell Lane, Nashville, Longview Mansion, 811 Caldwell Lane, Nashville, which are used for, among other things, certain evening classes. Lipscomb leases certain space for study abroad programs in London, England and Santiago, Chile, and also leases certain space in Florence, Italy for a study abroad program that began in 2016. Lipscomb also utilizes certain space for a study abroad program in Vienna, Austria.

Lipscomb University Department of Security officers routinely patrol campus grounds and buildings via foot patrol, golf cart or marked vehicles providing officers with quick and easy access to campus facilities. The campus is well lit at night, and buildings and classrooms are locked based on a daily schedule. Security and Safety officers conduct building checks on a regular basis. Access control systems are utilized in Lipscomb residence halls as well as various other buildings across campus. Emergency telephones are strategically located throughout the campus. Persons deemed without legitimate reasons to be on campus are considered to be trespassers and are reported to local law enforcement for arrest if they do not leave when properly requested to do so.

All members of the Lipscomb community are encouraged to report to Lipscomb’s Service Operations Department or Lipscomb University Department of Security any conditions of University facilities or grounds that, if not addressed, could compromise the security or safety of the Lipscomb community. Needed repairs are prioritized and completed according to the level of risk to people and property.

**Lipscomb University Department of Security:**

Lipscomb University Department of Security strives to create and maintain a safe and secure environment for the entire Lipscomb community. Located in the basement of Beaman Library, Lipscomb University Department of Security has officers on duty 24 hours a day, 7 days a week, 365 days a year. Officers are available to respond immediately to emergency situations and/or reports of criminal activities and to provide security to the campus. An on-campus extension (7600) is available to the Lipscomb community for reporting any emergency situation.

Lipscomb University Department of Security, under the charge of the Vice President of Student Life, consists of a staff of approximately 21 people who meet the needs of patrolling, communications, crime prevention, traffic/parking, and investigations related to the safety and security needs of the Lipscomb community. The staff is comprised of qualified personnel, many of whom have college degrees, prior law enforcement experience or military backgrounds in addition to the personal skills and talents which aid in their work as Lipscomb University Department of Security officers. Lipscomb University Department of Security has approximately 16 uniformed officers who attend in-service training, as well as regular recertification training in CPR and first aid. All security officers are registered with the State of Tennessee as either armed or unarmed security officers. Lipscomb University Department of Security uses a combination of both armed and unarmed uniformed officers to accomplish its duties.

The Lipscomb community is encouraged to report all campus crimes to Lipscomb University Department of Security immediately. Lipscomb University Department of Security officers observe and report violations of laws and University policy and coordinate enforcement of those laws and policies with other campus, local, state and federal authorities. Lipscomb University Department of Security conducts a preliminary investigation of any reported incident and refers it to the appropriate law enforcement agency, when necessary or mandated. Lipscomb University Department of Security meets regularly with both

the Metro Police Department and other University security departments in the Middle Tennessee area.

Lipscomb University Department of Security does allow victims and/or witnesses to report crimes on a voluntary, confidential basis. However, the caller ID available on all Lipscomb University Department of Security phones does not allow for complete anonymity. Incidents of harassment or potential self-harm/injury may be reported anonymously through the “report an incident” tab of the Lipscomb University website (located on the bottom of the homepage), or the *LipscombReady* app. Victims or witnesses may also contact Nashville Crime Stoppers at (615) 74-CRIME (615-742-7463) to report crimes anonymously. There is currently not a policy for those who choose not to report a crime, or who are unable to do so.

All appropriate violations of state or federal criminal law that come to the attention of Lipscomb University Department of Security are reported in a timely manner to the appropriate law enforcement agency for investigation and disposition. Individuals may report incidents directly to the appropriate government agency, but Lipscomb encourages that all crimes occurring on campus or involving students be reported to Lipscomb University Department of Security. Lipscomb University Department of Security responds to crime at Lipscomb in much the same way as an urban law enforcement agency would respond; however, because they serve as security officers and not police officers, Lipscomb University Department of Security officers do not have the legal authority to arrest, except that right which is granted to every private citizen.

Lipscomb University Department of Security has many sources of information on crime prevention and personal safety available. A public crime log is available in the Lipscomb University Department of Security office providing statistical reports of all campus crimes. Security alerts are sent via text message, email, and other communication channels when immediate notification of a crime is necessary.

**Sex Offender Registry:**

In connection with the Campus Sex Crimes Prevention Act, the State of Tennessee has enacted the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification, and Tracking Act of 2004, which authorizes the Tennessee Bureau of Investigation (“TBI”) to release certain sex offender information to the public.

The TBI maintains the Sex Offender Registry, a central information and registration system of sexual offenders located in Tennessee. Information concerning registered sexual offenders can be obtained from the TBI by calling 888-837-4170 between 8:30 a.m. and 4:30 p.m., Central, Monday through Friday (excluding holidays) or by visiting the TBI website at <https://www.tn.gov/tbi/general-information/redirect-tennessee-sex-offender-registry-search/sex-offender-registry-search.html>.

**Crime Statistics:**

The following statistics were compiled from reports of events that occurred on campus from January 1 through December 31 of each year indicated:

**Criminal Offenses**

**Lipscomb University Main Campus (1 University Park Drive, Nashville, Tennessee):**

<b>Offense</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Murder/Non-negligent manslaughter	0	0	0
Negligent Manslaughter	0	0	0

Rape	0	1	0
Fondling	0	0	1
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	1	0	0
Aggravated assault	0	0	0
Burglary	1	5	1
Motor vehicle theft	1	2	0
Arson	0	0	0
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	1	2	2

**Lipscomb University Spark Cool Springs Campus (3252 Aspen Grove Drive, Suite #9, Franklin, Tennessee):**

<b>Offense</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Murder/Non-negligent manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

**Lipscomb University Spark Downtown Campus (147 4<sup>th</sup> Avenue, Nashville, Tennessee):**

Offense	2017	2018	2019
Murder/Non-negligent manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

**On-Campus Student Housing Facilities:**

Offense	2017	2018	2019
Murder/Non-negligent manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	1
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	2	0
Motor vehicle theft	0	0	0
Arson	0	0	0
Domestic Violence	0	0	0

Dating Violence	0	0	0
Stalking	0	0	1

**Non-Campus:**

Offense	2017	2018	2019
Murder/Non-negligent manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

**Public Property:**

Offense	2017	2018	2019
Murder/Non-negligent manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0

Motor vehicle theft	0	0	0
Arson	0	0	0
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	1

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**Arrests**

**Lipscomb University Main Campus (1 University Park Drive, Nashville, Tennessee):**

<b>Offense</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Weapons: carrying, possessing, etc.	0	0	0
Drug abuse violations	0	1	0
Liquor law violations	0	0	0

**Lipscomb University Spark Cool Springs Campus (3252 Aspen Grove Drive, Suite #9, Franklin, Tennessee):**

<b>Offense</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Weapons: carrying, possessing, etc.	0	0	0
Drug abuse violations	0	0	0
Liquor law violations	0	0	0

**Lipscomb University Spark Downtown Campus (147 4<sup>th</sup> Avenue, Nashville, Tennessee):**

<b>Offense</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Weapons: carrying, possessing, etc.	0	0	0
Drug abuse violations	0	0	0
Liquor law violations	0	0	0

**On-Campus Student Housing Facilities:**

<b>Offense</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Weapons: carrying, possessing, etc.	0	0	0
Drug abuse violations	0	0	0
Liquor law violations	0	0	0

**Non-Campus:**

Offense	2017	2018	2019
Weapons: carrying, possessing, etc.	0	0	0
Drug abuse violations	0	0	0
Liquor law violations	0	0	0

**Public Property:**

Offense	2017	2018	2019
Weapons: carrying, possessing, etc.	0	0	0
Drug abuse violations	0	0	0
Liquor law violations	0	0	0

**Disciplinary Actions****Lipscomb University Main Campus (1 University Park Drive, Nashville, Tennessee):**

Offense	2017	2018	2019
Weapons: carrying, possessing, etc.	0	0	1
Drug abuse violations	0	0	1
Liquor law violations	6	7	7

**Lipscomb University Spark Cool Springs Campus (3252 Aspen Grove Drive, Suite #9, Franklin, Tennessee):**

Offense	2017	2018	2019
Weapons: carrying, possessing, etc.	0	0	0
Drug abuse violations	0	0	0
Liquor law violations	0	0	0

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**Lipscomb University Spark Downtown Campus (147 4<sup>th</sup> Avenue, Nashville, Tennessee):**

Offense	2017	2018	2019
Weapons: carrying, possessing, etc.	0	0	0
Drug abuse violations	0	0	0
Liquor law violations	0	0	0

**On-Campus Student Housing Facilities:**



Offense	2017	2018	2019
Weapons: carrying, possessing, etc.	0	0	0
Drug abuse violations	0	0	0
Liquor law violations	6	7	0

**Non-Campus:**

Offense	2017	2018	2019
Weapons: carrying, possessing, etc.	0	0	0
Drug abuse violations	2	0	0
Liquor law violations	10	13	6

**Public Property:**

Offense	2017	2018	2019
Weapons: carrying, possessing, etc.	0	0	0
Drug abuse violations	0	0	0
Liquor law violations	0	0	8

**Jeanne Clery Act Definitions:**

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

**Tennessee Incident-Based Reporting Definitions:**

- **Rape:** Carnal knowledge of a person, 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 or physical incapacity.
- **Sodomy:** Oral or anal sexual intercourse with another person, 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 or physical incapacity.
- **Sexual Assault with an Object:** Use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, 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 or physical incapacity.

- **Fondling:** Touching of the private body parts of another person for the purpose of sexual gratification or any other reason, 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 or physical incapacity.

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

**Violence Against Women Act (VAWA) Definitions:**

- **Domestic Violence:** Felony or misdemeanor crimes of violence committed by a current or former spouse 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, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction 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.
- **Dating Violence:** Violence committed by a person: (A) who is or has been in a social a relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the following facts: (i) the length of the relationship; (ii) the type of the relationship; (iii) the frequency of interaction between the persons involved in the relationship.
- **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotion distress.

**Hate Crimes:**

A hate crime is defined as a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. For the purposes of Clery, the categories of bias include the victim’s actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability. Incidents that apply under any of the Clery categories above as well as thefts, assaults, intimidations, or vandalism shall be included. During the calendar years 2017, 2018, and 2019, no hate or bias crimes were reported on the Lipscomb campus, on non-campus buildings or properties, or on public property adjacent to campus.

**Unfounded Crimes:**

If a reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is "unfounded". Only sworn or commissioned law enforcement personnel may unfound a crime.

<b>Unfounded Crimes</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
	0	0	0

**Campus Policies**

**Timely Warnings:**

Lipscomb University provides “Timely Warnings” to faculty, staff and students when crimes occur on or near campus that pose a continuing threat to the Lipscomb community so that individuals may make informed decisions about their personal safety. The decision to issue a Timely Warning is made on a case-by-case basis given the available information at the time.

Factors for determining whether or not to issue a Timely Warning include:

- The nature of the crime or incident and whether it is a Clery reportable offense: Murder, Rape, Fondling, Incest,

Statutory Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Manslaughter, or Arson.

- Whether or not there is a continuing danger to the community.
- Proximity of the event to campus.
- Disposition of the offender: Identified or unidentified, at large or contained.
- Risk of compromising an ongoing investigation or law enforcement effort.

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Should a Timely Warning be issued, as much as possible of the following information will be

included: ● Date, time, location (general or specific).

- Event description summary.
- Suspect description and/or vehicle description.
- Any special instructions specific to the event.

Timely Warnings will be issued as soon as possible after the specific event. If the incident is a report delayed by the victim (more than 24 hours), then the time and date the victim reported the incident will be included in the report. This Timely Warning will not identify the victim by name or address and in those circumstances a more general description of the location may be used.

In addition to Timely Warnings, security notices may also be provided to the Lipscomb community if a pattern of repeated offenses that involve theft of or damage to property exists on or near campus. These notices would be intended to increase awareness and safety preparedness.

#### **Crisis/Emergency Communication Procedures:**

Lipscomb's Office of Risk Management is the primary source for mass communication of campus emergencies to Lipscomb students, faculty and staff, and Lipscomb's Department of University Communication and Marketing is responsible for coordinating with local media to further spread pertinent messages. Under the direction of the General Counsel, the Office of Risk Management partners in all emergency situations with Lipscomb University Department of Security as well as the Office of Student Life to provide targeted communication as needed to appropriate parties, including parents and families. In the event of an emergency, Lipscomb will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the appropriate notification, unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

#### **Procedure to Determine Emergency Notification:**

In the event of an emergency, the University's Incident Commander (or his/her designee), Executive Director of Lipscomb University Department of Security (or his/her designee), and/or Director of Risk Management will determine a prompt and appropriate course of action. In addition to identifying the nature of the emergency, this team also determines which campus audiences need to be notified and the content of such notification. These determinations are made on a case-by-case basis depending on the circumstances involved and the severity of the incident. For example, it is generally Lipscomb's policy to activate the Alert System whenever a determined emergency:

- Appears to be an immediate credible threat to the health, safety, or security of Lipscomb students, faculty or staff;
- Results in a disruption of normal campus operations (e.g., fire, criminal activity, tornado warning, or other severe weather); or
- Attracts significant police or media presence, regardless of time or perceived severity, because such presence inevitably stirs concerns and can contribute to panic.

Alerts are generally used in conjunction with other communication channels for increased effectiveness. Alerts provide basic information and inform subscribers of how to respond to a particular situation. Other communication channels often include more information, as appropriate, with the goal to provide as much detail as possible to protect the health and welfare of the Lipscomb community, while not compromising response efforts or interfering with the responsibilities of the authorities in

charge of the situation.

Lipscomb possesses access to a variety of tools to communicate emergency information to the Lipscomb community, and the University's Incident Commander (or his/her designee), General Counsel, Executive Director of Lipscomb University Department of Security (or his/her designee), and Director of Risk Management may implement different responses depending on the circumstances.

#### **Communication Response Options/Process:**

- **Text Alerts:** Lipscomb uses its LipscombReady system to quickly notify a mass audience. Lipscomb's text alert system, provided by AppArmor, is frequently promoted to all Lipscomb students, faculty, and staff, particularly during orientation to campus.

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Staff members in the Offices of Risk Management, Department of University Communication and Marketing, and Lipscomb University Department of Security have the ability to access the text alert system and distribute an appropriate message. Sample messages covering a variety of emergency events — such as tornado warnings, fire, or gunman on campus — have been created and added to the system for quick access.

- **Email:** The Office of Risk Management, Department of University Communication and Marketing, and Lipscomb University Department of Security each have the capacity to email all students, faculty, and staff in the event of a campus emergency. This communication channel may be used in conjunction with LipscombReady to expand on details and to deliver further timely information as circumstances develop over the course of any emergency situation.
- **Emergency outdoor warning system:** Lipscomb's emergency outdoor warning system is located at the Bennett Campus Center and serves both as an early-warning system and a means of communication in an emergency. Both Lipscomb University Department of Security and the Office of Risk Management may activate the system as needed. Pre programmed messages and tones are available, as well as live broadcast capabilities.

**Campus Telephones:** University landline, voice-over telephones are equipped to broadcast emergency information.

Additional communication channels: Additional communication outlets that can be used as a supplement to texts and emails to inform the campus of emergency situations include:

- Campus announcement on Lipscomb's intranet website – My.Lipscomb;
- Security vehicles equipped with loudspeakers that can target areas of campus;
- Lipscomb social media;
- Headline on home page of website, [www.lipscomb.edu](http://www.lipscomb.edu);
- Door-to-door verbal communication by Residence Life and Lipscomb University Department of Security staff; and •

Local media outlets.

Together, these multiple channels for communication are intended to provide immediate transmission of specific information regarding an emergency to all affected areas of the campus in the quickest, most thorough form possible. The variety of methods used helps to ensure the greatest number of individuals will receive messages and also allows for targeted messaging in the event mass notification would compromise efforts to assist victims or otherwise mitigate the emergency. Information will be shared during the emergency situation, and many of these communication venues will also be used to provide information as needed throughout the duration of the emergency and as follow-up after the crisis has been resolved.

#### **Testing Procedures:**

Lipscomb tests its LipscombReady system every semester. The other communication channels referenced above are in regular use by Lipscomb for other campus messages and, therefore, are tested frequently.

#### **Student Organizations:**

There are no off-campus student organizations recognized by the University. Activities sponsored by student organizations

either on- or off-campus are governed by the Code of Conduct, as outlined in the Student Handbook.

**Drug-Free Campus Policy:**

It is a violation of the Code of Conduct to possess or consume alcohol on campus or at any University-sponsored event. Further, the purchase, possession, use, or sale of any illegal drugs or controlled substances is prohibited on- or off-campus. Violations of these policies will result in disciplinary action, as set forth in the Student Handbook. Violations of these standards of conduct may also result in criminal penalties under local, state, or federal law. The University has drug and alcohol abuse education programs as required under Section 1213 of The Higher Education Act of 1965, superseded and amended by the Higher Education Opportunity Act of 2008, including:

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- Alcohol awareness seminars conducted at least once per year;
- Drug and alcohol educational programs for students who violate Lipscomb's drug or alcohol policies; and • Employee assistance programs for faculty and staff members.

Lipscomb University is committed to maintaining an alcohol- and drug-free campus. While observance of state law is a fundamental requirement for our community, at Lipscomb we have higher expectations than mere compliance. Lipscomb University is dedicated to providing a safe campus that is alcohol, illegal substance, and tobacco-free. The following guidelines present the University's expectations as they are described in the University's Alcohol and Drug Policy.

**Alcohol:**

- Alcohol possession and/or consumption is prohibited on campus.
- Alcohol possession and/or consumption is prohibited for all traditional undergraduate students.
- Providing alcohol to underage students or traditional undergraduate students or hosting events where underage drinking occurs is illegal and prohibited.
- Alcohol possession and/or consumption is prohibited at any University-sponsored event.
- Intoxication is prohibited for all members of the Lipscomb community on and off campus at all times.
- In no case will other adult members of the Lipscomb community serve or consume alcohol in any situation in which traditional undergraduate members of the Lipscomb community are or are likely to be present.

**Drugs:**

- The purchase, possession, use, or sale of any illegal drugs or controlled substances is prohibited on- or off-campus.
- Students must not possess materials that may be considered drug paraphernalia.
- Use of prescription drugs outside of their prescribed use is illegal and prohibited.
- Students suspected of drug use may be asked to submit to testing. Refusal of or attempts to evade testing will be interpreted as evidence of drug use, and will result in disciplinary action.
- Students who test positive for drug use will be responsible for the cost of the test.

**Tobacco:**

- Use of tobacco products on campus is prohibited.
- Tobacco products discovered in residence halls or other University buildings will be confiscated and disposed of.

Offenses involving on-campus possession, use or distribution of alcoholic beverages, illegal drugs and controlled substances may be referred to the Metro Police Department for investigation and possible filing of applicable criminal charges.

**Reason for the Policy:**

The University has adopted this policy in support of its spiritual and educational mission and in compliance with the new Higher Education Act Sec. 120(a)(B)-(C); 34 C.F.R. § 86 of the Higher Education Opportunity Act Sec. 107.

**Applicability of the Policy:**

This policy applies to all Lipscomb University students.

**Definitions:**

- Alcohol – Any beverage containing more than 0.5% ethyl alcohol by weight.
- Illicit drug or Controlled substance – Controlled substances and analogs as defined by federal and state law.
- Possession – Determined by control over a substance or object with or without regard to ownership.

**Procedures:**

All policies and regulations of the Student Handbook may apply to all students on or off campus and regardless of whether school is in session.

Violations of these University policies will be assessed to the full range of disciplinary responses. In cases where a student is under the age of 21, parents or guardians may be notified with respect to the final disciplinary responses. Possible Sanctions - Informal Actions (may/may not be accompanied by formal action):

- Probation to the Deans.
- Loss of residence hall privileges.
- Loss of rights and privileges to participate in student activities.
- Loss of institutional aid.
- Modification or suspension of housing arrangements.
- Payment of fines, or monetary restitution.
- Discretionary sanctions.
- Denial of, or conditional, readmission.

**Formal Actions:**

- Disciplinary Actions.
- Deferred Suspension.
- Suspension.
- Dismissal.

In keeping with the redemptive nature of the Lipscomb's disciplinary policy, students who come forward voluntarily confessing a violation of the University policies or an addictive lifestyle (such as illegal drugs and controlled substances or alcohol use or abuse) may be afforded an opportunity to submit to a range of possibilities outside the disciplinary process.

The University upholds local, state and federal laws about the possession, use and distribution of alcohol, illegal drugs, and/or drug paraphernalia off campus as well.

**Criminal Sanctions:**

In compliance with the federal Drug-Free Communities Act, the following criminal sanctions are provided to help students understand the risks of substance consumption, possession, and distribution. The list may not be exhaustive; students are encouraged to engage in additional research as well as explore information about drinking laws.

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The Metropolitan Government of Nashville/Davidson County prohibits the following acts and prescribes the corresponding penalties:

- It is unlawful to possess a hypodermic needle, syringe or other item used with an illicit drug or controlled substance that has traces of a controlled substance upon it.
- It is illegal to sell or give certain types of glue or plastic cement to anyone under 21 years of age. Being under the influence of one of these substances in public is also prohibited.
- It is unlawful for any person under the age of 19 to be present in an automobile on any public street when alcoholic beverages are being consumed in the automobile, and to be present in any public park and be a companion of or otherwise associated with any person who is consuming alcoholic beverages who is not his or her parent or guardian or who has not secured written consent from the parent or guardian for the child to be present.
- It shall be a violation for any person, while on a public street or in a place generally open to the public (and not licensed for the on-premises consumption of alcoholic beverages) to have in their possession any alcoholic beverage for the purpose of consumption in a container unless the container is commercially sealed.

Each of these offenses is punishable by a fine up to \$500.

The State of Tennessee prohibits the following acts and prescribes the corresponding penalties:

- Persuading, enticing, or sending a person under 21 years of age to purchase alcoholic beverages or buying an alcoholic beverage for anyone under the age of 21 is punishable by up to 200 hours of community service and revocation of driving privileges.
- It is illegal to be intoxicated in public. Such behavior can result in up to 30 days in jail and/or a \$50 fine.
- Consuming or possessing alcohol on the premises of an elementary, middle school/junior high, or high school is punishable by up to 30 days in jail and/or a \$50 fine.
- Driving under the influence of an alcoholic beverage or drug is punishable by a jail term of up to 7 days, up to a \$1,500 fine, and loss of driving privileges for one year for the first offense; a jail term of 11 months and 29 days, up to a \$3,500 fine, and loss of driving privileges for two years for the second offense; and a jail term of 11 months 29 days, up to a \$10,000 fine, and the loss of driving privileges for up to 10 years for the third offense. In addition, a court may order in-patient treatment at a drug and alcohol rehabilitation center.
- Killing another person while driving a vehicle under the influence of alcohol or drugs can result in up to a 30-year sentence, a fine of up to \$10,000, and the loss of one's license for up to 10 years.

- Being intoxicated and, as a result of intoxication, recklessly causing serious bodily injury to another while operating a motor vehicle is punishable by two to 12 years in prison, the loss of driving privileges for one year per offence, with a maximum loss of five years and a fine up to \$5,000.
- Consuming or possessing in an open container any alcoholic beverage or beer while operating a motor vehicle may result a fine up to \$50.
- It is illegal to possess with the intent to manufacture, deliver or sell an illicit drug or controlled substance. Depending on the type of substance and its quantity, such fines will be at least \$5,000 but not more than \$250,000, is subject to a jail term of up to 11 months and 29 days and a \$2,500 fine.
- If two or more prior convictions are present, the possible sentence increases to six years in prison and a \$3,000 fine. In addition, a court may order enrollment in a drug offender school and/or community service at a drug treatment facility.
- The casual exchange of even small amounts of an illicit drug or controlled substance with a minor can result in a penalty of up to life in prison and a \$500,000 fine.
- Inhaling, selling, giving, or possessing glue, paint, gas aerosol or gas for an unlawful purpose is punishable by a jail term of 11 months and 29 days to six years and a fine of up to \$3,000.

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- It is illegal to sell or buy any item that is represented to be an illicit drug or controlled substance. Such an act is punishable by up to six years in prison and a \$3,000 fine.
- It is illegal to sell, deliver or possess the seeds of jimsonweed on the premises of any elementary, junior high or high school. The penalty for such an act is 11 months and 29 days in jail and/or a fine up to \$2,500.
- It is unlawful to possess with the intent to manufacture or deliver an anabolic steroid. This act is punishable by two to 12 years in prison and a fine of up to \$50,000.

In addition to the state and local statutes, a number of controlled substances are illegal under federal law as defined in Title 21 of the US Code. These statutes and the corresponding penalties can be found at <https://www.deadiversion.usdoj.gov/21cfr/21usc/>. A violation of any law regarding drugs or alcohol is also a violation of the University's Student Code of Conduct and will be treated as a separate disciplinary matter by the University.

## **Health Risks**

### **Alcohol:**

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood of an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including relationship problems. Moderate to high doses of alcohol severely alter a person's ability to learn and remember information. Very high doses or low doses combined with other prescription medication (such as Adderall), cause respiratory depression and death. Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, may permanently damage vital organs such as the brain and liver. Mothers who drink while pregnant may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

### **Anabolic Steroids:**

Anabolic steroids are powerful compounds closely related to the male sex hormone testosterone. Developed in the 1930s, steroids may be taken orally or injected. Current legitimate medical uses are limited to certain kinds of anemia, severe burns and some types of breast cancer. When combined with a program of muscle-building exercise and diet, steroids may contribute to increases in body weight and muscular strength. Today, many young people use steroids to accelerate physical development. Steroid users may develop more than 70 side effects, ranging in severity from liver cancer and sterility to acne. Psychological effects include very aggressive behavior, known as "roid rage," and depression. While some side effects appear quickly, others,



such as heart attacks and strokes, may not show up for years. Signs of steroid use include quick weight and muscle gains; behavioral changes, particularly increased aggressiveness and combativeness; jaundice; purple or red spots on the body; swelling of feet or lower legs; trembling; darkening of the skin; and persistent, unpleasant breath odor.

### **Cannabis/Marijuana:**

All forms of cannabis have negative physical and mental effects. Physical effects of cannabis include increase in heart rate, bloodshot eyes, dry mouth and throat, and hunger. Smoking marijuana is damaging to the lungs and respiratory system. The tar in marijuana smoke is carcinogenic. Use of cannabis may impair short-term memory and comprehension, alter sense of time, and reduce ability to perform tasks requiring concentration and coordination, such as driving a car. Knowledge retention may be lower when information is given while a person is "high." Motivation and cognition are altered, making the acquisition of new information difficult. Marijuana can also produce depression, paranoia and psychosis. Long-term users may develop dependence. Marijuana smoke contains more cancer-causing agents than tobacco smoke.

### **Cocaine:**

Cocaine stimulates the central nervous system, and long term use can lead to dependence. Its immediate effects include dilated pupils, elevated blood pressure and body temperature, and increased heart rate. Chronic use can cause ulceration of the mucous membrane in the nose. Injecting cocaine with unsterile equipment can transmit AIDS, hepatitis and other infections. Preparation of freebase, which involves the use of highly volatile solvents, can result in fire or explosion. Crack or freebase rock, a concentrated form of cocaine, is extremely potent. Its effects are felt within 10 seconds of administration. The drug produces the same physical effects as cocaine, as well as insomnia, loss of appetite, tactile hallucination, paranoia and seizures. Cocaine use may lead to death through disruption of the brain's control of heart and respiration.

### **Depressants:**

The effects of depressants are similar to those of alcohol in many ways. Small amounts can produce calmness and relaxed muscles, but larger doses can cause slurred speech, staggering gait, and altered perception. Very large doses can cause respiratory depression, coma, and death. The combination of depressants and alcohol can increase the effects of the drugs and multiply the risks. The use of depressants can cause both physical and psychological dependence. Regular use may result in tolerance to the drug, leading the user to increase the quantity consumed. When regular users stop taking depressant drugs, they may develop withdrawal symptoms ranging from restlessness, insomnia, and anxiety to convulsions and death.

### **Ecstasy and Other Club Drugs:**

Illegal drugs are defined in terms of their chemical formulas. To circumvent these legal restrictions, underground chemists modify the molecular structure of certain illegal drugs to produce analogues known as designer or club drugs. These drugs can be several times stronger than the drugs they imitate. Many can cause severe neurochemical damage to the brain. The narcotic analogues can cause uncontrollable tremors, drooling, impaired speech, paralysis, and irreversible brain damage. Analogues of amphetamines and methamphetamines cause nausea, blurred vision, chills, or perspiration and faintness. Psychological effects include anxiety, depression, and paranoia. As little as one dose can cause brain damage. The analogues of phencyclidine cause illusions, hallucinations, and impaired perception.

### **Hallucinogens:**

Phencyclidine (PCP) interrupts the function of the neocortex, the section of the brain that controls the intellect and keeps instincts in check. Because the drug blocks pain receptors, violent PCP episodes may result in self-inflicted injuries. PCP often causes distance and space estrangement, lack of muscular coordination, and dulled senses. Time and body movement are slowed, and speech is blocked and incoherent. Chronic users of PCP report memory and speech difficulties. Some of these effects may last a year following prolonged daily use. Mood disorders such as depression, anxiety, and violent behavior also occur. Long-term chronic users may become paranoid and violent and experience hallucinations. Large doses may produce convulsions, coma, or heart and lung failure. Lysergic acid (LSD), mescaline, and psilocybin (mushrooms) cause illusions and hallucinations. Physical effects may include dilated pupils, elevated body temperature, increased heart rate, and blood pressure, loss of appetite, sleeplessness, and tremors. Sensations and feelings may change rapidly. It is common to have a bad psychological reaction to LSD, mescaline, and psilocybin (mushrooms). The user may experience panic, confusion, suspicion, and anxiety. Delayed effects, or flashbacks, can occur even after use has ceased.

### **Inhalants:**

A variety of psychoactive substances have been inhaled as gases or volatile liquids. Many popular commercial preparations such as paint thinners and cleaning fluids are mixtures of volatile substances making it difficult to be specific about their various effects. Immediate negative effects of inhalants may include nausea, sneezing, coughing, nose bleeds, fatigue, lack of coordination, and loss of appetite. Solvents and aerosol sprays may also decrease the heart and respiratory rates and impair judgment. Amyl and butyl nitrate cause rapid pulse, headaches, and involuntary passing of urine and feces. Long-term use may result in hepatitis or brain damage, weight loss, fatigue, electrolyte imbalance, and muscle weakness. Repeated sniffing of concentrated vapors over time can lead to permanent damage of the nervous system.

### **Narcotics:**

Narcotics initially produce a feeling of euphoria followed by drowsiness, nausea, and vomiting. Users may experience constricted pupils, watery eyes, and itching. An overdose may produce slow and shallow breathing, clammy skin, convulsions, coma, and death. Tolerance to narcotics develops rapidly and dependence is likely. The use of unsterilized syringes may result in transmission of diseases such as AIDS, endocarditic, and hepatitis.

### **Other Stimulants:**

Stimulants can cause increased heart and respiratory rates, elevated blood pressure, dilated pupils, and decreased appetite. Users may perspire and experience headaches, blurred vision, dizziness, sleepiness, and anxiety. Extremely high doses can cause rapid or irregular heartbeat, tremors, loss of coordination, and physical collapse. An amphetamine injection creates a sudden increase in blood pressure that can result in stroke, very high fever, or heart failure. Users also report feeling restless, anxious, and moody. Persons who use large amounts of amphetamines over a long period of time can develop an amphetamine psychosis that includes hallucinations, delusions, and paranoia. These symptoms usually disappear when drug use ceases.

This information was collected from the publication "What Works: Workplaces Without Drugs," U.S. Department of Labor, 1991.

### **Available Resources for Counseling, Treatment and Rehabilitation:**

The following services are available through the University Counseling Center for those students who are struggling with substance abuse problems:

- Assessment.
- Referral.
- Individual therapy.
- Family and/or relational.
- Educational programs.

Students may obtain the above services on a confidential basis by calling the University Counseling Center. Following is a list of resources for treatment options. Lipscomb University does not have a contractual agreement with any of the listed resources; they are listed as a courtesy only for students.

- Alcoholics Anonymous 615-831-1050.
- Narcotics Anonymous 1-800-677-1462.
- Center for Alcohol & Drug Treatment 1-800-284-2216.
- Cumberland Heights Alcohol & Drug Treatment Center 615-356-2700.
- Tennessee Christian Medical Center 615-865-0300.
- Vanderbilt Addiction Center 615-936-3555.

### **Weapons:**

Lipscomb policy prohibits anyone other than certified law enforcement officers or Lipscomb University Department of Security officers from possessing, carrying, or storing a weapon on campus.

### **Criminal Records:**

Students with criminal records of which the University is aware are evaluated on a case-by-case basis. Lipscomb reserves the right to refuse to admit, suspend, or expel any student whose criminal history is deemed by the University to create a threat to the health or safety of the Lipscomb community.

Criminal conviction may render a current faculty or staff member unsuitable for continued employment at the University. The University reserves the right to terminate employment if an individual is convicted of a crime, even if the crime did not occur on University time or premises. If an employee is convicted of a crime, the employee is required to notify his/her immediate supervisor within five days of the conviction. Failure to report a conviction, or being convicted of a crime that makes a person unsuitable for continued employment, may be grounds for termination of employment. Criminal convictions prior to employment at Lipscomb will not necessarily bar employment. Falsification of application materials, however, including failure to disclose convictions or guilty pleas for any violation of the law, whether or not time is served, is grounds for termination of employment at any time after the falsification is discovered.

### **Student Housing:**

On-campus housing is available in single-, double- or quad-room occupancy for undergraduate students. Housing assignments are made based on approval from admissions, completed housing application, and receipt of housing deposit. Assignments are then made in the order of the applications received. Requests for assignment changes are based on space availability. Guests in student housing are required to check in according to established procedures.

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Exterior doors of the residence halls are locked 24 hours per day, except the front lobby doors. Doors leading from each lobby are locked 24 hours per day restricting access to the lobby. Windows have traditional locks, as appropriate. Residence hall rooms have traditional key locks, except the Residential Village, which has key-card access.

Residence hall facilities are staffed with trained professionals and paraprofessionals. Lipscomb University Department of Security responds to proper reports by residents, guests and residence hall staff. Residence hall staff members receive annual training on residence hall security, and additional training on special topics throughout the year. Throughout the semester, meetings are held for residents by the Residence Life staff. Lipscomb University Department of Security routinely provides information to educate and heighten awareness about safety and security concerns. Security alert bulletins are posted as necessary. Between semesters, most traditional residence halls are closed, but apartment housing remains open. Additional information regarding residence life is available from the Office of Residence Life.

- While the University has committed significant resources to provide a safe campus environment, students are reminded that they have an important responsibility in providing for their own security and safety.
- Students should lock their residence hall/apartment door when they leave their room.
- Students should immediately report lost or stolen key(s), fob, or ID card.
- Students should not loan or give their key(s), fob, or ID card to anyone.
- Exterior doors are not to be propped open. If observed, a student should immediately close the door and report to Residence Hall Staff.
- Windows are not to be used for exit and entry and should remain locked when the room is not occupied. Broken locks or windows should be reported immediately to Residence Hall Staff.
- Tampering with or disabling security devices or smoke detectors may lead to disciplinary action. Activation of a fire alarm in the absence of an actual emergency is a prosecutable offense and will not be tolerated.

- Students should report immediately any observed suspicious activity or safety hazard to Lipscomb University Department of Security and/or Residence Hall Staff. Please provide as much information as possible.

**Risk-Reduction Tips:**

When jogging or walking, especially at night, please remember these tips:

- Travel in a group. The presence of a second person will increase your safety factor. Do not jog alone late at night.
- Travel well-lit paths that you are familiar with. Do not take shortcuts that you are not overly familiar with, especially at night.
- Pay attention to your surroundings. It is best not to listen to headphones while running, but if you choose to do so, please keep the volume at such a level that you can still hear what is happening around you. Texting while walking is distracting and should be kept to an absolute minimum.
- Walk or jog with confidence and purpose.
- Utilize the Bison Safety Walk program.

Whether parking here on campus or elsewhere, the following tips can help reduce your risk:

- Never leave valuables visible inside your car. This includes cell phones, CDs, purses, book bags, briefcases, or any other item that a thief may consider to be of value. Remember, a thief does not know what is in a bag, so even if there is nothing of value in it, it may still attract a thief's attention. If you must bring valuable items to school, please lock them in your glove box or your trunk.

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- Whenever possible, park in well-lit, high-traffic areas. Increased lighting, visibility, and traffic will increase the likelihood of someone being observed, which will reduce your risk.
- Have your keys out, ready to enter your vehicle as you approach. This will prevent you from having to dig through your pockets or purse to locate them, thereby decreasing the amount of time you spend outside of your vehicle.
- Be alert as you walk to your vehicle. Observe who is around and what they are doing. If you feel uncomfortable, go back to the building and have someone escort you to your vehicle. On campus, feel free to contact Lipscomb University Department of Security at (615) 966-7600, or ext. 7600 from any campus phone. Security will be glad to have an officer escort you to your vehicle, or from your vehicle to the building.
- Check your surroundings before exiting your vehicle.

For dorm residents, here are some safety tips that might be helpful:

- Always lock your door when you leave the room. Even if you are going to the restroom, to the shower, down the hall to a friend's room, or to check your laundry, an open door allows anyone to enter your room. It only takes a few seconds for someone to steal your valuables from an unlocked room.
- Do not prop exterior dorm doors open. Propping doors open allows anyone to enter the building. By propping doors open, you may be responsible for allowing someone into your building that actually commits a crime against you or other residents. Do not allow people who you do not know to enter with you.
- Report any suspicious activity immediately to your Residence Hall Staff or Lipscomb University Department of Security at ext. 7600 or (615) 966-7600.
- Of particular note, no one should just walk into your room without knocking and you letting them in. If someone walks into your room and claims to have walked in by mistake looking for someone else, report this activity immediately. Other suspicious activities include someone checking your door handle to see if it is locked, or someone randomly

knocking on doors claiming to be looking for someone. Report all such incidents immediately.

**Other Physical Security Measures:**

Closed circuit television (CCTV) cameras are in place at various locations around the Lipscomb campus. Lipscomb University Department of Security works with University departments, along with the Information Technology staff, to determine need, location, installation, and maintenance of CCTV equipment. Recorded images may be used as evidence in criminal and/or University investigations.

**Emergency Phones:**

Over 20 emergency Blue Light phones are located strategically throughout the University. When pressed, the emergency call button connects the caller with Lipscomb University Department of Security. Each call will receive a priority response from Lipscomb University Department of Security. It is important to remember that emergency Blue Light phones should only be used for actual or perceived emergency situations.

Lipscomb University Department of Security may also be reached by dialing 7600 from any on campus phone or 615-966-7600 from any phone.

**Security Escort:**

Lipscomb University Department of Security offers a free Bison Walk Safety Escort twenty-four hours a day, seven days a week for on campus locations. To utilize the Bison Walk, call 615-966-7600, and give the Dispatcher your current location and, if applicable, your vehicle description.

**Identification Cards:**

All students, faculty and staff members at Lipscomb University are issued Lipscomb ID cards. All faculty and staff must be currently employed by Lipscomb University and present documentation from Lipscomb Human Resources before receiving an ID. IDs are used for access to certain buildings, library privileges, admission to athletic and other campus events, and may also be used for on campus meal purchases or in the University Bookstore. IDs may be made in the Dispatch Center located in the basement of Beaman Library, 24/7. Lost IDs should be reported immediately to Lipscomb University Department of Security.

**Minors on Campus:**

Lipscomb University is dedicated to the safety and welfare of minors who visit campus or participate in Lipscomb programs or camps. Every member of the University community is required by law to report known or suspected instances of abuse, neglect, or inappropriate interactions with minors. Members making a report in good faith are protected from criminal and civil liability for making the report. The report may be made to the State of Tennessee Child Abuse Hotline at 877-237-0004, online at <https://apps.tn.gov/carat/> or to any law enforcement agency. Lipscomb University also strongly encourages everyone to also report instances or suspected instances of abuse or neglect involving minors on campus to Lipscomb University Department of Security.

**How to Report a Crime:**

Because Lipscomb University Department of Security is available at all hours, the University encourages members of the Lipscomb community to contact Lipscomb University Department of Security of any suspicious or unusual circumstances occurring on campus, especially those situations that endanger one or more persons. This can be done by calling the on-campus Lipscomb University Department of Security extension (7600). Email is not an effective method of reporting crimes in progress to Lipscomb University Department of Security, as email is not continuously monitored throughout the day.

If local law enforcement or an ambulance is needed, Lipscomb University Department of Security can call them on behalf of a member of the Lipscomb community. Anyone may contact the appropriate government agency to report a crime, but it is important to also contact Lipscomb University Department of Security for any suspected crime on campus. Lipscomb University

Department of Security will investigate all reported situations and contact the appropriate government law enforcement agency when necessary. All reported incidents are kept on file at Lipscomb University Department of Security, in accordance with applicable law. If any personal item that has been reported lost or stolen is recovered, Lipscomb University Department of Security should be contacted immediately to ensure that the University's crime statistic reports are updated and accurate.

## **Missing Student Policy**

### **Policy:**

Lipscomb University is committed to providing students, faculty and staff with a safe and secure environment. We provide appropriate responses when notice is provided that a student is missing.

The University has adopted this policy in compliance with the Higher Education Opportunity Act of 2009, 20 U.S.C. 1092(j), section 488 of the Higher Education Opportunity Act of 2008, and to provide a structure for reporting and responding to the notice of a missing student.

The requirements of this policy apply to all University administrators, faculty, staff, and students.

### **Policy Elaboration:**

At the beginning of each academic year, the University will notify all students of the right to identify an individual to be contacted by the University in the event that the student is missing for more than 24 hours. Students may update their emergency contact information by contacting the Office of Student Life. As an additional note, this contact information will be registered confidentially, it will only be accessible to authorized campus officials, and it may not be disclosed except to law enforcement personnel in furtherance of a missing person investigation.

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In addition, students living on-campus are prompted to provide emergency contact information when they submit their housing application. Additionally, the University will notify the parents/guardians of any student under the age of 18 within 24 hours of the determination that such a student is missing. University officials, administrators, faculty, and staff, are required to notify the Lipscomb University Department of Security if they obtain information that a residential student is or may be missing. Students

are urged to report to a member of the Office of Residence Life (for students living on campus) or directly to the Lipscomb University Department of Security if a student living on campus is missing or thought to be missing.

### **Definition of a Missing Student:**

A student will be considered missing if a University official receives information that the student failed to show up at events to which the student has committed, the student cannot be located, and no contact has been made by the student.

### **University Procedures for a Missing Student:**

Upon notification that a student is or may be missing, the Lipscomb University Department of Security shall respond with reasonable professional judgment to investigate and make a determination as to whether the student is missing. Actions may include, but are not limited to, checking the student's campus dorm room, analyzing class schedule, contacting friends, faculty or other known associates of the student, attempting to locate the student's vehicle and calling the student's cell phone. If the Director of Security and Safety determines that a student is missing, he or she shall notify any other appropriate law enforcement authority and the Vice President for Student Life within 24 hours of such determination. The Vice President for Student Life or designee shall then notify any other appropriate University office.

If it is determined that a student has been missing for 24 hours, the Vice President for Student Life or his/her designee shall contact the student's emergency contact.

### **Preventive Training:**

While Lipscomb offers many training opportunities throughout the year covering a range of topics, particular emphasis is placed

upon sexual assault prevention and bystander intervention. Specific programs offered include:

- Training session during Freshmen Orientation.
- Training session during New Student Orientation.
- Training session on Bystander Intervention for all athletes.
- Other educational outreach programs during the academic year.

## **Sexual Harassment and Sexual Misconduct Policy**

### **Introduction:**

Lipscomb University (the “Institution”) was founded with a commitment to biblical faith and Christian principles and is committed to providing a learning and working environment free from all forms of sex discrimination and conduct considered harassing, coercive or disruptive. Any sex discrimination prohibited by Title IX of the Education Amendments of 1972 (“Title IX”), including Sexual Misconduct (as hereinafter defined), poses a serious threat both to individual members of the Institution Community (as hereinafter defined) and to the broader community collectively.

The Institution will not tolerate Sexual Misconduct and will take all appropriate steps to prevent and correct such behavior. Recognizing that each situation is unique, the Institution will respond promptly Lipscomb University (the “Institution”) was founded with a commitment to biblical faith and Christian principles and is committed to providing a learning and working environment free from all forms of sex discrimination and conduct considered harassing, coercive or disruptive. Any sex discrimination prohibited by Title IX of the Education Amendments of 1972 (“Title IX”), including Sexual Misconduct (as hereinafter defined), poses a serious threat both to individual members of the Institution Community (as hereinafter defined) and to the broader community collectively.

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The Institution will not tolerate Sexual Misconduct and will take all appropriate steps to prevent and correct such behavior. Recognizing that each situation is unique, the Institution will respond promptly and equitably to all allegations of Sexual Misconduct while tailoring each solution to best fit the situation. Considering both the severity of the alleged offense and the threat it poses to the Institution Community, individuals who are found to have violated this policy may face corrective action up to and including dismissal for students and termination for employees.

The Institution encourages, but does not require, all members of the Institution Community to report promptly any and all alleged acts of Sexual Misconduct. Responsible Employees (as hereinafter defined) are required to report any Sexual Misconduct to the Title IX Coordinator. Any Responsible Employee who becomes aware of any alleged act of Sexual Misconduct and fails to report promptly such alleged act may be subject to disciplinary action, including termination of employment. Confidential resources referenced in this policy (e.g., health center medical staff and clinical counseling staff) may not report any alleged acts of Sexual Misconduct to the Title IX Coordinator.

Retaliation or reprisal against any person, including a Complainant, a Respondent or any Third Party (each, as hereinafter defined), for making a report or complaint, testifying, assisting, participating or refusing to participate in any manner in any investigation, proceeding or hearing under this policy is strictly prohibited.

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Retaliation or reprisal against any person, including a Complainant, a Respondent or any Third Party (each, as hereinafter defined), for making a report or complaint, testifying, assisting, participating or refusing to participate in any manner in any investigation, proceeding or hearing under this policy is strictly prohibited.

## **Definitions:**

Capitalized terms used in this policy shall have the following definitions:

**Coercion:** The improper use of pressure to compel another individual to initiate or continue sexual contact or activity against his or her will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats and blackmail. A person's words or conduct are sufficient to constitute Coercion if he or she wrongfully impairs another individual's freedom of will and ability to choose whether or not to engage in sexual contact or activity.

**Complainant:** Any individual who is allegedly a victim or survivor of activity that could constitute Sexual Misconduct (including, as applicable, such victim's parents for minors under the age 18). At the time of filing a Formal Complaint, a Complainant must be a current student or employee of the Institution, or attempting to become a student or employee of the Institution or otherwise participating or attempting to participate in the educational program or activities of the Institution. A parent or guardian of a person under the age of 18 may file a Formal Complaint on behalf of such person.

**Consent:** For purposes of this policy, Consent is defined as a clear, unambiguous and voluntary agreement between two or more parties. In addition, sexual contact or activity requires consent as a matter of state and federal law. Consent to engage in any sexual contact or activity must be given knowingly, voluntarily and affirmatively. Consent to engage in any sexual contact or activity must exist from the beginning to the end of each occurrence of sexual activity and for each form of sexual contact, including any contact or activity that occurs in the context of an existing or previous intimate relationship.

Under Tennessee law, and for purposes of this policy, Consent cannot be obtained (i) through coercion or force, (ii) from a minor under the age of 18, except where the parties are within four years of age of one another, (iii) from a person who suffers from a mental disease or defect that renders the person incapable of appraising the nature of the person's conduct, (iv) from a person who is rendered temporarily incapable of appraising or controlling the person's conduct because of the influence of alcohol or drugs, or (v) from a person who is unconscious, asleep or otherwise physically or verbally unable to communicate unwillingness to do an act.

**Force:** The use or threat of physical violence or intimidation to overcome an individual's freedom of will to choose whether or not to participate in sexual contact or activity.

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**Formal Complaint:** A document describing an alleged violation of this policy by any member of the Institution Community filed by a Complainant or signed by the Title IX Coordinator requesting that the Institution investigate an alleged violation of this policy.

**Institution Community:** Students (and, as applicable, parents of students under the age of 18), faculty, administrators, staff, trustees, and applicants for admission or employment of the Institution.

**Intimate Partner Violence:** Often referred to as dating violence, domestic violence or relationship violence, Intimate Partner Violence includes any act of violence or threatened act of violence against a person who is or has been involved in a sexual, dating, domestic or other intimate relationship with another person. Intimate Partner Violence can encompass a broad range of behavior including, without limitation, physical violence, sexual violence and emotional violence. It may involve one act or an ongoing pattern of behavior. Intimate Partner Violence may take the form of threats, assault, property damage, violence or threat of violence to one's self, one's sexual or romantic partner or to the family members or friends of the sexual or romantic partner. For the purposes of this policy, Sexual Harassment, Sexual Assault, harm to others, Stalking and Retaliation all may be forms of Intimate Partner Violence when committed by a person who is or has been involved in a sexual, dating or other social relationship of a romantic or intimate nature.

**Medical Records:** Records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional 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.

**Respondent:** Any individual (including, as applicable, such individual's parents for minors under age 18) who has been reported to have allegedly violated this policy.

**Responsible Employee:** Any employee:

- Who has the authority to take action to redress Sexual Misconduct, which the Institution has designated as including the Provost, the Vice President of Student Life and the Vice President of Human Resources;
- Who works in the Institution's Office of Security and Safety;



- Who has significant responsibility for student campus activities, which the Institution has designated as Resident Assistants, Residence Hall Directors and the Dean of Housing and Residence Life; or
- Who has been designated as a Title IX Coordinator.

Although all employees of the Institution are encouraged to report possible Sexual Misconduct, only the employees designated above are Responsible Employees for purposes of this policy.

**Retaliation:** Acts or attempts to retaliate or seek retribution against a Complainant, Respondent, Third Party, or any individual or group of individuals involved in a complaint, investigation, hearing or resolution of an alleged violation of this policy. Retaliation can take many forms, including threats, intimidation, coercion, or discrimination.

**Sexual Assault:** Having or attempting to have sexual penetration or sexual contact with another individual without such person's Consent, including by the use or threat of Force or Coercion, where an individual does not Consent to the sexual contact.. As used in this definition, (a) "sexual penetration" includes vaginal or anal penetration, however slight, with a body part or object, or oral penetration involving mouth to genital contact, (b) "sexual contact" includes intentional contact for the purpose of sexual gratification with the clothed or unclothed intimate parts of another person, and (c) "intimate parts" includes breasts, genitals, buttocks and groin.

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

- An employee of the Institution conditioning the provision of an aid, benefit, or service of the Institution on an individual's participation in unwelcome sexual conduct; or
- 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 Institution's education program or activity.

**Sexual Misconduct:** Sexual Harassment, Sexual Assault, Intimate Partner Violence, Domestic Violence or Stalking.

**Stalking:** A course of conduct directed at a specific individual that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress. For purposes of this definition, "course of conduct" means a pattern of conduct composed of a series of two or more separate noncontiguous acts evidencing a continuity of purpose. Stalking includes cyber-stalking, a form of Stalking in which electronic media such as the Internet, social networks, blogs, cell phones, text messages or other similar devices or forms of contact are used to pursue, harass or make unwelcome contact with another person in an unsolicited fashion.

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**Supportive Measures:** Non-disciplinary, non-punitive individualized services that are offered as appropriate, as reasonably available and without fee or charge to a Complainant or Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. The Institution will employ such measures to restore or preserve equal access to the Institution's education programs and activities without unreasonably burdening the other party. The Institution will also employ such measures as appropriate to protect the safety of all parties, or the Institution's educational environment or to deter Sexual Misconduct.

**Third Party:** Any person who is not the subject of alleged Sexual Misconduct but who is aware of such an allegation or is a participant in the process, including a witness to the incident or an individual who makes a report on behalf of someone else.

### **Purpose and Scope of Policy:**

This policy is intended to protect and guide members of the Institution Community who have been affected by Sexual Misconduct, whether as a Complainant, a Respondent or a Third Party, and to provide fair and equitable procedures for investigation and resolution of alleged violations.

This policy applies to Sexual Misconduct by or of any member of the Institution Community that occurs in the United States (i) on Institution property, (ii) at an event, location or circumstance that does not take place on Institution property, where the Institution exercised substantial control over both the Respondent and the context in which the Sexual Misconduct occurred, and (iii) off-campus if the off-campus event occurs in a building that is owned or controlled by a student group that is officially recognized by the Institution. The Institution reserves the right to address other conduct that may pose a threat of danger to any member of the Institution Community through its Student Handbook and its Employee Handbook. For purposes of clarification, this policy generally does not govern Sexual Misconduct that occurs on Lipscomb Academy property or involves students and/or employees of Lipscomb Academy. Lipscomb Academy has a separate policy that generally governs such Sexual Misconduct. For Sexual Misconduct allegations that involve a student or employee of Lipscomb Academy and a student or employee of Lipscomb University, the Institution's Title IX Coordinator will determine which policy applies.

A Complainant or Third Party is encouraged to report Sexual Misconduct regardless of where the incident occurred, or who committed it. Even if the Respondent is not a member of the Institution Community, the alleged Sexual Misconduct did not occur on Institution property, or the alleged Sexual Misconduct occurred outside the United States, the Institution will take prompt action to provide for the safety and well-being of the Complainant and the broader community.

**Notice of Non-Discrimination:**

The Institution is committed to establishing and maintaining a safe and nondiscriminatory environment for all members of the Institution Community. The Institution is required not to discriminate and does not discriminate on the basis of sex in its education programs and activities, including in admissions and employment. Sex discrimination is prohibited under Title VII of the Civil Rights Act of 1964 and is also prohibited by Title IX, which provides:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

The Institution, as an educational community, will promptly and equitably respond to alleged violations of this policy in order to offer and carry out the level of supportive measures, remedies, and discipline appropriate for the specific facts and circumstances. The Institution will respond to any complaint in a manner that protects the parties' equal access to education. Title IX provides educational processes, remedies and outcomes for sex discrimination and local law enforcement follows criminal processes, remedies and outcomes for sexual assault. While the Institution will enforce this policy using the educational lens of Title IX, Complainants always have the option to avail themselves of, and will be fully supported by the Institution to seek, the services of local law enforcement.

**Title IX Coordinator:**

The President of the Institution has designated Kathy Hargis to serve as the Title IX Coordinator for the Institution. The Title IX Coordinator will report directly to the President on all matters involving Title IX. The Title IX Coordinator oversees the Institution's centralized review, investigation and resolution of reports of alleged violations of this policy, and oversees the Institution's overall compliance with Title IX. The Title IX Coordinator also is responsible for the implementation of Supportive Measures and for remedies imposed after a finding of responsibility.

The Title IX Coordinator can be contacted in person, by mail, by telephone, and by electronic mail as follows:

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Kathy E. Hargis  
Title IX Coordinator  
Crisman Administration Building  
One University Park Drive  
Nashville, TN 37204  
615-966-5661  
hargiske@lipscomb.edu

Inquiries or complaints concerning the application of Title IX at the Institution may be referred to the Title IX Coordinator or the U.S. Department of Education's Office for Civil Rights:

Assistant Secretary for Civil Rights  
U.S. Department of Education  
Office for Civil Rights  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100

**Privacy:**

The Institution is committed to protecting the privacy of any and all individuals involved in an alleged violation of this policy. In any report, investigation or resolution of an alleged violation, every effort will be made to protect the privacy interests of all individuals involved in a manner consistent with the law and with the need for a thorough review of the allegations.

The Institution will keep confidential the identity of any individual who has made a report or complaint of sexual discrimination, including any individual who has made a report or filed a Formal Complaint of Sexual Misconduct alleging a violation of this policy, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any

Respondent, and any witness, except as may be permitted or required by applicable law or to carry out the provisions of this policy. Information related to a report or complaint under this policy will only be shared with those Institution employees who need to know in order to assist in the review, investigation or resolution of the matter. Moreover, all Institution employees who are involved in the Title IX response will receive specific training and guidelines about safeguarding confidential information. Where a Formal Complaint is filed alleging a violation of this policy, however, identifying information of the Complainant and Respondent and witnesses will be shared with the parties and their advisors, if any. In addition, Complainants and Respondents are not restricted from discussing the allegations under investigation in a Formal Complaint.

Those members of the Institution Community who desire complete confidential assistance may do so by speaking with professionals who have a statutorily-protected or designated duty of confidentiality. For students, those professionals include health center medical staff, clinical counseling staff and campus ministers in Lipscomb University's Office of Spiritual Formation. Information shared with these confidential resources will not be shared with others without the Complainant's consent, unless there are circumstances posing imminent risk of harm to self or any member of the Institution Community. Because the content of discussions with confidential resources will not be reported to the Title IX Coordinator, such discussions do not serve as notice to the Institution to address any alleged violation of this policy.

An alleged violation of this policy that is reported to a Responsible Employee as defined in this policy must be shared with and reported to the Title IX Coordinator promptly.

If a report of alleged misconduct discloses a serious or immediate threat to the Institution Community, the Institution may issue a timely notice (in accordance with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the "Clery Act")) to protect the health or safety of the members of the Institution Community. The Institution may also share non-identifiable information about reports received in aggregate form, including data about educational outcomes (e.g., sanctions).

All investigations, hearings and resolutions under this policy shall be conducted in compliance with the requirements of the Family Education Rights and Privacy Act ("FERPA"), the Clery Act and Title IX and its implementing regulations. No information shall be released from such investigations, hearings or resolutions except as required or permitted by law or this policy.

**Retaliation:**

Retaliation against any person for submitting a report or complaint, or testifying, assisting, or participating or refusing to participate in any manner in an investigation, proceeding, informal resolution, or hearing under this policy is strictly prohibited. An individual reporting Sexual Misconduct is entitled to protection from any form of Retaliation following a report, even if the report is not later substantiated. Similarly, individuals accused of Sexual Misconduct and those who participate in an investigation or hearing conducted under this policy are entitled to protection from any form of Retaliation. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a proceeding under this policy shall not constitute Retaliation; provided, however, that a determination regarding responsibility alone is not sufficient to conclude that any party made a materially false statement in bad faith. Complaints alleging Retaliation may be filed pursuant to the procedures described in this policy. Any individual who is found to have Retaliated against a person in violation of this policy may face corrective action up to and including dismissal for students and termination for employees. Complaints of Retaliation should be filed immediately with the Title IX Coordinator or the U.S. Department of Education's Office for Civil Rights.

**Amnesty for Student Conduct Violations:**

Retaliation against any person for submitting a report or complaint, or testifying, assisting, or participating or refusing to participate in any manner in an investigation, proceeding, informal resolution, or hearing under this policy is strictly prohibited. An individual reporting Sexual Misconduct is entitled to protection from any form of Retaliation following a report, even if the report is not later substantiated. Similarly, individuals accused of Sexual Misconduct and those who participate in an investigation or hearing conducted under this policy are entitled to protection from any form of Retaliation. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a proceeding under this policy shall not constitute Retaliation; provided, however, that a determination regarding responsibility alone is not

sufficient to conclude that any party made a materially false statement in bad faith. Complaints alleging Retaliation may be filed pursuant to the procedures described in this policy. Any individual who is found to have Retaliated against a person in violation of this policy may face corrective action up to and including dismissal for students and termination for employees. Complaints of Retaliation should be filed immediately with the Title IX Coordinator or the U.S. Department of Education's Office for Civil Rights.

**Bystander Intervention:**

One of the most effective methods of preventing all types of Sexual Misconduct is bystander intervention, which encourages people to identify situations that might lead to Sexual Misconduct and then safely intervene to prevent its occurrence. The Institution encourages the use of good judgment in regards to bystander intervention, as the safety of each member of the Institution Community is of primary concern. Every member of the Institution Community is encouraged to take safe and reasonable actions to prevent Sexual Misconduct.

This policy does not require individuals to place themselves in jeopardy to stop a crime or other violation of this policy in progress. There are many situations and events that occur prior to Sexual Misconduct that are appropriate for intervention. Bystander intervention encourages people to watch for behaviors and situations that appear to be inappropriate, coercive or harassing. Usually, intervening in a group is safer than intervening individually. Also, choosing a method of intervention that de-escalates the situation is safer than attempting a confrontation. However, there is no single rule that can account for every

situation. **Resources:**

The Institution is committed to treating all members of the Institution Community with Christian love, respect and empathy. Any individual affected by Sexual Misconduct, whether as a Complainant, Respondent or Third Party, will have equal access to support services through the Institution. The Institution recognizes that deciding whether or not to make a report or choosing how to proceed can be a difficult decision. The Institution encourages any individual who has questions or concerns to seek support of Institution and community resources. These resources can provide guidance in making decisions, information about available resources and assistance to either party in the event that a report or resolution under this policy is pursued. Individuals are encouraged to use all available resources, regardless of when or where the incident occurred.

**Confidential Resources:**

There are several confidential resources available within the Institution Community. These confidential resources will not disclose shared information without the individual's Consent unless there is imminent risk of harm to self or any member of the Institution Community. The confidential resources are as follows:

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**Lipscomb University Counseling  
Resources** 615-966-1781

**Lipscomb University Spiritual Formation  
Resources** 615-966-6280

**Lipscomb University Health Center  
Resources** 615-966-6304

**Lipscomb Family Therapy Center**  
615-966-5300

**Outside Community Resources:**

External community resources, such as the following, can also assist individuals who have been affected by Sexual Misconduct:

**Metro Police Department Dispatch Center** Nashville, Tennessee 37217  
200 James Robertson Parkway 800-289-9018  
Nashville, Tennessee 37201  
615-862-7400

**Tennessee Coalition to End Domestic & Sexual Violence** **National Domestic Violence Hotline**  
2 International Plaza Drive, Suite 425 800-799-SAFE (7233)

101 French Landing Drive  
Nashville, Tennessee 37228  
615-259-9055  
[www.sacenter.org](http://www.sacenter.org)  
Crisis & Support Line 800-879-1999

**Conflicts of Interest:**

**Nashville General Hospital at Meharry** 1818  
Albion Street  
Nashville, Tennessee 37208  
615-341-4000

**Sexual Assault Center**

No person shall serve as Title IX Coordinator, investigator, hearing officer, appellate officer, or person to convene an informal resolution process who has a bias or conflict of interest for or against Complainants or Respondents generally or an individual Complainant or Respondent. Before assigning an investigator, hearing officer, appellate officer, or person to convene an informal resolution process for any matter under this policy, the Title IX Coordinator and/or his or her designees shall determine whether such person has a relationship with either the Complainants or the Respondents that would create a conflict of interest or bias. If such a conflict of interest or bias exists, the Title IX Coordinator and/or his or her designees shall assign a different qualified person who does not have such a conflict of interest or bias.

**Training:**

The Institution will provide training for the Title IX Coordinator, investigators, hearing officers, appellate officers and any person who convenes an informal resolution process on:

- The definition of Sexual Misconduct under this policy;
- The scope of the Institution's education program or activity;
  - How to conduct an investigation and grievance process as applicable (i.e., investigators will be trained on investigations, hearing officers will be trained on hearing processes, appellate officers will be trained on appellate processes and those convening informal resolution processes will be trained on informal resolution processes); and
  - How to serve impartially, including by avoiding prejudice of the facts at issue, conflicts of interest, and bias.

The Title IX Coordinator and/or his or her designee will also provide training for hearing officers on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about a Complainant's sexual predisposition or prior sexual behavior are not relevant. The Title IX Coordinator and/or his or her designee will also provide training to investigators on issues of relevance so they are equipped to create investigative reports that fairly summarize the relevant evidence. Materials used to train the Title IX Coordinator, investigators, hearing officers, appellate officers and any person who convenes an informal resolution process shall be maintained by the Title IX Coordinator for seven (7) years and shall also be posted on the Institution's website.

**Reporting:**

The Institution is committed to providing a variety of welcoming and accessible ways for members of the Institution Community to report instances of alleged Sexual Misconduct. The Institution will take action if a Responsible Employee has notice of Sexual Misconduct in an education program or activity of the Institution against a person in the United States. Any person may

report or file a complaint of sex discrimination or report or file a Formal Complaint of Sexual Misconduct (whether or not the person reporting is the person alleged to be the victim of the conduct that could constitute sex discrimination or Sexual Misconduct) to the Title IX Coordinator (including during non-business hours). All Responsible Employees must promptly share any report of Sexual Misconduct with the Title IX Coordinator. The Institution cannot take appropriate action unless an incident is reported. All reports must be shared with the Title IX Coordinator promptly. Any Responsible Employee who becomes aware of any alleged act of Sexual Misconduct and fails to report promptly such alleged act to the Title IX Coordinator may be subject to disciplinary action, including termination of employment.

All individuals are strongly encouraged to report alleged incidents of Sexual Misconduct immediately to the Institution's Office of Security and Safety and/or to local law enforcement. The Institution's Office of Security and Safety personnel will assist and advise regarding the importance of preserving evidence for the proof of a criminal offense and advise

to whom the alleged offense should be reported. Each Complainant has the sole discretion, however, to decide whether or not to file a police report or to pursue civil action against the alleged perpetrator. All individuals will have access to Institution and community resources regardless of whether or not they decide to report an incident to local law enforcement. Except where the Complainant is younger than 13 years old, the Institution will generally respect a Complainant's choice to report or not report an incident to local law enforcement, unless the Institution determines that there is an overriding issue with respect to the safety or welfare of the Institution Community.

#### **False Reports:**

Any Complainant or Third Party who knowingly makes materially false charges alleging a violation of this policy in bad faith may be subject to appropriate disciplinary action.

#### **Anonymous Reporting:**

Any individual may make an anonymous report concerning an alleged violation of this policy at any time to the Title IX Coordinator through the contact information provided above, or the anonymous reporting resource identified in this paragraph.

Such a report should identify an alleged victim, if possible, so that the Title IX Coordinator may offer the alleged victim Supportive Measures and discuss options for filing a Formal Complaint. If an alleged victim is not identified, the reporter should disclose his or her name and any requested action. Depending on the extent of information available about the incident or the individuals involved, however, the Institution's ability to respond to an anonymous report may be limited. The Institution's anonymous reporting resource can be found by clicking "Report an Incident" at the bottom of the Institution's website, [www.lipscomb.edu](http://www.lipscomb.edu).

When any alleged violation of this policy is reported anonymously, the Title IX Coordinator will receive the anonymous report and will determine any appropriate steps, including Supportive Measures, filing a Formal Complaint and, in consultation with the Executive Director of Security and Safety (or equivalent position), comply with all reporting obligations under the Clery Act.

#### **Reporting Incidents Involving Minors or Suspected Child Abuse:**

Under Tennessee law, all persons must report any suspected case of child abuse or neglect. Any person who knowingly fails to make a report of suspected child abuse commits a crime and may be subject to a fine not to exceed \$2,500.

All Institution employees must immediately report any suspected child abuse or neglect to the Tennessee Department of Children's Services ("DCS"). The source of abuse does not need to be known in order to make a report.

Any individual must make a direct report regarding suspected child abuse or neglect as follows:

- If a child is in immediate danger, call 911
- If a child is not in immediate danger, call DCS at 877-237-0004 or report online at <https://apps.tn.gov/carat/>

#### **Reports:**

Upon receipt of a report of an alleged violation of this policy, the Title IX Coordinator and/or his or her designee(s) will promptly contact the Complainant to discuss the availability of Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint.

In communicating with the Complainant about Supportive Measures, the Title IX Coordinator and/or his or her designee(s) may also make a prompt assessment of any imminent risk of harm to the Complainant(s) or to the Institution Community to determine any steps that may be necessary to address those risks. These steps may include removal of a Respondent from the Institution's educational programs or activities on an emergency basis if the Institution undertakes an individualized safety

and risk analysis and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Misconduct justifies removal. The Institution will provide written notice to any Respondent who is subject to emergency removal. A student Respondent who is subject to emergency removal may challenge that removal by providing the Title IX Coordinator with a written opposition to such emergency removal within five (5) days of notification of removal. The Title IX Coordinator will identify a senior administrator to decide any such challenge. The senior administrator need not meet with the student Respondent and may decide the challenge based on the written record. The senior administrator's decision will be final. The Institution may place a non-student employee Respondent on administrative leave during the pendency of a Formal Complaint.

At the time a report is made, a Complainant need not decide whether to file a Formal Complaint under this policy. Choosing to make a report and deciding how to proceed after making the report can be a process that unfolds over time. To the extent possible, the Institution will respect an individual's autonomy in making these important decisions and will provide support to assist each individual in making an appropriate determination regarding how to proceed. Supportive Measures are available to any Complainant whether or not a Formal Complaint is ever filed.

The Title IX Coordinator may, however, proceed with the filing of a Formal Complaint in the absence of a Complainant filing a Formal Complaint where the Title IX Coordinator determines that proceeding with a Formal Complaint is necessary to appropriately respond to a report of Sexual Misconduct. The Title IX Coordinator will consider a variety of factors in making this determination, such as whether there are multiple allegations of misconduct against an individual, the reasons why the Complainant does not want the Institution to investigate, the risk posed to any individual or the Institution Community by not proceeding, the nature of the allegations, and the ability of the Institution to successfully proceed with a hearing in the absence of cooperation by the Complainant.

#### **Supportive Measures, Remedies, and Accommodations:**

Upon receipt of a report or complaint, the Title IX Coordinator and/or his or her designee will promptly contact the Complainant to discuss the availability of Supportive Measures. The Title IX Coordinator and/or his or her designee will consider the Complainant's wishes with regard to Supportive Measures and will promptly impose reasonable and appropriate Supportive Measures designed to restore or preserve the Complainant's equal access to the Institution's education programs and activities. The Institution will also employ such measures as appropriate to protect the safety of all parties, the Institution's educational environment, or to deter Sexual Misconduct. The Title IX Coordinator and/or his or her designee shall document the reasons why any determination not to provide Supportive Measures was not clearly unreasonable in light of the known circumstances, including, but not limited to, a circumstance where the Complainant does not request Supportive Measures. The Title IX Coordinator will maintain records of any Supportive Measures taken in response to a report or Formal Complaint of Sexual Misconduct for seven (7) years.

A Complainant or Respondent may request Supportive Measures, or the Institution may choose to implement Supportive Measures at its discretion to ensure the safety of all parties and/or the broader Institution Community. Supportive Measures may be implemented regardless of whether a Formal Complaint is filed. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

All individuals are encouraged to report concerns about failure of any person to abide by any restrictions imposed as a Supportive Measure. The Institution will take prompt and responsive action to enforce any previously implemented Supportive Measure. The Title IX Coordinator may implement Supportive Measures at any time after receipt of an alleged violation of this policy. The Institution will maintain the confidentiality of any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the Institution to provide the Supportive Measure. Supportive Measures that may be provided to a Complainant or Respondent include:

- Access to counseling services and assistance in setting up initial appointments, both on or off campus;
- Imposition of a campus no-contact order or mutual restrictions on contact between the parties;
- Extension of deadlines or other course-related adjustments, including rescheduling of exams and assignments;
- Providing alternative course completion options;
- A change in class schedule or transferring sections, including the ability to drop a course without penalty;
- A change in work schedule or job assignment;
- A change in a student's Institution-owned residence;
- Assistance from Institution staff in completing residence relocation;
- Relocation of office space;
- Limiting an individual or organization's access to certain Institution facilities or activities pending resolution of the matter;
- A voluntary leave of absence;
- Providing an escort to ensure safe movement between classes, buildings or activities;

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- Providing medical services through health center resources;
- Providing academic support services;
- Increasing security and monitoring of certain areas of the campus; and
- Any other remedy that can be tailored to the involved individuals to achieve the goal of this policy without unreasonably burdening the other party.

#### **Optional, Informal Resolution:**

Any time after filing a Formal Complaint but prior to the commencement of a grievance hearing, either the Complainant or Respondent may request a meeting seeking optional informal resolution. If such a meeting is requested by a party, the Title IX Coordinator will provide both parties a written notice disclosing: the allegations; a copy of this policy which details the requirements of this optional, informal resolution process, including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations; that prior to reaching a resolution any party has the right to withdraw from the optional informal resolution process and resume the grievance process with respect to the Formal Complaint; and any consequences that may result from participating in the optional informal resolution process, including the records that will be maintained or could be shared. If both parties provide written consent to proceeding with optional informal resolution, the Title IX Coordinator shall proceed with facilitating optional informal resolution. Optional informal resolution is not available where a student Complainant alleges Sexual Misconduct by an employee of the Institution.

The Title IX Coordinator and/or his or her designee shall appoint an appropriate administrator to serve as the informal resolution facilitator and convene an informal resolution meeting. The Title IX Coordinator, in his or her discretion, may serve as the informal resolution facilitator. An outside third party may be designated by the Title IX Coordinator, as appropriate, to convene such a meeting.

The purpose of an informal resolution meeting will be for the Complainant or Respondent to request a proposed course of action in order to resolve the matter in a manner consistent with biblical principles of dispute resolution. Any such informal resolution meeting shall only be held if both the Complainant and the Respondent voluntarily agree in writing to participate. At no time will either party be required to confront or meet with the other party. In cases involving Sexual Assault, such a meeting shall not occur unless the Title IX Coordinator deems the matter to be appropriate for informal resolution, in addition to both parties agreeing to the meeting. Participation in an informal resolution meeting is voluntary, and any party may request to end the process at any time. If either party asks to end the optional informal resolution process, the Institution shall proceed with the Formal Complaint. If the Title IX Coordinator acted as the informal resolution facilitator for a matter that returns to the Formal Complaint process, the Title IX Coordinator shall not serve as the investigator on that matter or otherwise supervise the investigation.

The outcome under optional, informal resolution may include disciplinary sanctions to which both parties and the Institution agree, up to and including expulsion for a student and termination of employment for an employee. If the parties reach agreement through informal resolution to terms agreeable to both parties, the Title IX Coordinator shall document that the Formal Complaint was resolved through optional informal resolution and include any other terms agreed to by the parties. If disciplinary measures or continuing Supportive Measures are included in a resolution agreement, the Institution must also approve those terms. The written resolution agreement shall be signed by both parties. Once an informal resolution agreement has been signed by both parties, neither party may resume or commence a Formal Complaint arising from the same factual circumstances.

The Title IX Coordinator will maintain records of any informal resolution meeting for seven (7) years. Records from an optional informal resolution process that is started but ended by either party prior to reaching an informal resolution agreement may not be used by either party in a later grievance hearing under this policy. Neither party may call the Title IX Coordinator or the administrator or third party who facilitated the informal resolution process to provide testimony as to what was disclosed or what occurred during the optional, informal resolution process at a grievance hearing under this policy.

### **Formal Complaint:**

Any Complainant may submit a Formal Complaint requesting that the Institution investigate an allegation of Sexual Misconduct with the Title IX Coordinator by mail, email or by clicking “Report an Incident” at the bottom of the Institution’s website, [www.lipscomb.edu](http://www.lipscomb.edu), and submitting a report. If for any reason the Complainant is not able to submit a Formal Complaint in writing, the Title IX Coordinator and/or his or her designee(s) may prepare the Formal Complaint based on verbal conversations with the Complainant, and the Complainant shall review such Formal Complaint, and when accurate and complete, sign a copy of such Formal Complaint. The Title IX Coordinator may also file a Formal Complaint regarding allegations of Sexual Misconduct against any member of the Institution Community. The Formal Complaint should include the names(s) of the individual(s) involved, the date(s), time(s) and location(s) of the event(s) and a detailed description of the actions constituting the alleged violation. The Formal Complaint should also provide the names, addresses and phone numbers of any witnesses or potential witnesses. All Formal Complaints should be signed and dated. Where the Title IX Coordinator files a Formal Complaint, he or she is not a Complainant or otherwise a party.

After the Title IX Coordinator files a Formal Complaint or receives a Formal Complaint, the Title IX Coordinator and/or his or her designee(s) shall provide a written notice to the parties who are identified in the Formal Complaint that



includes:

- Notice of the Institution’s grievance process, including any informal resolution process, by providing a copy of this policy;
- The allegations of Sexual Misconduct as known at the time, including, if known, the identities of the parties, the Sexual Misconduct alleged and the date, time and location of the incident;
- A statement 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 that the parties may have an advisor of their choice accompany them to all proceedings and meetings that are part of the process, in accordance with the terms of this policy; and
- Notice that parties may be disciplined for knowingly making false statements or knowingly submitting false charges alleging a violation of this policy.

The Title IX Coordinator may consolidate, for purposes of investigation and determination, Formal Complaints made 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 arise out of the same facts or circumstances.

**Dismissal of a Formal Complaint:**

If the Institution determines at any time that the conduct alleged in a Formal Complaint would not constitute Sexual Misconduct as defined in this policy even if proved, did not occur in the Institution’s education program or activity, or did not occur against a person in the United States, the Institution shall dismiss the Formal Complaint (“Mandatory Dismissal”). The Title IX Coordinator may dismiss a Formal Complaint at any time (“Discretionary Dismissal”) if:

- A Complainant notifies the Title IX Coordinator in writing that he or she would like to withdraw the Formal Complaint or any allegations in the Formal Complaint;
- The Respondent is no longer enrolled or employed by the Institution; or
- Specific circumstances prevent the Institution from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations herein.

In the case of a Discretionary Dismissal, before dismissing the Formal Complaint, the Title IX Coordinator shall consider whether a dismissal of the Formal Complaint is consistent with the Institution’s obligations under Title IX to respond to allegations of Sexual Misconduct in a way that is not clearly unreasonable.

If the Institution dismisses a Formal Complaint, it will promptly send written notice of the dismissal and reasons for the dismissal to the parties simultaneously, with notice that the parties may appeal the Institution’s dismissal of the Formal Complaint or of allegations within the Formal Complaint. A Mandatory Dismissal does not preclude a Complainant from filing an amended Formal Complaint that includes additional factual details that clarify that the conduct alleged would constitute Sexual Misconduct as defined in this policy or that the conduct did occur in the Institution’s program or activity.

**Investigation:**

The Title IX Coordinator will oversee an investigation of all Formal Complaints alleging a violation of this policy. Any such investigation will be designed to provide a fair and reliable gathering of the facts. The burden of gathering evidence sufficient to reach a determination regarding responsibility rests at all times with the Institution, and not with the Complainant or the Respondent. All individuals in the investigation, including the Complainant, the Respondent and any Third-Party witnesses, will be treated with appropriate sensitivity and respect.

The Institution will inform all Complainants of their right to pursue criminal charges. If the Complainant seeks criminal charges, local law enforcement may also conduct an investigation. In the event that law enforcement is involved and upon their request, the Institution may agree to defer its investigation under this policy until after the initial stages of any criminal investigation. The Institution will nevertheless communicate with the Complainant and Respondent (as appropriate) regarding their rights under this policy, procedural options and the implementation of Supportive Measures to assure the safety and well-being of the Complainant and the Institution Community. The Institution will promptly resume its investigation under this policy as soon as practicable after law enforcement has completed its initial investigation.

The Title IX Coordinator will oversee the investigation, and designate one or more individual(s) to conduct the investigation. The Title IX Coordinator, in his or her discretion, may serve as the investigator. The Institution may engage the assistance of an external investigator to conduct or assist with the investigation, if deemed necessary and appropriate by the Title IX Coordinator. The investigator(s) will keep the Title IX Coordinator informed of the progress of the investigation during the

entire process. The Title IX Coordinator may notify appropriate senior administrator(s), including the President of the Institution, that a report has been received and an investigation has begun.

The investigator(s) will provide the parties with written notice of the date, time, location, and participants for all investigative interviews or other meetings with the parties, with sufficient time for the party to prepare to participate. Two (2) days advance notice shall generally be deemed sufficient time to prepare for an investigative interview or meeting. Absent an emergency removal by the Institution, or other exigent circumstances, an initial investigative interview with either Complainant or Respondent shall not be held earlier than two (2) days after the Complainant and Respondent have received the Formal Complaint and accompanying materials.

The investigator(s) will conduct the investigation based on the specific allegations. The investigator(s) will coordinate the gathering of information from the Complainant, the Respondent and any other individuals who may have information relevant to the investigation. The Complainant and Respondent will have an equal opportunity to meet with the investigator(s), to submit evidence, to provide testimony and to identify witnesses who may have relevant information. The investigator(s) will also coordinate the gathering of any available physical or medical evidence, including documents, communications between the parties involved, and other electronic records, as appropriate. The investigator(s) have broad discretion in determining whether a proposed witness or documentary evidence would be relevant or helpful in making any determination under this policy. The investigator(s), however, shall not access, consider, disclose, or otherwise use a party's Medical Records unless the Institution receives that party's voluntary, written consent to do so for a proceeding under this policy. Use of alcohol or drugs by the Complainant at the time of the incident will be considered for purposes of determining Consent or memory only and will not form the basis for independent proceedings or discipline. The prior sexual behavior or sexual predisposition of the Complainant are not relevant and shall not be considered unless offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if it concerns specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent. The prior sexual behavior or sexual predisposition of the Respondent may be considered only if it establishes a pattern of complaints or behavior.

Prior to completing the investigation, the investigator(s) may meet again with the Complainant and/or Respondent separately to give an overview of the steps taken during the investigation, to ask the Complainant and the Respondent for names of any additional person(s) with whom the investigator(s) should speak, and to request any additional information relevant to the investigation. After completing the investigation, and prior to completing the investigative report, the investigator(s) will provide to each party, and to each party's respective advisor, all evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, in an electronic format or a hard copy, including all interview memoranda, and all other documentary or other evidence directly related to the allegations raised in the Formal Complaint, regardless of whether the investigator intends to rely on such evidence in the investigative report. The parties shall have ten (10) calendar days to submit a written response to the evidence, which the investigator(s) shall consider prior to completion of the investigative report. If additional evidence, including additional witness testimony, is gathered by the investigator(s) after the evidence has been shared with the parties, the investigator(s) will promptly share such additional evidence with the parties and provide the parties with ten (10) calendar days to provide written comments on such additional evidence prior to completing the investigative report.

### **Investigative Report:**

After considering the parties' written comments, if any, on the evidence, the investigator(s) will complete an investigative report that:

- Identifies the allegations potentially constituting a violation of this policy;
- Describes the procedural steps taken from the receipt of the Formal Complaint through the date of the draft report, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held, if any; and
- Fairly summarizes the relevant evidence.

The content of such report may be modified subject to the limitations of FERPA and other applicable privacy laws or legal privileges. The Title IX Coordinator will review all draft investigative reports prior to their submission to the parties and may request that the investigator(s) revise the report, or gather additional evidence.

The investigative report will be shared with the parties and their respective advisors, if any, in an electronic format or hard copy. Unless specified otherwise by the investigator(s), the parties will have ten (10) days to review the investigative report and provide any comments or additional information in connection with the investigative report. After considering information and/or comments, if any, provided by a party by the deadline in response to the investigative report, the investigator(s) may revise the investigative report, if those comments require substantial revisions to the investigatory report, as deemed appropriate in the discretion of the investigator(s), and in consultation with the Title IX Coordinator.

If no written comments are received by deadline in response to the investigative report, or if the investigator(s) determine that no revisions to the investigative report are necessary, then the investigative report will become final. If a revised investigative report is prepared, it shall be provided to both parties and their respective advisors, if any, in an electronic format or hard copy, and the parties shall again have ten (10) days to provide written comments and additional evidence in response to the final investigative report.

The final investigative report will be shared with the parties and their respective advisors, if any, in an electronic format or hard copy at least ten (10) days prior to the grievance hearing detailed below.

**Advisors:**

Both the Complainant and Respondent are entitled to one advisor of their choosing to guide and accompany them throughout the process under this policy. The advisor may be a friend, mentor, family member, attorney, or any other supporter a party chooses to advise the party and who is both willing and available. An individual who may or will be called as a witness may not serve as an advisor.

Each party is entitled to be accompanied by his or her advisor in all meetings, interviews and hearings at which the party is entitled to be present, including intake, interviews, and meetings. Advisors may help their advisees prepare for each meeting, and are expected to advise ethically, with integrity, and in good faith. The Institution cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, the Institution is not obligated to provide an attorney for the other party.

Each advisor is subject to the terms of this policy and all other applicable Institutional policies, whether or not the advisor is an attorney. Except as detailed below during the grievance hearing, advisors may not present any information on behalf of their advisees in a meeting or interview, and should request or wait for a break in the meeting or hearing if they have a question for Institution officials. Advisors may confer quietly with their advisees as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings or hearings to allow for private conversation.

Advisors must refrain from interference with the Institution's investigation and resolution. Any advisor who steps out of the advisor role under this policy in any meeting or hearing under the resolution process will be warned at least one time. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor may be asked to leave the meeting. When an advisor is removed from a meeting, other than a grievance hearing as detailed below, that meeting will typically continue without the advisor present. Subsequently, the Title IX Coordinator will determine, in the Title IX Coordinator's sole discretion, whether the advisor may be reinstated, or whether the party may obtain or request a different advisor.

If a party does not have an advisor present for a grievance hearing, the Institution will provide an advisor of the Institution's choice for the party. Where the Institution provides an advisor for a party, the role and responsibility of the advisor is limited to posing cross-examination questions to the other party and witnesses at the grievance hearing. The Institution-provided advisor will only pose such cross-examination questions as are provided to the advisor by the party the advisor is advising. The advisor provided by the Institution may, or may not, be an attorney, even if the other party has an attorney as an advisor at the hearing.

Advisors must maintain the privacy of any records or information shared with them by the Institution. These records and information may not be shared with third parties, disclosed publicly, or used for any purpose other than assisting the Complainant or Respondent with proceedings concerning a Formal Complaint under this policy. The Institution may seek to discontinue or restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the Institution's privacy expectations.

All advisors must adjust their schedule to allow them to attend interviews, meetings or hearings when scheduled. The Institution does not typically change scheduled meetings to accommodate an advisor's inability to attend. The Institution might, however, make provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video, or virtual meeting technologies, as may be convenient and available.

Both parties must advise the Title IX Coordinators of the identity of their advisor at least two (2) business days before the date of their first meeting or interview under this policy. The parties must provide subsequent timely notice to the Title IX Coordinator if they change advisors at any time. In addition, parties must inform the Title IX Coordinator at least seven (7) days before any grievance hearing as to whether they will be accompanied by an advisor and the identity of such advisor.

Interviews conducted as part of an investigation under this policy may be recorded by the Institution. Recordings not expressly authorized by the Institution are prohibited.

## **Grievance Hearing:**

### *Scheduling of Hearing and Appointment of Hearing Officer*

The Title IX Coordinator or his or her designee shall schedule a grievance hearing to be held no sooner than ten (10) days after the parties receive the investigative report. At least ten (10) days prior to the hearing, the Title IX Coordinator and/or his or her designee shall inform the parties and their advisors, if any, of the scheduled date and time of the hearing and where the hearing will be conducted. All hearings will be conducted live and in private. The only people who may attend the hearing shall be the Complainant and any advisor, the Respondent and any advisor, the hearing officer, any witnesses (each of whom shall attend only for the duration of their personal testimony), the Title IX Coordinator, any officials or employees from the Institution at the discretion of the Title IX Coordinator, and any interpreters necessary for participants or witnesses to provide testimony and/or participate. Hearings may be conducted with the parties in the same physical location or in different physical locations with technology that allows the participants simultaneously to see and hear each other. If the hearing is scheduled for the parties to be in the same physical location, either party may request that the hearing occur with the parties located in separate rooms with technology enabling the hearing officer and parties to simultaneously see and hear the party or the witness answering questions. A party shall make any such request in writing to the Title IX Coordinator or his or her designee within two (2) days of receiving notice that the hearing is scheduled to be in-person with the parties in the same room.

Upon scheduling the hearing, the Title IX Coordinator and/or his or her designee will appoint a hearing officer to conduct the hearing. The hearing officer will be a senior administrator of the Institution, or may be, in the discretion of the Title IX Coordinator and/or his or her designee, a third party specially appointed for this purpose. The Title IX Coordinator and/or his or her designee shall provide the hearing officer, as much in advance of the hearing as possible, with the evidence directly related to the allegations that has been shared with the parties by the investigator(s); any written responses provided by the parties to the evidence; the final investigative report, and any written responses provided by the parties to the final investigative report.

The Title IX Coordinator and/or his or her designee shall provide the parties with the name of the hearing officer in advance of the hearing. The parties shall have two (2) calendar days after receiving such notice to object to the hearing officer on the basis that the party believes that the hearing officer has a conflict of interest or bias. If either party objects to the hearing officer, the Title IX Officer and/or his or her designee shall determine whether to appoint a different hearing officer. If a replacement hearing officer is appointed, the parties shall have two (2) calendar days after receiving notice of any replacement hearing officer to object on the basis that the replacement hearing officer has a conflict of interest or bias. If a replacement hearing officer is appointed, the hearing date may be postponed at the discretion of the Institution.

### *Identification of Witnesses for the Hearing*

No later than five (5) days prior to the hearing, the Title IX Coordinator and/or his or her designee will inform the parties of the names of witnesses who the Institution has invited to attend the hearing. If a party wishes to invite any additional witness to the hearing, the party may do so if that witness has been interviewed by the investigator(s) and the party believes that the witness has information that is relevant to the matter. No later than three (3) days prior to the hearing, the party shall inform the Title IX Coordinator and/or his or her designee of the name of any such witness and the Title IX Coordinator and/or his or her designee shall inform the other party of the identity of any such additional witness and will invite any such additional witness to the hearing using contact information provided by the party who wishes to invite such witness.

### *Conducting the Hearing*

At the hearing, the parties will be limited to evidence and witnesses that have been provided to the investigator(s) prior to preparation of the investigative report. The Institution will make all such evidence subject to the parties' inspection and review available at the hearing so each party has an equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination. The rules of evidence applicable to court proceedings do not apply to the hearing. Information that is relevant will be considered by the hearing officer; information that is irrelevant will be excluded by the hearing officer. Evidence is relevant if it (1) makes a fact that is of consequence in determining the matter more or less likely than it would be without the evidence; or (2) it reflects on the credibility of a testifying party or witness in a material way. 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. The hearing officer may

deem a cross-examination question or evidence irrelevant if it is duplicative or redundant.

The hearing will proceed as follows: reading of the charges; Respondent's statement denying or admitting responsibility; any opening comments from the Complainant; any opening comments from the Respondent; questioning of the Complainant; questioning of the Respondent; questioning of any other witnesses; any closing statement by the Complainant; and any closing statement by the Respondent.

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All parties, advisors, and the hearing officer should be familiar with statements of parties and witnesses included in the investigative file. The purpose of questioning at the hearing shall be to ask questions that will clarify the party or witnesses' statement from the investigative file and that will help the hearing officer determine the credibility of the parties and witnesses so as to reach an accurate determination. In questioning of the parties and other witnesses, the hearing officer shall first pose any relevant clarifying questions that the hearing officer may have based on the hearing officer's review of the statement of that party or witness taken by the investigator(s). After the hearing officer has completed questioning of a party, then the advisor for the other party may ask relevant cross-examination questions of the testifying party. In questioning witnesses, the advisor for the complainant shall conduct any cross-examination before the advisor for the respondent conducts cross-examination. Before the testifying party or any testifying witness answers any cross-examination question posed by a party's advisor, the hearing officer will first determine whether the question is relevant and will provide an explanation for any decision to exclude a question as irrelevant. The hearing officer may instruct a testifying party or witness not to answer any question that the hearing officer deems irrelevant. Neither party shall be allowed to challenge the determinations of relevancy made by the hearing officer during the hearing.

Advisors may cross-examine the other party and witnesses but shall not otherwise participate in the hearing aside from quietly advising a party. Opening and closing statements, if any, shall be delivered personally by the Complainant and the Respondent. The hearing officer may set reasonable time limits for testimony and opening and closing statements that are equally applied to both parties.

At the hearing and in particular in conducting cross-examination, advisors shall treat all parties, witnesses, advisors and the hearing officer with respect and ask questions in a respectful, non-adversarial manner. The hearing officer may dismiss an advisor who refuses to conduct cross-examination in a respectful, non-adversarial manner after providing the advisor with one warning. If a party's advisor is dismissed from the hearing by the hearing officer, the hearing may be postponed to allow the party to obtain another advisor, or, at the hearing officer's discretion, the hearing may proceed after a brief recess to allow the Institution to provide the party with an alternate advisor. Whether to appoint an alternate advisor and whom to appoint are solely within the discretion of the Institution.

The Institution will create an audio or audiovisual recording, or a transcript, of the live hearing and make it available to the parties for inspection and review. The Title IX Coordinator will maintain any audio or audiovisual recording or transcript for seven (7) years.

In determining responsibility, the hearing officer will not rely on any statement of a party or a witness who does not submit to cross-examination at the hearing; provided, however, that the hearing officer cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions. A hearing may proceed in the absence of either party or any witness. If either party is absent from the hearing, that party's advisor may attend the hearing and pose cross-examination questions of the other party and of witnesses. If a party is absent from the hearing and no advisor for the party attends the hearing, the Institution will provide an advisor for that party. The advisor's role in that circumstance will be limited to posing any cross-examination questions for the other party or for witnesses that the absent party has provided to the Title IX Coordinator or the hearing officer in advance of the hearing.

#### *Written Determination Regarding Responsibility*

After the hearing, the hearing officer will issue a written determination regarding responsibility, using a preponderance of the evidence standard (i.e., whether it is more likely than not that Sexual Misconduct occurred). The hearing officer will make an objective evaluation of all relevant evidence presented, including both inculpatory and exculpatory evidence, with the exception noted above of party and witness statements where the party or witness has not submitted to cross-examination. The hearing officer may not base credibility determinations on a person's status as a Complainant, Respondent, or witness. The written determination will include:

- Identification of the allegations potentially constituting a violation of this policy;
- 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 Institution's policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
- Any disciplinary sanctions the Institution imposes on the Respondent;
- Whether remedies designed to restore or preserve equal access to the Institution's education program or activity will be provided to the Complainant; and
- The procedures and permissible bases for appeal.

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The written determination will be provided to the parties simultaneously. The Title IX Coordinator is responsible for effective implementation of any remedies that may be imposed after a finding of responsibility.

#### *Disciplinary Action*

In the event the hearing officer determines that the Respondent is responsible for an act of Sexual Misconduct or other violation under this policy, he or she may impose any appropriate sanction that he or she determines to be fair. In determining any disciplinary action, the hearing officer may consider the following:

- Students – If a student is found to have committed a Sexual Assault, the appropriate presumptive discipline is expulsion.
- Staff – If a staff member is found to have committed a Sexual Assault, then the appropriate presumptive action is to terminate the staff members' employment in accordance with the applicable handbook of the Institution.
- Faculty – If the Respondent is a faculty member and his or her conduct warrants discipline that is less severe than discharge or suspension, the hearing officer will recommend sanctions to the Provost of the Institution. In cases where the faculty member is found to have committed a Sexual Assault, the presumptive action is discharge or termination of employment, in accordance with the terms of the applicable handbook of the Institution providing for Dismissal for Cause.

Any Sexual Assault under this policy is strictly prohibited. The designated senior administrator(s) will oversee the application of any such disciplinary action.

#### **Appeal Rights:**

Any appeal of a final determination hereunder shall stay the imposition of disciplinary action under this policy, but only during the pendency of the appeal. If the disposition of the appeal does not alter the recommended sanction, disciplinary action pursuant to this policy shall proceed.

The Complainant and/or Respondent may appeal a dismissal of a Formal Complaint or a final determination by submitting a written objection to the Title IX Coordinator within five (5) calendar days of receipt of the notice of dismissal or final determination. Any grounds for appeal shall be based solely on:

- The emergence of new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
- A claim that some procedural aspect of this policy was not properly followed and that irregularity affected the outcome of the matter; or
- The Title IX Coordinator, investigator(s) or hearing officer 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.

The Title IX Coordinator has sole authority to determine if any appeal is timely submitted. If the Title IX Coordinator determines that an appeal is not timely submitted, then the Title IX Coordinator may dismiss the appeal and notify the appealing party of such dismissal.

If the Title IX Coordinator determines that an appeal is timely submitted, the Title IX Coordinator will designate the appropriate senior administrator of the Institution to consider the appeal. Such senior administrator shall not be the same person as the investigator(s), the Title IX Coordinator, or the hearing officer who determined responsibility or dismissal. The Title IX Coordinator shall provide the appeal to the other party, who shall have five (5) calendar days to provide a written statement in response to the appeal. The senior administrator will consider the objections presented in the appeal and the written response to the appeal, review and evaluate the final determination report, if applicable, and reach his or her conclusion. The senior administrator will issue a written decision related to the appeal to the Complainant and Respondent and provide it to them simultaneously within thirty (30) days of receiving all written responses. All documentation regarding an appeal will be communicated with and forwarded to the Title IX Coordinator. The determination regarding responsibility becomes final either

on the date that the Institution provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

### **Records:**

The Title IX Coordinator will maintain for a period of seven (7) years records of each investigation of Sexual Misconduct, including any determination regarding responsibility, any disciplinary sanctions imposed on the Respondent, any remedies provided to the Complainant designed to restore or preserve equal access to the Institution's education program or activity, and any appeal and the result therefrom.

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### **Timelines and Extensions:**

When a Formal Complaint is filed, the Institution shall endeavor to complete the grievance process, from the filing of a Formal Complaint, through a written determination by the hearing officer, within 140 calendar days. The Institution shall endeavor to render a decision on any appeal within 30 calendar days of receiving all written submissions by the parties. The Institution shall endeavor to complete an informal resolution process within 90 calendar days. If parties begin an informal resolution process that is stopped at the request of a party or concludes without resolution, requiring the Formal Complaint process to start again, the investigator(s) will provide the parties with a new time period for completion of the grievance process, which shall be less than 140 calendar days from the stoppage or conclusion of the informal resolution process.

The Institution may impose a temporary delay of the grievance process or extend these 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 or illness of a party, a party's advisor or witness, concurrent law enforcement activity, the late identification of additional witnesses or evidence, or the need for language assistance or accommodation of disabilities.

\* \* \*

This Amended and Restated Sexual Harassment and Sexual Misconduct Policy was adopted as of August 14, 2020 and will be reviewed annually. The policies and procedures set forth in this Amended and Restated Sexual Harassment and Sexual Misconduct Policy are subject to amendment at any time by Lipscomb University without prior notice. Members of the Institution Community are encouraged to check the Institution's website for updated versions of this policy. If any applicable government regulations change in a way that impacts this policy, this policy will be interpreted and construed in a manner to comply with such government regulations then in effect.

## **Additional useful information (not a part of the above policy)**

### **Preparing for a Sexual Assault Forensic Exam:**

If possible, try to avoid activities that could potentially damage evidence such as:

- Bathing
  
- Showering
  
- Using the restroom
  
- Changing clothes
  
- Combing hair
  
- Cleaning up the area

If you have done any of these activities, you can still have an exam performed. Please bring a spare change of clothes with you to the hospital or health facility where you're going to have the exam.

In most cases, DNA evidence needs to be collected within 72 hours in order to be analyzed by a crime lab—but a sexual assault forensic exam can reveal other forms of evidence beyond this time frame that can be useful if you decide to report. Place your belongings, including the clothes you were wearing, in a **paper bag** to safely preserve evidence. Lipscomb Security has paper bags for evidence preservation available. If you have questions about the timeframe, you can call the

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**Lipscomb University**  
**Annual Fire Safety Report**  
**2019**

**Fire Statistics:**

<b>Housing Facility</b>	<b>Fire Drills</b>				<b>Fires</b>			<b>Injuries</b>			<b>Deaths</b>		
	<b>2017</b>	<b>2018</b>	<b>2019</b>		<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Elam Hall	2	2	2		0	0	0	0	0	0	0	0	0
Fanning Hall	2	2	2		0	0	0	0	0	0	0	0	0
High Rise	2	2	2		0	0	0	0	0	0	0	0	0
Johnson Hall	2	2	2		0	0	0	0	0	0	0	0	0
Sewell Hall	2	2	2		0	0	0	0	0	0	0	0	0
Village Building A	2	2	2		0	0	0	0	0	0	0	0	0
Village Building B	2	2	2		0	0	0	0	0	0	0	0	0
Village Building C	2	2	2		0	0	0	0	0	0	0	0	0
Village Building D	2	2	2		0	0	0	0	0	0	0	0	0
Bison Hall	N/A	2	2		N/A	0	0	N/A	0	0	N/A	0	0

To obtain a copy of the University's daily fire log, contact Lipscomb University Department of Security at 615-966-7600 or [security@lipscomb.edu](mailto:security@lipscomb.edu).

**Housing Facility Fire Safety Policies and Information:**

**Open Flame Policy:**

In keeping with the fire code, open flame candles and/or burning incense are prohibited in the residence halls at any time. Violation of this will result in \$50 fine and confiscation of prohibited items. Candles used as a scent must have the wick cut to the wax so it may not be lit.

**Electrical Appliances and Safety:**



Refrigerators purchased or rented for use in residence hall rooms are not to be larger than three cubic feet in capacity. Students are not permitted to use open-coiled appliances, electric skillets or ovens, grills, halogen light bulbs, or electric heaters in their residence hall rooms. Popcorn poppers, microwave ovens, coffeemakers, and toasters are acceptable.

**Lighting Regulations and Safety:**

The University does not permit the use of halogen lamps or any other light that produces excessive heat in the student residential areas. Overhead/room lights may not be covered with any material. Though neon lights are permitted within residence halls, they may not be placed in windows or be seen from the exterior of the building.

The University reserves the right to remove and/or confiscate any appliance or device it deems unsafe or problematic to a facility's electrical system. All confiscated items will be held by the Resident Hall Director until arrangements are made to return the item to the student, at which time it must be permanently removed from campus, such as during a University break or holiday.

**Electrical Extensions:**

In accordance with the direction of the fire marshal, the use or possession of extension cords, multiple plugs or multiple plug converters is prohibited within all of the residential areas. The fire marshal has approved the use of Underwriter's Laboratories (UL) approved power strips with circuit breakers. Students should contact their Resident Assistant if they are unsure if a power strip is permissible.

**Smoking:**

Smoking is not permitted on Lipscomb's campus.

**Fire Drills:**

Fire drills are conducted at least twice per year for all residence halls.

**Fire Procedures for Student Housing:**

Every time a fire alarm is activated, all residents must exit the building unless they have been notified prior to the event that it is not necessary to evacuate (as in testing of the alarms). IF THERE IS A FIRE OR ACTIVATED ALARM IN THE BUILDING:

- Evacuate the building using the stairs (NEVER use the elevator).
- If the smoke is thick, crawl close to the floor to avoid smoke inhalation.
- Go to the designated exterior gathering area and then alert emergency response personnel (if alarm has not been activated) by calling 615-966-7600.

If reporting the emergency, state your name, building, location of fire (wing, floor, room, etc.) and nature of the fire (laundry, equipment, mattress, etc.), if possible. Stay on the line for questions, if it is safe to do so. Lipscomb University Department of Security will contact the Nashville Fire Department.

Designated exterior gathering areas during a fire are as follows:

Elam Hall: Exit to the intramural field (north end) on the Granny White side of campus.

Fanning Hall: Exit to the quad in front of Burton Hall.

High Rise: Exit to the back of the dorm parking lot or grassy area by baseball field. If this area is unsafe due to overall campus crisis, proceed to the south end of campus adjacent to the softball field parking lot.

Johnson Hall: Exit to the Bell Tower area and space between Ezell Center and the Library. If this area is unsafe due to an overall campus crisis, proceed to the south end of campus adjacent to the softball field parking lot.

Sewell Hall: Exit to the intramural field (south end) on the Granny White side of campus

Village Building A: Exit to Bison Square.

Village Building B: Exit to Bison Square.

Village Building C: Exit to Bison Square.

Village Building D: Exit to Bison Square.

Bison Hall: Exit to Bison Square.

**Fire Safety Systems:**

Elam Hall is equipped with smoke detectors in each dorm room, smoke detectors in designated common areas, sprinklers, fire extinguishers and marked emergency exits signs.

Fanning Hall is equipped with smoke detectors in each dorm room, smoke detectors in designated common areas, sprinklers, fire extinguishers and marked emergency exits signs.

High Rise is equipped with smoke detectors in each dorm room, smoke detectors in designated common areas, sprinklers, fire extinguishers and marked emergency exits signs.

Johnson Hall is equipped with smoke detectors in each dorm room, smoke detectors in designated common areas, sprinklers, fire extinguishers and marked emergency exits signs.

Sewell Hall is equipped with smoke detectors in each dorm room, smoke detectors in designated common areas, sprinklers, fire extinguishers and marked emergency exits signs.

Village Building A is equipped with smoke detectors in each dorm room, smoke detectors in designated common areas, sprinklers, fire extinguishers and marked emergency exits signs.

Village Building B is equipped with smoke detectors in each dorm room, smoke detectors in designated common areas, sprinklers, fire extinguishers and marked emergency exits signs.

Village Building C is equipped with smoke detectors in each dorm room, smoke detectors in designated common areas, sprinklers, fire extinguishers and marked emergency exits signs.

Village Building D is equipped with smoke detectors in each dorm room, smoke detectors in designated common areas, sprinklers, fire extinguishers and marked emergency exits signs.

Bison Hall is equipped with smoke detectors in each dorm room, smoke detectors in designated common areas, sprinklers, fire extinguishers and marked emergency exits signs.

**If You Are Trapped in a Building During a Fire:**

- If you cannot get out of the building, go to the refuge area in the stairwell.
- If there is a fire in the hallway, stay in your room, close the doors, dial 615-966-7600 and stand close to the window to signal for help.

- Put something in the window to alert emergency responders to your location.
- If smoke is entering the room through the cracks in the door, stuff wet clothes in the cracks.
- Stay close to the floor to avoid smoke inhalation, but continue to shout and peek out through the window to alert emergency responders.

**Reporting a Fire:**

Call Lipscomb University Department of Security at 615-966-7600. Lipscomb University Department of Security can reset the alarm in the event of a false alarm or lead the Fire Department to the fire's location.

Lipscomb University Department of Security will notify the appropriate members of the Emergency Management Team. Residence Life staff will notify the applicable Resident Hall Director.

**Fire Safety Education:**

Floor meetings in residence halls review emergency evacuation procedures, safety policy review, and health and safety inspections.

Resident Assistants and Resident Hall Directors attend training sessions regularly on emergency procedures, including fire safety and response.

**Crime Prevention and Personal Safety:**

Lipscomb University Department of Security strongly urges the Lipscomb community to examine all the printed material on crime prevention that is circulated frequently around campus. Individuals may also come by the Lipscomb University Department of Security office to pick up information. Lipscomb University Department of Security encourages leaving expensive or irreplaceable items, such as heirlooms, at home. Lipscomb University Department of Security emphasizes to EVERYONE that the first step in crime prevention is to keep all belongings in a secure place, which includes locking and securing residence hall rooms, offices, and vehicles, as well as anything else that can be secured. The Bison Safety Walk, which provides a security escort on campus, is available by calling extension 7600 on campus at ANY time day or night. Lipscomb University Department of Security strongly recommends that everyone make use of this service, especially when walking alone at night.

To obtain more information on the material contained in this report and to find out more about what Lipscomb University Department of Security has to offer, call extension 7600.

**Important Safety Numbers:**

Lipscomb University Department of Security 615-966-7600 (located in Dispatch in the Beaman Library basement)

Metro Police Department 615-862-8600

Emergency 911

Crime Stoppers 615-74-Crime

Rape & Sexual Abuse Center Crisis Line 615-256-8526 or 1-800-879-1999

Crisis Intervention Center 615-244-7444

