



# Kentucky Wesleyan College Annual Security and Fire Report October 2023

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## INTRODUCTION

Kentucky Wesleyan College is concerned with the safety and wellbeing of all members of our campus community. Crimes and acts of violence are not tolerated.

In 1990, Congress enacted the Crime Awareness and Campus Security Act (Title II of Public Law 101–542), which amended the Higher Education Act of 1965 (HEA). This act required all postsecondary institutions participating in Title IV student financial aid programs to disclose campus crime statistics and security information. The act has been amended multiple times.

The 1998 amendments renamed the law the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (commonly referred to as “the Clery Act”) in memory of Jeanne Clery who was slain in her dorm room in 1986. The reauthorization of the Violence Against Women Act (VAWA), signed by President Obama in March 2013, which includes the Campus Sexual Violence Elimination Act (Campus SaVE) amended the Clery Act. All incidents of domestic violence, dating violence and stalking must now be reported in addition to reporting incidents of sexual assault. In accordance with the VAWA and Dear Colleague Letter GEN-14- 13, all updated VAWA categories for rape and forcible fondling are also presented in this report.

In compliance with this legislation, Kentucky Wesleyan College publishes an Annual Security and Fire Safety Report to provide prospective and current students and employees with crime and fire statistics; safety and security related policies and procedures; training and educational programs available; and other available resources in one location.

Kentucky Wesleyan College Office of Student Services is responsible for preparing and distributing this report. We work with many other departments on campus and law enforcement agencies to compile the information and crime statistics. We encourage members of the Kentucky Wesleyan College community to use this report as a guide for safe practices on and off campus. Each member of the Kentucky Wesleyan College community receives an e-mail linked to a web address that hosts a PDF of this report. The printed report is available upon request or may be printed in PDF format from attachment or from the Office of Student Services. The report also satisfies the “Michael Minger Act” reporting for the Commonwealth of Kentucky.

By October 1 of each year, Kentucky Wesleyan College distributes this report via email and web posting to all students and employees. Kentucky Wesleyan College will also make the report available upon request to prospective students and employees. **Note: this report is for calendar year 2022, not the 2022-2023 Academic year.**

## Relationships with Local Law Enforcement

Kentucky Wesleyan College works closely with the Owensboro Police Department. Periodic meetings and conversations between the Owensboro Police Department and Kentucky Wesleyan College allow for exchange of routine information on a timely basis. Kentucky Wesleyan College relies on this relationship for support on several levels: emergencies, criminal investigations, arrests, and special events. In cases where additional security is warranted, Kentucky Wesleyan College may request additional information from Owensboro Police Department.

## Timely Warnings

In the event a Clery crime is reported as having occurred within the College's Clery Geography (see pages 9-10) that, in the judgment of the Vice President of Student Affairs/Dean of Students or his/her designee in his/her absence), is considered to represent a serious or continuing threat to students and employees, a campus-wide "timely warning" will be issued.

The decision to issue a Timely Warning is made on a case-by-case basis considering the nature of the crime and the continuing danger to the campus community. The warning will be provided to students and employees in a manner that is timely, and that will aid in the prevention of similar occurrences.

Timely Warnings will include information about the crime that triggered the Timely Warning but will not include personally identifiable information about the victim of the crime. Timely Warnings are generally written and distributed by Vice President of Student Affairs/Dean of Students (or designee) and are sent via email to students, faculty, and staff. A copy of the notice may also be posted on campus buildings.

Timely Warnings are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications:

- Murder/Non-Negligent Manslaughter
- Aggravated Assault (cases involving assaults among known parties, such as two roommates fighting, which results in an aggravated injury, will be evaluated on a case-by-case basis to determine if the alleged perpetrator or perpetrators is or are believed to be an ongoing threat to the larger Kentucky Wesleyan College community)
- Robbery involving force or violence (cases including pick-pocketing and purse snatching will typically not result in the issuance of a Timely Warning Notice, but will be assessed on a case-by-case basis)
- Rape, Fondling, Statutory Rape, Incest, Stalking, Dating Violence and Domestic Violence (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by VPSA or designee). In cases involving these crimes, they are often reported long after the incident occurred, thus there is no ability to distribute a "timely" warning notice to the community. All of these crimes, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning.
- Major incidents of Arson
- Other Clery crimes as determined necessary by the VPSA, or his or her designee in his or her absence, where they are considered to represent a serious or continuing threat to students and employees.

The VPSA or his/her designee may issue a "Public Safety Advisory" where the precipitating incident(s) is/are not Clery Crimes and/or do not rise to the level of a "Timely Warning." These Public Safety Advisories may be issued to inform the campus community for their personal safety of ongoing non-Clery crimes or suspicious activity on campus or crimes that do not fall within Kentucky Wesleyan College's Clery Geography. These "Advisories" may be disseminated to the campus community via email, postings on campus buildings, and/or methods as determined by the VPSA or designee.

## Preparing and Reporting Annual Disclosure of Crime Statistics

The Office of Student Services prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. This report is based on all of the College's reported crime and fire statistics. The "Annual Report" is available on the Kentucky Wesleyan College web site <https://kwc.edu/campus-life/campus-security-reports-2/> and the Clery Crime statistics may be found there as well as on the U.S. Department of Education's web site. The printed report is also available upon request or



may be printed in .pdf format from the website. Campus crime, arrest, referral, and fire statistics include those reported to the Office of Student Services, designated Campus Security Authorities, and local law enforcement agencies.

Each year, an e-mail notification is made to all enrolled students, faculty and staff that provides the web site to access this report. In addition, a copy of the report in PDF format is attached to the email. The email notice to students also satisfies the “Michael Minger Act” reporting for the Commonwealth of Kentucky.

### ***How do we compile these statistics?***

The Office of Student Services collects crime statistics annually through a number of methods. Nighthawk Security enters all reports of crime incidents through an online Daily Security Report form. After a security guard enters the report, the VPSA and Associate Dean of Students for Residence Life review the report to ensure it is properly classified in the correct crime category. All reports from Residence Life staff are reviewed as they are received in order to gather any statistics for crimes reported and to ensure accurate information is reflected in the Daily Crime and Fire Log. The Office of Student Affairs also solicits crime statistics from local law enforcement agencies and those statistics are included in this report if provided.

The department periodically examines the data to ensure that all reported crimes are recorded in accordance with the crime definitions outlined in the *FBI Uniform Crime Reporting Handbook* and the *FBI National Incident- Based Reporting System Handbook*.

### **Reporting of Statistics Disclosure**

Under the Family Educational Rights and Privacy Act (FERPA) institutions are required, upon written request, to disclose to the alleged victim of a crime of violence or a non-forcible sex offense, or to the alleged victim’s next of kin (if the victim dies as a result of the crime or offense), the final results of any institutional disciplinary proceeding dealing with that crime or offense. Previously, such disclosures were optional.

Report Language (House Report 110-803) The House Bill requires an institution of higher education to, upon request, disclose to the alleged victim of any violent crime or non-forcible sex offense the final results of any institutional disciplinary proceeding conducted against a student who is the alleged perpetrator of such crime or offense. The House Bill also requires that this information be provided to the alleged victim’s next of kin if the alleged victim is deceased.

Institutions of postsecondary education that participate in federal student financial assistance programs have been required by Section 485(a) and (f) of the Higher Education Act (HEA) to provide the Secretary with campus crime statistics since 1990. The Higher Education Opportunity Act (Public Law 110-315) (HEOA) was enacted on August 14, 2008 and re- authorizes the Higher Education Act of 1965, as amended.

The VAWA and Dear Colleague Letter GEN 14-13 made a number of additions to campus security reporting requirements. Representatives from many postsecondary communities participated in meetings held by the U.S. Department of Education (ED) to discuss regulatory language (negotiated rulemaking) and ED expects that language to be issued as a Notice of Proposed Rulemaking (NPM). Final rules were published and become effective on November 1, 2014.

### **Daily Crime and Fire Log**

Kentucky Wesleyan College maintains a Daily Crime and Fire Log which is prepared based on the previous day's incident reports. The Daily Crime and Fire Log includes the nature of the crime, the date the crime was reported, the date and time the crime occurred, the general location of the crime and the disposition of the complaint, if known. The purpose of this log is to record criminal incidents, alleged criminal incidents, and Clery category fires that are reported to the Office of Student Affairs. The "Daily Crime and Fire Log" for the most recent semester is available for public inspection in the Office of Student Affairs, VPSA Office during regular business hours.

Kentucky Wesleyan College maintains a close working relationship with the Owensboro Police Department for assistance on campus and to compile crime statistics in the area surrounding the College.

## Definition of Geography

Under the Clery Act campuses are required to report campus crime statistics for certain offenses, hate crimes, arrests and disciplinary referrals to the campus conduct process for incidents occurring within specific locations as defined by the Clery Act (known as Clery Geography). In all cases this data must be broken down according to the Clery Geography of the occurrence of the offense.

### *Clery Geography Used Under the Clery Act*

**On-Campus:** (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

**On-Campus– Residence Halls:** Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility. Institutions must disclose the total number of on-campus crimes, including those in dorms or other residential facilities for students on campus, and must also make a separate disclosure limited to the number of crimes occurring in student dorms or residential facilities on campus. As a subset, the number of crimes reported for dormitories or other residential facilities must be less than or equal to the number of reported crimes for the on- campus category.

**Non-Campus Facilities:** 1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution

**Public Property:** All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

### *Clery Geography for Kentucky Wesleyan College*

Using the Clery Geography as define above, Kentucky Wesleyan College Reports Crime Statistics for the

following locations:

- 3000 Frederica Street- Kentucky Wesleyan College Main Campus (all buildings, including residence halls)
- 3100 Frederica Street – President’s residence
- 3300 Frederica Street – Kentucky Wesleyan College Activity Hall
- 2829 S Griffith Ave – Ralph Center

Public Property included in Kentucky Wesleyan College’s Clery Geography includes:

- Frederica street from College Drive to Scherm Road
- College Drive from S. Griffith Avenue to Frederica Street
- Scherm Road from S. Griffith Avenue to Frederica Street
- S. Griffith Avenue from College Drive to Scherm Road

## The Crimes: Definition of Categories

The following criminal offenses (as defined under the FBI’s Uniform Crime Reporting Handbook) are reportable offenses under the Clery Act.

### Criminal Homicide

- Murder and non-negligent manslaughter. The willful (non-negligent) killing of one human being by another.
- Negligent manslaughter. The killing of another person through gross negligence.

### Sexual Assault\*

An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is:

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

If force was used or threatened, or the victim was incapable of giving consent because of his/her age or temporary or permanent mental impairment, the offense is Rape, not Statutory Rape.

### Robbery

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

### Aggravated Assault

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury.

This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used that could and probably would result in serious personal injury if the crime were successfully completed.)

### Simple Assault

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

### Burglary

The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes: unlawful entry with intent to commit a larceny or a felony, breaking and entering with intent to commit a larceny, housebreaking, safecracking, and all attempts to commit any of the aforementioned acts.

### Motor Vehicle Theft

The theft or attempted theft of a motor vehicle. (Motor vehicle theft is classified as any case where an automobile is taken by a person not having lawful access, even if the vehicle is later abandoned, including joy riding.) Note that the category does not include theft *from* a motor vehicle.

### Arson

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

### Dating Violence\*

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

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

### Domestic Violence\*

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

under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

- ii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

### Stalking\*

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

### Clery Act Hate Crimes

A Hate Crime is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude towards a group of persons based on their actual or perceived race, gender, religion, ethnicity/national origin, sexual orientation, gender identity, age or disability.

For Clery purposes, Hate Crimes include the following offenses when motivated by bias: Murder and Non-negligent Manslaughter, Rape, Statutory Rape, Fondling, Incest, Stalking, Domestic Violence, Dating Violence, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Larceny-Theft, Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property.

### Clery Act Hate Crime Definitions

In addition to the Clery crimes defined above, the following offenses are only included in Clery statistics if they are hate crimes.

- **Larceny-Theft:** Larceny-Theft is the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. (Larceny and theft mean the same thing in the FBI's UCR.) Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.
- **Simple Assault:** Simple Assault is an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- **Intimidation:** Intimidation is to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- **Destruction/Damage/Vandalism of Property:** Destruction/Damage/Vandalism of Property is to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

## Referred for Disciplinary Action

The referral of any person to any official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

## Arrest

Persons processed by arrest, citation or summons.

## Other offenses

- **Liquor law violations.** The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned activities. (Drunkenness and driving under the influence are not included in this definition.)
- **Drug abuse violations.** Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non- narcotic drugs (barbiturates, Benzedrine).
- **Weapon law violations.** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: the manufacture, sale, or possession of deadly weapons; the carrying of deadly weapons, concealed or openly; the furnishing of deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned acts.

*\*Kentucky Wesleyan College prohibits the crimes of domestic violence, dating violence, sexual assault and stalking as defined by the Clery Act.*

## Crime Statistics for 2020, 2021, 2022

### **Criminal Offenses – On Campus**

*All Crimes Reported by Hierarchy*

	<b>Total criminal offenses on campus</b>		
<b>Criminal offense</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offenses – Forcible	0	0	0
Rape	0	0	0

	<b>Total criminal offenses on campus</b>		
Fondling	0	0	0
Sex offenses – Non-forcible (incest & statutory rape)	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	1
Burglary	0	2	5
Motor vehicle theft	0	0	3
Arson	0	0	0

### **Criminal Offenses – On Campus – Residence Halls**

	<b>Total criminal offenses on campus – in student housing facilities</b>		
<b>Criminal offense</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offenses – Forcible	0	0	0
Rape	0	0	0
Fondling	0	0	0
Sex offenses – Non-forcible (incest & statutory rape)	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	1

Burglary	0	0	5
Motor vehicle theft	0	0	3
Arson	0	0	0

### **Criminal Offenses – Non-campus facilities**

	<b>Total criminal offenses – recognized, leased, controlled property*</b>		
<b>Criminal offense</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offenses – Forcible	0	0	0
Rape	0	0	0
Fondling	0	0	0
Sex offenses – Non-forcible (incest & 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

### **CRIMINAL OFFENSES – PUBLIC PROPERTY**

	<b>Off campus – Nearby Public Property*</b>		
<b>Criminal offense</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offenses – Forcible	0	0	0
Rape	0	0	0
Fondling	0	0	0
Sex offenses – Non-forcible (incest & statutory rape)	0	0	0
Robbery	0	0	0



Aggravated assault	0	0	0
Burglary	0	1	0

	<b>Off campus – Nearby Public Property*</b>		
Motor vehicle theft	0	0	0
Arson	0	0	0

#### **Arrests for Criminal Offenses – On-campus facilities**

	<b>Total criminal offenses on campus</b>		
<b>Criminal offense</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Weapon possession	0	0	0
Drug violations	0	0	0
Liquor law violations	0	0	0

#### **Arrests for Criminal Offenses– On-campus student housing**

	<b>Total criminal offenses on campus- in student housing facilities</b>		
<b>Criminal offense</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Weapon possession	0	0	0
Drug violations	0	0	0
Liquor law violations	0	0	0

#### **Arrests for Criminal Offenses– Non-campus**

	<b>Total criminal offenses recognized, leased, controlled property</b>		
<b>Criminal offense</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Weapon possession	0	0	0
Drug violations	0	0	0
Liquor law violations	0	0	0

#### **Arrests for Criminal Offenses- Public Property**

	<b>Total criminal offenses on nearby public property*</b>		
<b>Criminal offense</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Weapon possession	0*	0*	0*

Drug violations	0*	0*	0*
Liquor law violations	0*	0*	0*

\*Information provided by the Owensboro Police Department

### **Criminal Offenses Referred for Disciplinary Actions – On Campus**

	<b>Total criminal offenses on campus</b>		
<b>Criminal offense</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Weapon possession referred for disciplinary action	0	3	1
Drug abuse violations referred for disciplinary action	0	0	0
Liquor law violations referred for disciplinary action	6	4	3

### **Criminal Offenses Referred for Disciplinary Actions – On Campus: Residence Halls**

	<b>Total criminal offenses on campus- in student housing facilities</b>		
<b>Criminal offense</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Weapon possession referred for disciplinary action	0	3	1
Drug abuse violations referred for disciplinary action	0	0	0
Liquor law violations referred for disciplinary action	6	4	3

### **Criminal Offenses Referred for Disciplinary Actions – Non-campus**

	<b>Total criminal offenses recognized, leased, controlled property</b>		
<b>Criminal offense</b>	<b>2020</b>	<b>2022</b>	<b>2022</b>
Weapon possession referred for disciplinary action	0*	0*	0*
Drug abuse violations referred for disciplinary action	0*	0*	0*
Liquor law violations referred for disciplinary action	0*	0*	0*

### **Criminal Offenses Referred for Disciplinary Actions – Public Property**

	<b>Total criminal offenses- Nearby Public Property</b>		
<b>Criminal offense</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>

Weapon possession referred for disciplinary action	0*	0*	0*
Drug abuse violations referred for disciplinary action	0*	0*	0*
Liquor law violations referred for disciplinary action	0*	0*	0*

\*Information provided by the Owensboro Police Department

### **VAWA Criminal Offenses – On-campus facilities**

	<b>Total criminal offenses on campus</b>		
<b>Offense</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Domestic violence	0	0	0
Dating violence	0	1	6
Stalking	1	1	1

### **VAWA Criminal Offenses – On-campus student housing**

	<b>Total criminal offenses on campus – in student housing facilities</b>		
<b>Offense</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Domestic violence	0	0	0
Dating violence	1	0	6
Stalking	1	0	1

### **VAWA Criminal Offenses – Non-campus**

	<b>Total criminal offenses recognized, leased, controlled property</b>		
<b>Offense</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Domestic violence	0*	0*	0*
Dating violence	0*	0*	0*
Stalking	0*	0*	0*

### **VAWA Criminal Offenses – Public Property**

	<b>Off campus – Nearby Public Property*</b>		
<b>Offense</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Domestic violence	0*	0*	0*
Dating violence	0*	0*	0*

Stalking	0*	0*	0*
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\*Information provided by the Owensboro Police Department

### Hate Crimes – On Campus, On-Campus Residence Halls, Non-campus, and Public Property

Criminal offense	2022 Total	Category of Bias for crimes reported in 2022					
		Race	Religion	Sexual orientation	Gender	Disability	Ethnicity/ National origin
Murder/ Non-negligent manslaughter	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0
Sex offenses - Forcible	0	0	0	0	0	0	0
Sex offenses - Non-forcible	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0
Motor vehicle theft (Not including theft <i>from</i> a motor vehicle)	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0
Simple assault	0	0	0	0	0	0	0

Criminal offense	2022 Total	Category of Bias for crimes reported in 2022					
		Race	Religion	Sexual orientation	Gender	Disability	Ethnicity/ National origin
Larceny-theft	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0
Destruction/damage/ vandalism of property	0	0	0	0	0	0	0

### Safety Procedures and Policies

## Reasonable Security

The concept of “reasonable security” recognizes the demonstrable tensions between an accessible academic setting and a completely secure campus. Kentucky Wesleyan College seeks a balance between an open environment where academic exchange can thrive and a safe environment where intellectual inquirers feel secure.

## Missing Person Procedure

*The purpose of this policy is to establish procedures for the College’s response to reports of missing students, as required by the Higher Education Opportunity Act of 2008. This policy applies to students who reside in campus housing.*

A Wesleyan residential student is “**determined to be missing**” when a missing person report investigation concludes that the student has been absent from the College for a period of 24 hours or longer without any known reason. The Dean of Students, or designee, in conjunction with the Director of Residence Life, will make the official determination of whether a student is deemed missing.

***Note: In order to avoid any jurisdictional conflicts, when a commuter student is believed to be missing, the reporting person should immediately notify local law enforcement authorities. The Student Services Office will assist external authorities with the investigations as requested.***

## Procedure for designation of confidential emergency contact information

All residential students have the opportunity annually to identify an individual or individuals to be an emergency contact contacted by the Dean of Students not later than 24 hours after the time that the student is determined to be missing in accordance with the procedures set forth below. A designation will remain in effect until changed or revoked by the student. This information is maintained confidentially and will be available only to the Dean of Students, Director of Residence Life, the VP of Finance, and Vice President of Academic Affairs and Dean of the College. **The administration of the College reserves the right to notify the parents of a student under the age of 21 if she/he has been determined to be missing.** Each student over the age of 18 has the option of opting out of the Missing Student Policy as per the Missing Student Procedures 20 USC 1092 (j) (Section 488 of the Higher Education Opportunity Act of 2008), through signing a waiver on the Missing Student Information Form.

For those students under the age of 18 and not an emancipated individual, the College is required to notify the emergency contact as well as the custodial parent or guardian no more than 24 hours after the student is determined to be missing.

## Procedure for official notification for missing students

- Any concerned person who has information that a residential student may be a missing student must notify the Dean of Students as soon as possible so that an official determination may be made about whether or not the student is missing.
- The Student Services Office and Residence Life Staff will gather all essential information about the residential student from the reporting person and from the student’s acquaintances. Appropriate campus staff will be notified to aid in the search for the student. Appropriate staff will include the Residence Director, the Dean of Students, and Dean of the College.
- If the above actions are unsuccessful in locating the student within 24 hours, or it is apparent immediately that the student is a missing person (e.g. witnessed abduction) the student will be determined a missing student.
- Within 24 hours after a student is determined to be missing, (1) the Dean of Students, or designee, will notify the emergency contact per emergency contact process; and will notify the appropriate local law enforcement agencies for assistance. **In addition, the administration of the College reserves the right to notify the parents of a student under the age of 21 if she has been determined to be missing.**

## **Safety for Students with Disabilities**

- Diagrams detailing fire escape routes are posted in the corridors of the buildings and exits on each floor are marked.
- Every resident receives written instructions on how to respond when the fire alarm sounds in the residence halls. The Director of Residence Life, Residence Directors, and Resident Assistants personally instruct residents concerning the appropriate response to both fire alarms and to the discovery of a fire in the residence halls.
- Fire drills are held each semester in each of the residence halls.
- Resident Assistants and two “buddies” are assigned to anyone with physical or mental impairments in order to assist them with exiting the building at the time a fire alarm sounds and while taking shelter during severe weather.

## **Access to Buildings**

An identification card system has been continually in place since the summer of 2020. This system helps keep the College community secure. Valid Kentucky Wesleyan College IDs allow students, faculty, and staff access to academic, recreational, and administrative facilities on campus.

Access to residence halls is limited to the students living in that facility. Employees may enter residence halls when required to do so in the performance of their jobs. The public may attend cultural and athletic events on campus, with access restricted to the facilities where these events are held.

## **Limits of Authority**

Kentucky Wesleyan College security officers strive to detect and deter crime and monitor the campus for safety deficiencies. The officers have authority to detain violators until campus staff or local police take control of the situation. The security officers are unarmed. They are instructed to avoid altercations, unless intervention is deemed necessary. Kentucky Wesleyan College security personnel have direct communications access to Owensboro Police. If required, police officers are called to control criminal activity or to assist with safety emergencies.

## **Safety, Security, and Well-Being**

Kentucky Wesleyan College makes the safety and security of its members and guests an institutional priority. Kentucky Wesleyan College is private property for the use by the College and its guests. The College employs a professional security staff to protect the members of this community and the campus.

With a valid Kentucky Wesleyan College ID, members of the Kentucky Wesleyan College community may enjoy access to academic, recreational, and administrative facilities on campus. Access to the residence halls is limited to students living in those facilities and their guests. Employees may enter the residence halls when required to do so to perform their jobs. The public may attend cultural and athletic events in the facilities where the events are held.

Academic buildings are secured by 5:00 PM and opened at 7:30 AM on class days.

For immediate help, dial 270-929-8609 from any campus telephone for Kentucky Wesleyan College Security (Nighthawk Security) and 9-1-1 for area law enforcement. For escort service by a security guard, call 270-929-8609 from a cell or off campus phone.

Incident Report forms are available at <https://kwc.edu/incident/>. Below are some general safety tips for students:

- Always lock your room and car when unoccupied;
- Remove valuables from your car, or at least keep them concealed;
- Do not keep large sums of money;

- Do not leave keys, purses, or other valuables unattended;
- Remove valuables from the residence hall rooms over vacation periods;
- Register bicycles with the Police Department;
- Do not walk alone at night;
- Walk in well-lighted areas;
- Never prop open an exterior door and leave it unattended;
- Let someone know when you are leaving campus and when you intend to return;
- Report injuries, vandalism, encounters or loss; and
- Let someone know immediately if you see a stranger in the building.

## **Emergency Notification**

Kentucky Wesleyan College utilizes the LiveSafe app, a mobile safety communications platform and enables users to provide actionable crowdsourced intelligence gathering for security officials and provides immediate emergency information for students, faculty, and staff. LiveSafe is also used to alert the College community of any emergency condition such as College closing and campus or surrounding area situations which may pose a threat or result in a dangerous situation. Members of the campus community will receive notification of emergency situations via fire alarms, email communications, posting on the web-site and notices to the local media in addition to the LiveSafe text and voicemail notifications. Specific instruction related to the emergency situation will be included in the message. This may include announcements as to the College closing, lock-down instructions and information as to where to report in the event of a campus evacuation. Members of the administrative staff have been provided with emergency procedures regarding steps to be taken in such events to assure the safety of students, faculty and staff.

Any person who you may be aware of or suspect a situation is occurring which may pose a threat to the safety of the College community is requested to immediately notify a Kentucky Wesleyan College Security officer at 270-929-8609.

## **Emergency Notification Terms to Know**

The following directions may be issued in the event of an emergency. Always use your best judgment, based upon the specific situation, as to whether it is safe to do as directed. It is important to assess your location compared to the incident location before you take appropriate action.

- **Evacuate:** Move out of an unsafe location into safety. Walk quickly in an orderly fashion to the nearest safe exit. If evacuating a building because of a fire, close all doors between you and the fire, and DO NOT use elevators.
- **Seek Shelter:** If outside during an incident, drop to the ground immediately, lying face down as flat as possible. If within 15-20 feet of a safe place or cover, stay close to the ground and run to it. Attempt to move or crawl away from the threat, trying to utilize any obstruction between you and the threat. The ultimate goal is to put as much distance between you and the shooter. When you reach a relatively safe place, stay down and do not move. If possible, seek shelter in a building and shelter-in-place.
- **Shelter-in-Place:** You may have to Shelter- Shelter-in-Place when an evacuation is not safe (e.g. severe weather, hostile intruder, or hazardous material spills). Seek immediate shelter and remain there during an emergency rather than evacuate the area. In a hostile intruder scenario, you should lock the door and barricade yourself in the room with the furniture or anything you can push against the door. The preferred Shelter-in-Place location would be an interior room or hallway.

## **Hostile Intruder/Active Shooter Response Guide**

These situations are dynamic and evolve rapidly. If you hear gunfire or see a person with a gun, take immediate steps to protect yourself. The steps below are a guide – but you need to use good judgment and

common sense based on YOUR SPECIFIC LOCATION.

- Run: Try to escape the area if safely possible
- Hide: You may have to Shelter in Place when an evacuation is not safe.
- If HIDING/SHELTERING IN PLACE, lock yourself in the room you're in or move to the nearest location that can be secured and turn off all lights.
- Seek a corner NOT visible through a window
- Silence cell phones and remain quiet
- If suspect is in close proximity, the Department of Homeland Security recommends you may have to FIGHT as a last resort, only when your life is in imminent danger and self-protection is your final option for survival (use your own discretion with engaging a shooter for survival)
- Attempt to incapacitate the shooter. Act with physical aggressing and throw items at the shooter
- When the threat is over, Owensboro Police or Kentucky Wesleyan College Official will notify everyone by giving an area "All Clear" message. A message will also be sent via Kentucky Wesleyan College LiveSafe.

### **Reporting Crimes and Emergencies**

Immediately call campus security at 270-929-8609 or local emergency 911 (from a campus phone dial 8 for an outside line, then dial 911) to report a crime, suspected crime, safety hazard, or suspicious persons. Provide as much of the following information as possible: Autos-License number, make, model, color, direction of travel, identifiers such as spots or dents; Persons- Name, gender, race, age, height, build, clothing, weapons, direction of escape

Any individual, victim, or witness may confidentially and voluntarily report crime for inclusion in crime statistics to any of the following:

Mr. Christopher Sweeney, Director for Residence Life, 270-852-3284

Ms. Linda Keller, Director of Human Resources, 270-852-3110

Ms. Rebecca McQueen-Ruark, Vice-President for Student Affairs, 270-589-3289

Ms. Terri Petzold, Director of Counseling, 270-852-3183

Ms. Lori Thurman, Title IX Coordinator, 270-852-3406

Mr. Shawn Tomes, Vice President of Mission and Culture, 270-852-3203

### **Educational Programs**

Kentucky Wesleyan College seeks to educate students on issues of personal safety and to promote awareness of the dangers and complexities of sex offenses. Toward these purposes, Kentucky Wesleyan College provides information on crime prevention and safety. Kentucky Wesleyan College also sponsors outreach programs for students on gender issues and sexual assault, including bystander intervention training required for all employees and new students.

### **Sexual Harassment, Misconduct, Sexual Assault, and Relationship Violence Policies**

*Note: Due to the ever changing law and requirements of Title IX, the Campus SaVE Act, and Violence Against Women Act, the most up to date policies for sexual misconduct, sexual assault, and relationship violence may be found at <https://kwc.edu/campus-life/sexual-harassmentassault/> on the Kentucky Wesleyan College website. Students may request a printed copy of the College's policies at the Office of Student Services.*



## 1. Glossary

- *Advisor* means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.
- *Complainant* means an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.
- *Complaint (formal)* means a document filed/signed by a Complainant or signed by the Title IX Coordinator alleging harassment or discrimination based on a protected class or retaliation for engaging in a protected activity against a Respondent and requesting that the recipient investigate the allegation.
- *Confidential Resource* means an employee who is not a Mandated Reporter of notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority status).
- *Day* means a business day when Kentucky Wesleyan College is in normal operation.
- *Education program or activity* means locations, events, or circumstances where Kentucky Wesleyan College exercises substantial control over both the Respondent and the context in which the sexual harassment or discrimination occurs and also includes any building owned or controlled by a student organization that is officially recognized by Kentucky Wesleyan College.
- *Final Determination*: A conclusion by the preponderance of evidence that the alleged conduct occurred and whether it did or did not violate policy.
- *Finding*: A conclusion by the preponderance of evidence that the conduct did or did not occur as alleged.
- *Formal Grievance Process* means “Process A,” a method of formal resolution designated by the recipient to address conduct that falls within the policies included below, and which complies with the requirements of 34 CFR Part 106.45.
- *Grievance Process Pool* includes any investigators, hearing officers, appeal officers, and Advisors who may perform any or all these roles (though not at the same time or with respect to the same case).
- *Hearing Decision-maker or Panel* refers to those who have decision-making and sanctioning authority within the Recipient’s Formal Grievance process.
- *Investigator* means the person or persons charged by Kentucky Wesleyan College with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.
- *Mandated Reporter* means an employee of Kentucky Wesleyan College who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator or their supervisor.<sup>1</sup>

- *Notice* means that an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
- *Official with Authority* (OWA) means an employee of Kentucky Wesleyan College explicitly vested with the responsibility to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of the Recipient.
- *Parties* include the Complainant(s) and Respondent(s), collectively.
- *Process A* means the Formal Grievance Process detailed in the Title IX Procedures Manual.
- *Process B* means the informal alternative resolution procedures detailed in the Title IX Procedures Manual.
- *Recipient* means a postsecondary education program that is a recipient of federal funding.
- *Remedies* are post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the Recipient's educational program.
- *Respondent* means an individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.
- *Resolution* means the result of an informal or Formal Grievance Process.
- *Sanction* means a consequence imposed by the Recipient on a Respondent who is found to have violated this policy.

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- *Sexual Harassment* is the umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence.
  - *Title IX Coordinator* is at least one official designated by Kentucky Wesleyan College to ensure compliance with Title IX and Kentucky Wesleyan College's Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.
  - *Title IX Team* refers to the Title IX Coordinator, Title IX Deputy Coordinator(s), and any member of the Grievance Process Pool.

<sup>1</sup> Not to be confused with those mandated by state law to report child abuse, elder abuse, and/or abuse of individuals with disabilities to appropriate officials, though these responsibilities may overlap with those who have mandated reporting responsibility in this Policy.

## **2. Rationale for Policy**

Kentucky Wesleyan College values the unique contributions of all members of our campus community. As

part of our mission to prepare future leaders intellectually, spiritually, and physically, we strive to provide an atmosphere that encourages and challenges all members of the Kentucky Wesleyan College campus community to exhibit an understanding and appreciation of cultural and human differences. We are committed to being a community that reflects the diversity of our larger society. We expect all members of our institution to actively create and maintain an inclusive learning and living environment that embraces diversity in all forms, including race, ethnicity, gender, gender identity, socio-economic status, national origin, sexual orientation, disability, religion, and thought.

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

### **3. Applicable Scope**

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

When the Respondent is a member of the Kentucky Wesleyan College community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the Kentucky Wesleyan College community. This community includes, but is not limited to, students,<sup>2</sup> student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, invitees, and campers. The procedures below may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this policy.

### **4. Title IX Coordinator**

The Title IX Coordinator oversees implementation of the Recipient's Affirmative Action and Equal Opportunity plan and the Recipient's policy on harassment, and nondiscrimination based on sex. The Title IX Coordinator has the primary responsibility for coordinating Kentucky Wesleyan College's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation based on sex and prohibited under this policy.

#### ***Title IX Coordinator***

Lori Thurman

Howard Greenwell Library

Frederica Street, Owensboro, KY 42301

(270) 852-3406

Email: [lori.thurman@kwc.edu](mailto:lori.thurman@kwc.edu)

Web: <https://kwc.edu/campus-life/sexual-harassmentassault/>

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<sup>2</sup> For the purpose of this policy, Kentucky Wesleyan College defines "student" as any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and

who maintains an ongoing relationship with Kentucky Wesleyan College.

### **5. Independence and Conflict-of-Interest**

The Title IX Coordinator manages the Title IX Team and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this policy and these procedures. The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias or conflict of interest by the Title IX Coordinator, contact the Office of the Kentucky Wesleyan College President who will decide if a conflict or bias exists.

Concerns of bias or a potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator who will decide if a conflict or bias exists.

Reports of misconduct or discrimination committed by the Title IX Coordinator should be reported to the Office of the Kentucky Wesleyan College President. Reports of misconduct or discrimination committed by any other Title IX Team member should be reported to the Title IX Coordinator.

### ***Office of the President***

Dr. Thomas Mitzel  
3000 Frederica St.  
Owensboro, KY 42301 Admin. 102A  
(270) 852-3104  
[Tom.Mitzel@kwc.edu](mailto:Tom.Mitzel@kwc.edu)

### **6. Administrative Contact Information**

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

### ***Title IX Coordinator***

Lori Thurman  
Howard Greenwell Library  
Frederica Street, Owensboro, KY 42301  
(270) 852-3406  
Email: [lori.thurman@kwc.edu](mailto:lori.thurman@kwc.edu)  
Web: <https://kwc.edu/campus-life/sexual-harassmentassault/>

### ***Office of the President***

Dr. Thomas Mitzel  
3000 Frederica St.  
Owensboro, KY 42301 Admin. 102A  
(270) 852-3104  
[Tom.Mitzel@kwc.edu](mailto:Tom.Mitzel@kwc.edu)

Inquiries may be made externally to:

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

Customer Service Hotline #: (800) 421-3481  
Facsimile: (202) 453-6012  
TDD#: (877) 521-2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>

Or the regional office serving Kentucky

Office for Civil Rights, Philadelphia Office  
U.S. Department of Education  
The Wanamaker Building  
100 Penn Square East, Suite 515  
Philadelphia, PA 19107-3323  
Telephone: (215) 656-8541  
Fax: (215) 656-8605  
Email: [OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov)

Kentucky State Police  
8298 Keach Dr.  
Henderson, KY 42420  
(270) 826-3312

Owensboro Police Department 222 East Ninth Street  
Owensboro, KY 42303  
(270) 687-8888

For complaints involving employees: [Equal Employment Opportunity Commission](#) (EEOC)

EEOC Louisville Area Office  
600 Dr. Martin Luther King Jr Pl, Suite 268 Louisville, KY  
40202  
800-669-4000  
Director Alan Anderson

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

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

- 1) File a complaint with, or give verbal notice to, the Title IX Coordinator or Title IX Deputy. Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator or any other official listed.

### ***Title IX Coordinator***

Lori Thurman  
Howard Greenwell Library  
Frederica Street, Owensboro, KY 42301  
(270) 852-3406

Email: [lori.thurman@kwc.edu](mailto:lori.thurman@kwc.edu)

Web: <https://kwc.edu/campus-life/sexual-harassmentassault/>

[2) Report online, using the reporting form posted at <https://kwc.edu/title-ix-complaint-submission/>

A **Formal Complaint** means a document filed/signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that Kentucky Wesleyan College investigate the allegation(s). A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information in the section immediately above, or as described in this section. As used in this paragraph, the phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by Kentucky Wesleyan College) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint.

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

Anonymous reports are accepted but can give rise to a need to investigate. Kentucky Wesleyan College tries to provide supportive measures to all Complainants, which is impossible with an anonymous report. Because reporting carries no obligation to initiate a formal response, and as Kentucky Wesleyan College respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of privacy by making a report that allows Kentucky Wesleyan College to discuss and/or provide supportive measures.

### **8. Supportive Measures**

Kentucky Wesleyan College will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation.

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

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

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

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program available to employees on the life insurance plan. More information may be access on the PantherNet. [https://intranet.kwc.edu/ uploads/sites/3/Employee-Assistance-Program-flyer.pdf](https://intranet.kwc.edu/uploads/sites/3/Employee-Assistance-Program-flyer.pdf)
- Referral to community-based service providers
- Visa and immigration assistance to students
- Student financial aid counseling
- Education to the community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Timely warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

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

## **9. Emergency Removal**

Kentucky Wesleyan College can act to remove a Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator in conjunction with the Threat Assessment Group (TAG) using its standard objective violence risk assessment procedures.

In all cases in which an emergency removal is imposed, the student, employee, or two (2) representatives from a student organization will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested within 48 hours objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so. This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be

grounds for discipline, which may include expulsion or termination.

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

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties. Telework may be pursued to ensure as minimal an employment impact as possible on employed parties at the joint discretion of the Title IX Coordinator and the supervisor of the employee.

### **10. Promptness**

All allegations are acted upon promptly by Kentucky Wesleyan College once it has received notice or a formal complaint. Complaints can take 60-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but Kentucky Wesleyan College will avoid all undue delays within its control.

Any time the general timeframes for resolution outlined in Kentucky Wesleyan College procedures will be delayed, Kentucky Wesleyan College will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

### **11. Privacy**

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

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

Only a small group of officials who need to know will typically be told about the complaint, including but not limited to: President, Vice President of Student Affairs for complaints involving students, Director of Human Resources for complaints involving employees, and Compliance Office, Recipient Police, and the Threat Assessment Group. Information will be shared as necessary with Investigators, Hearing Panel members/Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

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

### **12. Jurisdiction of the Recipient**

This policy applies to the education program and activities of Kentucky Wesleyan College, that take place on



the campus or on property owned or controlled by the College, at College sponsored events, or in buildings owned or controlled by College recognized student organizations. The Respondent must be a member of the Kentucky Wesleyan College community for its policies to apply.

This policy can also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to Kentucky Wesleyan College's educational program. The recipient may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator determines that the conduct affects a substantial Kentucky Wesleyan College interest.

Regardless of where the conduct occurred, the Recipient will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial Kentucky Wesleyan College interest includes:

- a. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law.
- b. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual.
- c. Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
- d. Any situation that is detrimental to the educational interests or mission of Kentucky Wesleyan College.

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

Further, even when the Respondent is not a member of Kentucky Wesleyan College's community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Office or New Beginnings Sexual Assault Support Services, 1-800-226-7273.

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

All vendors serving Kentucky Wesleyan College through third-party contracts are subject to the policies and procedures of their employers [or to these policies and procedures to which their employer has agreed to be bound by their contracts].

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

Similarly, the Title IX Office may be able to advocate for a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to Kentucky Wesleyan College where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give recourse to the Complainant.

### **13. Time Limits on Reporting**

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

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

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

### **14. Online Harassment and Misconduct**

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

While Kentucky Wesleyan College may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to Kentucky Wesleyan College, it will engage in a variety of means to address and mitigate the effects under the Social Media Policy available at <https://intranet.kwc.edu/uploads/sites/3/Social-Media-Policy-Update-2018.pdf>.

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

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

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

### **15. Policy on Nondiscrimination**

Kentucky Wesleyan College adheres to all federal and state civil rights laws and regulations prohibiting discrimination in private institutions of higher education.

Kentucky Wesleyan College does not discriminate against any employee, applicant for

employment, student, or applicant for admission based on:

- Race,
- Religion,
- Color,
- Sex,
- Pregnancy,
- Ethnicity,
- National origin (including ancestry),
- Physical or mental disability (including perceived disability),
- Age,
- Sexual orientation,
- Gender identity,
- Veteran or military status,
- Predisposing genetic characteristics,
- or any other protected category under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any grievance process on campus, with the Equal Employment Opportunity Commission, or other human rights agencies.

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

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

### **16. Policy on Discriminatory Harassment**

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

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

#### **A. Discriminatory Harassment**

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

Kentucky Wesleyan College does not tolerate discriminatory harassment of any employee, student, visitor, or guest. Kentucky Wesleyan College will act to remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a “hostile environment.”

A hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual’s educational or employment access, benefits, or opportunities.<sup>3</sup> This discriminatory effect results from harassing verbal, written, graphic, or physical conduct that is severe or pervasive *and* objectively offensive.

When discriminatory harassment rises to the level of creating a hostile environment, Kentucky Wesleyan College may also impose sanctions on the Respondent through application of the grievance process below.

Kentucky Wesleyan College reserves the right to address offensive conduct and/or harassment that

1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature and not based on a protected status. Addressing such conduct will not result in the imposition of discipline under Kentucky Wesleyan College policy, but may be addressed through respectful conversation, remedial actions, education, effective Alternate Resolution, and/or other informal resolution mechanisms.

For assistance with Alternate Resolution and other informal resolution techniques and approaches, employees should contact the Director of Human Resources, and students should contact the Dean of Students.

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<sup>3</sup> This definition of hostile environment is based on Federal Register / Vol. 59, No. 47 / Thursday, March 10, 1994: [Department of Education Office for Civil Rights, Racial Incidents and Harassment Against Students At Educational Recipients Investigative Guidance](#).

## **B. Sexual Harassment**

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

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

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

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

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

1) Quid Pro Quo:

- an employee of Kentucky Wesleyan College,
- conditions the provision of an aid, benefit, or service of the recipient,
- on an individual's participation in unwelcome sexual conduct; and/or

2) Sexual Harassment:

- unwelcome conduct,
- determined by a reasonable person,
- to be so severe, and
- pervasive, and,
- objectively offensive,
- that it effectively denies a person equal access to the College's education program or activity.<sup>4</sup>

<sup>4</sup> Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is below the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

3) Sexual assault, defined as:

- Sex Offenses, Forcible:
  - Any sexual act directed against another person, without the consent of the Complainant, including instances in which the Complainant is incapable of giving consent.<sup>5</sup>
- Forcible Rape:
  - 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 Complainant.
- Forcible Sodomy:
  - Oral or anal sexual intercourse with another person, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age<sup>6</sup> or because of temporary or permanent mental or physical incapacity.
- Sexual Assault with an Object:
  - The use of an object or instrument to penetrate, however slightly, the

genital or anal opening of the body of another person, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

- Forcible Fondling:
  - The touching of the private body parts of another person (buttocks, groin, breasts), for the purpose of sexual gratification, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- Sex Offenses, Non-forcible:
  - Incest:
    - i. Non-forcible sexual intercourse, between persons who are related to each other, within the degrees wherein marriage is prohibited by the Commonwealth of Kentucky law.

<sup>5</sup> This definition set is not taken from SRS/NIBRS verbatim. ATIXA has substituted Complainant for "victim," has removed references to his/her throughout, has defined "private body parts," has removed the confusing and unnecessary term "unlawfully," and has inserted language clarifying that the Recipient interprets "against the person's will" to mean "non-consensually." These are liberties ATIXA thinks are important to take with respect to the federal definitions, but users should consult legal counsel before adopting them.

<sup>6</sup> Per state law.

- Statutory Rape:
  - i. Non-forcible sexual intercourse, with a person who is under the statutory age of consent of 16 years of age, or under 18 if the other participant is more than 10 years older.

4) Dating Violence, defined as:

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

5) Domestic Violence, defined as:

- violence, on the basis of sex, committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant

shares a child in common, or by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the Commonwealth of Kentucky or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of the Commonwealth of Kentucky.

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

6) Stalking, defined as:

- engaging in a course of conduct, on the basis of sex, directed at a specific person, that
  - would cause a reasonable person to fear for the person's safety, or
  - the safety of others; or Suffer substantial emotional distress.
  - For the purposes of this definition—
    - (i) Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
    - (ii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
    - (iii) Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

**c. Force, Coercion, Forcible Compulsion, Consent, and Incapacitation**

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

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

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

**Coercion:** Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to

obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

**Forcible Compulsion:** Forcible compulsion includes physical force or the threat of physical force, expressed or implied, which places a person in reasonable fear of immediate death or physical injury or kidnap of self or another person. A person is not required to fight back. Placing a person in a continual state of fear and/or subjecting that person to an environment of emotional, verbal, or physical duress is sufficient to constitute forcible compulsion.

**Consent is:**

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

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

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

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to being kissed back.

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

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

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

Consent in relationships must also be considered in context. When parties consent to BDSM<sup>7</sup> or



other forms of kink, non-consent may be shown by using a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, so Kentucky Wesleyan College’s evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

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

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have

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<sup>7</sup> Bondage, discipline/dominance, submission/sadism, and masochism.

known” is an objective, reasonable person standard which assumes that a reasonable person is both sober and exercising sound judgment.

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

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

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

#### **d. Other Civil Rights Offenses**

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

- Sexual Exploitation, defined as: taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under this policy. Examples of Sexual Exploitation include, but are not limited to:
  - Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
  - Invasion of sexual privacy.
  - Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person’s consent), including the making or posting of revenge pornography. In the Commonwealth of Kentucky, consent to creating a sexually related visual image does not, by itself, constitute consent to the distribution of the visual image. (KRS 531.120 (5))
  - Prostituting another person
  - Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease (STD) or infection (STI), without informing the other person of the infection
  - Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person’s ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non- consensual sexual activity
  - Misappropriation of another person’s identity on apps, websites, or other venues

- designed for dating or sexual connections
- Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
- Knowingly soliciting a minor for sexual activity
- Engaging in sex trafficking
- Creation, possession, or dissemination of child pornography
- Threatening or causing physical harm, extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of any person.
- Discrimination, defined as actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities.
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another.
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the Kentucky Wesleyan College community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity in accordance with the Student Code of Conduct.
- Bullying, defined as:
  - Repeated and/or severe
  - Aggressive behavior
  - Likely to intimidate or intentionally hurt, control, or diminish another person, physically and/or mentally
  - That is not speech or conduct otherwise protected by the First Amendment.

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

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

### **17. Interpersonal Relationships**

In accordance with Kentucky Wesleyan College Interpersonal Relationship policy, any romantic and/or sexual relationship between an employee and a Wesleyan student is prohibited.

Relationships in which a differential of power exists between parties increase the risk of exploitation, favoritism, bias, and conflicts of interest. Possible violations of this policy will be investigated by the Title IX Coordinator and/or Deputy Coordinator. If any intimate relationship negatively affects job performance or behavior, the College may take disciplinary action, up to and including termination.

In relationships with students, College employees must conduct themselves with the highest level of professionalism and standards of conduct. In all interactions with students, employees must exercise discretion, honor, integrity, and professional responsibility.

If a newly hired employee is already in a relationship with a current Kentucky Wesleyan student at the time of hire, the new employee must immediately disclose the relationship to the Cabinet Official to whom his/her position reports. This policy does not include platonic relationships, or couples married to each other.

### **18. Retaliation**

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

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

It is prohibited for Kentucky Wesleyan College or any member of the College community to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.

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

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

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

### **19. Mandated Reporting**

All Kentucky Wesleyan College employees (faculty, staff, and administrators) are expected to report actual or suspected discrimination or harassment to appropriate officials immediately, though there are some limited exceptions.

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

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

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

#### **a. Confidential Resources**

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

- the Counseling Services Office, Director of Counseling Services
- the Student Health Services Office, Director of Student Health Services
- Off-campus (non-employee) Resources:
  - Licensed professional counselors and other medical providers
  - Local rape crisis counselors
  - Domestic violence resources
  - Sexual assault resources
  - Local or state assistance agencies
  - Clergy/Chaplains
  - Attorneys

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

On campus, counseling services are available to help free of charge. The Director of Counseling may be consulted on an emergency basis 24/7 by calling 270-852-3183. The Director of Student Health Services may be consulted during business hours by calling 270-852-3288. Off campus, New Beginnings Sexual Assault Services are available 24/7 by calling 270-926-7273. Counseling Associates offers counseling services for a fee and will accept most insurances. They can be reached during business hours by calling 270-686-7999. The National Sexual Assault Hotline (800-656-4673) and National Domestic Violence Hotline (800-799-7233 or Text LOVEIS to 1-866-331-9475) are 24/7 services. These numbers are listed on the back of all student, faculty, and staff ID cards.

Kentucky Wesleyan College employees who are confidential will timely submit anonymous

statistical information for Clery Act purposes unless they believe it would be harmful to their client or patient.

**b. Anonymous Notice to Mandated Reporters**

At the request of a Complainant, notice may be given by a Mandated Reporter to the Title IX Coordinator anonymously, without identification of the Complainant. The Mandated Reporter cannot remain anonymous themselves. When a Complainant has made a request for anonymity, the Complainant's personally identifiable information may be withheld by a Mandated Reporter, but all other details must be shared with the Title IX Coordinator.

Anonymous notice will be investigated by Kentucky Wesleyan College to the extent possible, both to assess the underlying allegation(s) and to determine if supportive measures or remedies can be provided. However, anonymous notice typically limits Kentucky Wesleyan College's ability to investigate, respond, and provide remedies, depending on what information is shared.

**c. Mandated Reporters and Formal Notice/Complaints**

All employees of Kentucky Wesleyan College (including student employees), with the exception of those who are designated as Confidential Resources, are Mandated Reporters and must promptly share with the Title IX Coordinator all known details of a report made to them in the course of their employment.

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

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

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at events such as "Take Back the Night" marches or speak-outs do not provide notice that must be reported to the Coordinator by employees, unless the Complainant clearly indicates that they desire a report to be made or seek a specific response from Kentucky Wesleyan College.

Supportive measures may be offered as the result of such disclosures without formal Kentucky Wesleyan College action.

Failure of a Mandated Reporter, as described above in this section, to report an incident of harassment or discrimination of which they become aware is a violation of Kentucky Wesleyan College policy and can be subject to disciplinary action for failure to comply.

Though this may seem obvious, when a Mandated Reporter is engaged in harassment or other violations of this policy, they still have a duty to report their own misconduct, though Kentucky Wesleyan College is technically not on notice when a harasser is also a Mandated Reporter unless the harasser does in fact report themselves.

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

## **20. When a Complainant Does Not Wish to Proceed**

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

The Title IX Coordinator has ultimate discretion over whether Kentucky Wesleyan College proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment as determined by Threat Assessment Group.

The Title IX Coordinator's decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires Kentucky Wesleyan College to pursue formal action to protect the community.

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

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

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

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

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

In cases in which the Complainant requests confidentiality/no formal action and the

circumstances allow Kentucky Wesleyan College to honor that request, the College will offer informal resolution options (see below), supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by Kentucky Wesleyan College, and to have the incidents investigated and properly resolved through these procedures.

### **21. Federal Timely Warning Obligations**

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

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

### **22. False Allegations and Evidence**

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

Additionally, student witnesses and parties knowingly providing false evidence, tampering with or destroying evidence after being directed to preserve such evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under the Student Code of Conduct. Employees can be subject to discipline under the Employee Handbook.

### **23. Amnesty for Complainants and Witnesses**

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

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

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



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

**Students:** Sometimes, students are hesitant to assist others for fear that they may get in trouble themselves. Kentucky Wesleyan College maintains a policy of amnesty for students who offer help to others in need and encourages all to assist anyone who may have experienced sexual misbehavior to seek help. While policy violations cannot be overlooked, Kentucky Wesleyan College may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.

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

Kentucky Wesleyan College may, at its discretion, offer employee Complainants amnesty from such policy violations (typically more minor policy violations) related to the incident. Amnesty may also be granted to Respondents and witnesses on a case-by-case basis.

#### **24. Federal Statistical Reporting Obligations**

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

- a) All “primary crimes,” which include homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson.
- b) Hate crimes, which include any bias motivated primary crime as well as any bias motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property.
- c) VAWA<sup>8</sup>-based crimes, which include sexual assault, domestic violence, dating violence, and stalking; and
- d) Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug abuse-related law violations.

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

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

### Alcohol and Drug Policies

As a recipient of federal grants, Kentucky Wesleyan College declares that it complies with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendment of 1989 and is an alcohol and drug free environment. It is Kentucky Wesleyan College's policy to maintain a safe and healthful working environment for all its employees, students and guests.

### Alcohol & Drug Use/Abuse Policy & Program

As a church-related, Christian college, the College is concerned about the health and well-being of its students and recognizes the health hazards involved with the use of alcohol and illicit drugs. In an attempt to deter students from using alcohol and illicit drugs, the College has adopted the following policies.

The Drug-Free Schools and Communities Act and Drug and Alcohol Abuse Prevention Regulations (Education Department General Administrative Regulations), notes that no institution of higher education shall be eligible to receive funds or any other form of financial assistance under any Federal program, including participation in any federally funded or guaranteed student loan program, unless the institution certifies to the Secretary that the institution has adopted and has implemented a program to prevent the use of illicit drugs and the abuse of alcohol by students and employees. In response, KY Wesleyan College has adopted and implemented program and policies to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees.

#### **Information on Preventing Drug and Alcohol Abuse**

The College assists in drug education and prevention programs to inform and encourage students to refrain from the use of alcohol and other drugs.

- Focus on awareness with such programs as Alcohol Awareness Week promoted by Student Government is a joint effort involving students, faculty, and staff, as well as KY State Police and River Valley, a local mental health facility. "Drunk Goggles" that also address driving distraction are part of this program.
- KY Wesleyan is a smoke free campus.
- Guest sign in procedures are in place to monitor residence hall activity
- Alcohol and drug free alternative activities /programs are offered 2-3xs a month. These activities include midnight movies at a local theater and numerous chaperoned trips to athletic events.

Information pertaining to the legal sanctions under Kentucky state law for the unlawful possession of distribution of illicit drugs and alcohol; the health risks associated with the use of illicit drugs and the abuse of alcohol; and drug and alcohol abuse counseling programs available to students are also included in this policy.

#### **Possession and/or Use of Alcohol Beverages and Containers**

Wesleyan prohibits the possession and/or use of alcoholic beverage containers (either full or empty), and the possession, use and/or distribution of illegally-obtained prescription drugs or illicit drugs or drug paraphernalia on College property or at College-sponsored functions, regardless of

a student's age. Students may also be referred to the civil authorities for the unlawful possession of alcoholic beverages on College property or at College-sponsored functions.

### **Possession, Use and/or Distribution of Illicit Drugs or Drug Paraphernalia**

Students involved with the possession and/or use of illegally obtained prescription drugs or illicit drugs or drug paraphernalia on College property or at College-sponsored student functions are subject to the sanctions listed in the student conduct section.

Students may also be referred to the civil authorities for the unlawful possession and/or use of illicit drugs on College property or at College-sponsored student function.

Students involved in the distribution of illicit drugs on College property or at College sponsored student functions will be expelled from the College in addition to being referred to the civil authorities.

**PLEASE NOTE:** Presence of articles may be interpreted as actual possession of those articles. Students encountered in locations where drugs, alcohol, firearms, ammunition and explosives or other misconduct is evident will normally be considered in violation of the Code of Conduct or Residence Hall Regulations, even if they do not have the prohibited items on their person at the time they are encountered.

### **Rehabilitation and Treatment Resources**

All students may receive counseling services through the Counseling Services Office, Administration Building, room 209B. This office is staffed by the Director of Counseling who is a Licensed Clinical Social Worker. Fees for these services are included in tuition costs; there is no additional charge to the student. All information shared with the counselor is considered strictly confidential. Call 270-852-3183 for an appointment.

#### **HOTLINES:**

Crisis Line (24/7) 270-684-9466 or 1-800-433-7291

Vets4Warriors (24/7) 1-855-838-8255

24/7 Addiction Help 1-800-559-9503

River Valley Regional Prevention Center Resource Center 270-689-6563

More Resource Guides are available in the Student Health Office, Room 213, Administration Building.

### **Health Risks**

Substance abuse may result in a wide array of serious health and behavior problems. Substance abuse has both long and short-term effects on the body and the mind. In addition to the problem of toxicity, contaminant poisonings often occur with illegal drug use. HIV infection with intravenous drug use is a prevalent hazard.

Acute health problems may include heart attack, stroke, and sudden death, which can occur with first time cocaine users. Long lasting effects caused by drug and alcohol abuse can cause problems such as disruption of normal heart rhythm, high blood pressure, bleeding and destruction of brain

cells, possible memory loss, infertility, impotence, immune system impairment, kidney failure, cirrhosis of the liver, and pulmonary damage. Drug use during pregnancy may result in fetal damage and birth defects causing hyperactivity, neurological abnormalities, and developmental difficulties.

### **Good Samaritan Policy**

Kentucky Wesleyan College encourages students to assist each other in times of need; the Good Samaritan Policy can be enacted when one student seeks needed medical care for another. If a student is with another student they perceive to be in danger and calls for medical aid, they will not be held accountable for violating the college alcohol policy. The college's main concern is getting the proper care for the student in need. Students should call for help and NOT drive anyone in need of medical attention. Most students are not trained to care for another student should they become ill or disruptive which could impact one's ability to drive safely. Students with or observing a student "in danger" are expected to seek medical attention. If a student is with another student who has had too much to drink and does not call for assistance, they will be held accountable with strict sanctions for "Behavior that Endangers the Health or Safety of Self and/or Others."

*Example:* Josh and Matt, both students, are drinking alcohol together. Matt becomes sick and is not responsive when Josh checks on him. Josh knows that Matt needs medical attention but is concerned that they may face sanctions because they both violated the college alcohol policy by consuming alcohol on campus. If Josh calls 911 to get medical help for Matt, Josh is protected by the Good Samaritan Policy.

### **Medical Safety Policy**

When an individual receives emergency medical attention related to his or her consumption of alcohol, he/she will be required to immediately complete a substance abuse assessment within a reasonable amount of time as determined by the Office of Student Services (typically 24-72 hours) and participate in any recommended treatment.

As a part of the conduct process, and provided that the student did not commit any other egregious conduct violations, the student will not be subject to disciplinary suspension as a result of the alcohol violation but will receive other consequences.

Failure to complete the elements of the Medical Safety Policy will limit the student's continued eligibility. If there is a subsequent hospitalization, the College will review the incident on a case-by-case basis and reserves the right to handle each situation as deemed necessary.

*Example:* Josh and Matt, both students, are drinking alcohol together. Matt becomes sick and is not responsive when Josh checks on him. Josh knows that Matt needs medical attention but is concerned that they may face sanctions because they both violated the college alcohol policy by consuming alcohol on campus. If Josh calls 911 to get medical help for Matt, Matt is protected from suspension by the Medical Safety policy. However, Matt will most likely receive educational sanctions and/or be required to complete a substance abuse assessment.

## ALCOHOL AND DRUGS: SANCTIONS

If students are found to be responsible for an alcohol or drug violation, sanctions imposed will have two primary goals: first, that the student receive some form of treatment and/or education for alcohol and/or drug use depending upon the severity of the offense; and second, that the student make some form of restitution to the community.

While sanctions vary depending upon the circumstances of every case, conduct officers will generally assign the following sanctions for alcohol and/or drug use on campus:

1. **Educational/Developmental:** The student is required to attend a program, counseling sessions, or complete an online course as appropriate (Kentucky Wesleyan College utilizes SafeColleges for online coursework);
2. **Fines:** The student is required to pay a fine which is placed on the student's account with the Business Office. Fines begin at a minimum of \$25 and may increase depending upon the severity of the offense and if the student has prior offenses. Alternative fines, such as service or donation to a local philanthropy, may be permitted at the discretion of the conduct officer.
3. **Probation/Suspension/Expulsion:** Any student found responsible for an alcohol and/or drug offense will be at a minimum be placed on College Probation (see Sanctions section of the Student Handbook for more details). Depending on the severity of the offense and if the student has prior offenses, sanctions up to and including suspension and expulsion may be imposed.

## ALCOHOL AND DRUG USE: PUBLIC LAW AND CONSEQUENCES

**UNLAWFUL POSSESSION OF ALCOHOLIC BEVERAGES (KRS 244.085):** Persons under the age of 21 but older than 18, are subject to a fine of up to \$250 and jail time up to 90 days for first offense, or subsequent offenses of fines up to \$500 and up to 1 year in jail, if they:

1. Enter licensed premises to buy, or have served to them, alcoholic beverages;
2. Possess, purchase, attempt to purchase or get another to purchase alcoholic beverages; or
3. Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages.

**PUBLIC INTOXICATION (KRS 222.202):** Persons are subject to a \$250 fine and a jail term of not more than 90 days if they appear in public manifestly under the influence of alcohol, a controlled substance, or other intoxicating substances, to the degree that they may endanger themselves, other persons, property, or unreasonably annoy persons in the vicinity.

**Driving Under the Influence of Alcohol, Controlled Substance or other Substance which Impairs Driving Ability (DUI) (KRS189A):** In Kentucky, persons(DUI): Persons 21 years of age and older are deemed driving under the influence if they are found operating a motor vehicle with a breath- or blood- alcohol level of 0.08 or higher. Persons, under the age of 21, are deemed to be under the influence with a breath- or blood-alcohol level of 0.02. Persons operating commercial vehicles are deemed to be under the influence at a breath- or blood-

alcohol level of 0.04. Refusal to submit to breath- or blood- alcohol/drug testing is subject to additional penalties. The penalties for driving under the influence (without aggravated circumstances) are:

- **First Offense** - a fine between \$200-\$500, not less than 2 days nor more than 30 days in jail, 90 days of Alcohol or Substance Abuse Program, 30-120 day license suspension, possible 48 hours - 30 days Community Labor.
- **Second Offense** - a fine between \$350-\$500, not less than 7 days nor more than 6 months in jail, 1 year of Alcohol or Substance Abuse Treatment, 12-18 month license suspension, 10 days-6 months Community Labor.
- **Third Offense** - a fine of between \$500-\$1,000, not less than 30 days nor more than 1 year in jail, 1 year of Alcohol or Substance Abuse Treatment, 24-36 month license suspension, 10 Days-12 months Community Labor
- **Fourth and Subsequent Offenses (within 10 years)** - guilty of a Class D felony, fines vary, minimum term 120 days Imprisonment without Probation, 1 year of Alcohol or Substance Abuse Treatment, 60 month License Suspension.

#### LAWS CONCERNING ILLICIT DRUGS (KRS 218A)

The following laws concerning specific illicit drugs are drawn from the Controlled Substance Act of the Commonwealth of Kentucky. A representative listing of specific drugs and the violations inherent in illegal activities related to such drugs is provided below. The failure to list all drugs included in the above act does not exonerate individuals from responsibility for their actions as it relates to illegal drugs, nor does it preclude the College from taking steps to address illegal activity in terms of its own internal counseling and referral system or its judicial system.

Among others, the following acts and the causing thereof are prohibited within the Commonwealth of Kentucky:

- The manufacture, sale or delivery, holding, offering for sale, or possession of any controlled substance or drug paraphernalia.
- The penalty for violation of these acts is based upon the nature or schedule of the drug involved and the weight of the substance.

#### Possession of Marijuana

- A person is guilty of possession of marijuana when he/she knowingly and unlawfully possesses marijuana. Possession of marijuana can be a misdemeanor or felony depending on the amount in possession and number of offenses.
- A person is guilty of marijuana cultivation when he/she knowingly and unlawfully possesses marijuana plants with the intent to sell. Possession of 5 or more plants of marijuana is a felony.

#### **Criteria for Classification of a Schedule 1 Narcotic**

A Schedule 1 Narcotic is one that has high potential for abuse and has no accepted medical use in treatment in the United States. Possession of a Schedule 1 Narcotic for a first offense is a

class D felony. A Class D felony is punishable by one to five years in prison; fine of \$1000-\$10,000.

### **Criteria for Classification of a Schedule 2 Narcotic**

A Schedule 2 Narcotic is one that has a high potential for abuse and has a current medical use in treatment in the United States. Possession of a Schedule 2 Narcotic for a first offense is a Class A misdemeanor. A Class A misdemeanor is punishable by 90 days to 12 months in jail and a fine of up to \$500. Trafficking in narcotics or marijuana within one-thousand (1000) yards of any school is a Class D felony.

### Possession of Drug Paraphernalia

Possession of any drug paraphernalia is a Class A misdemeanor; however, the presence of any illegal controlled substance in/on this paraphernalia may change this to a Class D felony.

### Federal Laws and Penalties Regarding Drug Trafficking

Federal laws also apply to trafficking in controlled substances. An outline of the penalties for violations of these laws may be found at the [Justice Department](#).

### Drug Conviction & Financial Aid

If a student is convicted in a court of law for possessing or selling illegal drugs while receiving federal student aid, this action may negatively affect the student's future eligibility to receive such aid. Please contact the Office of Financial Aid to discuss the students' aid eligibility.

## **Annual Fire Safety Report**

### Overview

The Higher Education Opportunity Act (Public Law 110-315) became law in August 2008, and requires institutions that maintain on campus housing facilities to publish an annual fire safety report which outlines fire safety practices, standards, and all fire related on campus statistics. The following public disclosure report details all information required by this law as it relates to Kentucky Wesleyan College.

### Fire Safety Definitions

#### **Fire**

Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

#### **Fire Related Death**

Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

#### **Fire Related Injury**

Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause, while involved in fire control, attempting rescue, or escaping from the dangers of the fire. The term “person” may include students, employees, visitors, firefighters, or any other individuals.

### **Category of Fire**

For HEA purposes, there are three categories of fire:

- **Unintentional Fire:** A fire that does not involve an intentional human act to ignite or spread fire into an area where the fire should not be.
- **Intentional Fire:** A fire that is ignited, or that results from a deliberate action, in circumstances where the person knows there should not be a fire.
- **Undetermined Fire:** A fire in which the cause cannot be determined.

### **Fire Equipment**

Kentucky Wesleyan College regards tampering with equipment designed for fire safety (alarms, extinguishers, emergency lights, hoses, etc.) a serious offense. Misuse of fire equipment should be reported to the Vice President/Dean of Student Affairs for appropriate disciplinary action, with minimum fines of \$150.

### **Weapons and Explosives**

Kentucky Wesleyan College prohibits the possession or use, whether open or concealed, of any weapon, including but not limited to guns, rifles, pistols, ammunition, powerful explosives, paintball guns, BB guns, stun guns, slingshots, bowie knives, crossbow, daggers, switchblade knives, metallic knuckles, throwing stars, knives of more than six inches when opened, and any other weapon of any kind while on College-owned property. Toy weapons that look like real weapons are similarly prohibited on campus.

NOTE: Possession of a concealed weapons permit does not entitle individuals to carry concealed weapons of any kind on campus.

All weapons, ammunition, explosive devices or fireworks discovered in student possession, private vehicles or property, will be confiscated by College officials and the decision on the return of the confiscated items rests solely with the Dean of Students. In addition, the individual may also be subject to criminal prosecution.

### **Assembly Points and Evacuation**

It is the responsibility of students to immediately evacuate any campus building (including all residence halls) when a fire alarm sounds. If the alarm has been activated because of a fire, the building can quickly fill with smoke, individuals who delay exiting the building put their own lives in jeopardy as well as the lives of those who must attempt to rescue them in the event of an actual fire.

Students who live in a residence hall should follow the evacuation plan established for their hall



and meet at the pre-determined location so emergency workers can be sure that all residents have been evacuated. **For this reason, it is a violation of the Student Code of Conduct to fail to evacuate a campus building when a fire alarm sounds. Violators are subject to conduct sanctions.**

### **Fire Safety in the Residence Halls**

Kentucky Wesleyan College fully recognizes its responsibility to provide both awareness and safety training for its resident students and undertakes an ambitious program each year. Fire safety and emergency training for students begins with discussions about fire prevention and safety during the freshman orientation programs. Information regarding fire safety is also highlighted when students check into the residence halls and during the Resident Assistant opening meetings that occur each semester. Students are further reminded about fire safety and evacuation procedures in the Emergency Response Guide.

Emergency procedures are reviewed periodically with residents by way of hall fire drills. The drills are conducted in a realistic manner to enable student, faculty and staff residents and employees to be prepared in the event of an actual emergency. Staff members themselves are trained concerning fire safety and evacuation procedures during their staff training and these procedures are highlighted in the Emergency Guidebook. Students and employees are advised to adhere to the following procedures in case of a fire:

- If you hear the fire alarm, immediately evacuate the building using the nearest available exit. Do not attempt to fight a fire unless you have been trained to do so.
- Awaken any sleeping roommates or suitemates. Prepare to evacuate by putting on shoes and coat if necessary. Feel the doorknob and the door. If they are hot, do not open the door. If they are cool, open slowly, if heat or heavy smoke rushes in, close the door immediately and remain inside.
- When leaving your room, be sure to take your key in case it is necessary to return to the room should conditions in the corridor deteriorate. Make sure to close the door tightly when evacuating.
- Residence Life staff members who are present on their floors should facilitate the evacuation of their floor/section if possible. When the alarm sounds shout (Example: There is an emergency in the building, leave by the nearest exit) and knock on doors as they make their way to the nearest exit and out the building.
- When exiting in smoky conditions keep your hand on the wall and crawl to the nearest exit. Always know more than one path out of your location and the number of doors between your room and the exit.
- DO NOT USE ELEVATORS. Elevator shafts may fill with smoke or the power may fail, leaving you trapped. Elevators have features that recall and deactivate the elevator during an alarm. Standing and waiting for an elevator wastes valuable time.
- Each resident should report to their assigned assembly area. Residence life staff should report to their assigned assembly area and make sure that students have cleared the building. Conduct a head count and do not allow re-entry into the building until directed

to do so by emergency personnel.

### **Fire Alarms, Fire Extinguishers, and Smoke Detectors**

Activating a fire alarm when there is not an emergency is a malicious act that is illegal (in Kentucky it is a misdemeanor) that endangers the life of others because it causes people to question whether or not a real emergency exists when a fire alarm sounds. **Violators will be reported to law enforcement officials for possible prosecution and will also be subject to conduct sanctions which includes possible removal from campus housing.**

Discharging a fire extinguisher when there is not a fire is a malicious act that is illegal because it endangers life and it causes costly damage. For these reasons, discharging a fire extinguisher is considered a serious violation of the Student Code of Conduct. **Violators will be reported to law enforcement officials for possible prosecution and are subject to conduct sanctions which includes possible removal from campus housing.**

Tampering with or disabling any fire safety device including but not limited to: fire alarms, heat and smoke detectors is a malicious act that is illegal and endangers the life of others. If a device is malfunctioning, the student is responsible to make an immediate report to College officials. **Violators will be reported to law enforcement officials for possible prosecution and will be subject to conduct sanctions which includes possible removal from campus housing.**

### **CANDLES, INCENSE, BON FIRES, AND GRILLS**

- The number one cause of fires in residence halls is unattended burning candles. Students are prohibited from possessing any candle that can support an open flame. Candles that have been manufactured or altered (by cutting or removing the wick) so they do not support a flame are permitted.
- Students are prohibited from burning incense, tobacco, sweet grass, sage, or any other combustible material in any campus building without prior authorization from the appropriate College official. This prohibition specifically applies to all campus residences. In the case of all campus residences, the appropriate College official is the Dean of Students. In classrooms, it is the instructor.
- Students are prohibited from starting any type of fire on College property without prior approval from the Dean of Students and an outdoor fire permit has been obtained.
- Use of personal barbecue grills is not permitted on campus. Use of the residence hall grills in the quad area is permitted unless government officials issue a fire ban due to fire danger during dry conditions. Students who use the barbecue grills are responsible to ensure: the grill is attended at all times when in use; the grill is properly extinguished when done and that the area is properly cleaned. Students are prohibited from storing propane and lighter fluid in campus residences.

**Fires– On-Campus Residence Halls**

Housing Facilities			
Name of Facility	2020	2021	2022
	Number of Fires	Number of Fires	Number of Fires
Deacon Hall	0	0	0
Kendall Hall	0	0	0
Massie Hall	0	0	0
Peebles Hall	0	0	0
Stadium Apartments	0	0	0