

# Bethel University

established 1842

# Employee Handbook



Updated September 9, 2022

## Acknowledgement of Receipt of Employee Handbook

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I hereby acknowledge receipt of a copy of the Bethel University Handbook. This handbook is intended to be a guide for non-faculty employees and Bethel University in administering employment practices in a manner fair and equitable to all employees.

I understand that it is my responsibility to read and be familiar with the information contained in the handbook. I understand and hereby agree to comply with all the policies contained in the handbook and any subsequent revisions. I understand that the content of the handbook is presented as a matter of information only. The plans, policies, and procedures described are not conditions of employment. I understand that Bethel University reserves the right to modify, revoke, suspend, terminate or change any or all of the plans, policies and procedures in whole or in part at any time, with or without notice, solely at its discretion. I further understand that the handbook, although it is designed to be useful for general information concerning my employment at Bethel University, does not contain all applicable policies and procedures for which I am responsible. I understand that it is my responsibility to be familiar with and comply with all employment rules, policies, and procedures in this handbook and otherwise.

**This employee handbook is not a contract and should not be construed to create any contract of employment or any promises regarding employment, terms or conditions, either expressed or implied; including and without limitation, any contract of employment for a definite duration.**

I also acknowledge that I am an employee (at will) and that Bethel University or I may terminate my employment at any time with or without cause and with or without notice.

Further, I do hereby acknowledge and certify that I have received and read Bethel University's harassment policies, substance abuse and testing policies and have had any portions of those policies which I do not understand explained to me. I understand that my compliance with those policies and with the rules and regulations of my employment, including those contained in this handbook, are a prerequisite of my employment and continued employment at Bethel University. I also understand and acknowledge that failure to comply with any of the rules, policies or procedures governing my employment whether contained in the handbook or otherwise, may lead to discipline up to and including termination of my employment.

By signing below, I acknowledge I have received information providing a website location that contains a copy of Bethel University's employee handbook.

EMPLOYEE NAME (PRINT): \_\_\_\_\_

EMPLOYEE SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

### TO BE PLACED IN EMPLOYEE PERSONNEL FILE

*A full copy of Bethel University's Employee Handbook and other information can be found on the Bethel University website at [Policies and Procedures](#)*

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# WELCOME TO BETHEL UNIVERSITY

The purpose of this handbook is to provide you with information about employment with Bethel University. This handbook will provide information about the university's policies and rules that affect employment. It will provide general information on topics of concern such as pay, benefits, attendance, employee conduct and responsibility, and employee relations.

This handbook and the policies, practices and benefits described or referred to are applicable to all persons employed by Bethel University, excluding faculty. The policies, procedures and benefits supersede all prior policies and practices, oral or written, associated with Bethel University. Bethel reserves the right to make changes in policies, practices or benefits at any time, with or without notice.

This employee handbook is not a contract and should not be construed to create any contract of employment or any promises regarding employment, terms or conditions, either expressed or implied; including and without limitation, any contract of employment for a definite duration.

You are an employee (at will) and Bethel University or you may terminate your employment at any time with or without cause and with or without notice.

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## Equal Employment Opportunity Statement

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It is the policy of Bethel University to provide equal employment opportunities without regard to race, color, sex, age, disability, religion, national origin, genetic information, sexual orientation, or gender identity. Bethel complies with applicable state and local laws governing nondiscrimination in employment in every location where Bethel has facilities. This policy applies to all areas of employment including recruitment, hiring, training and development, transfer, termination, layoff, compensation, and other conditions and privileges of employment in accordance with applicable federal, state and local laws. All complaints regarding violations of this policy should be reported directly to the Human Resource Director.

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## Bethel University Non-Discrimination Statement

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Bethel University does not discriminate, either in the admission of students or in the administration of any of its educational policies, programs, activities, or employment on the basis of race, color, national or ethnic origin, religion, sex, age, disability, or military service. Bethel University complies with the 1964 Civil Rights Act, Title IX of the Educational Amendments of 1972, the IRS Anti-Bias Regulation, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act.

All inquiries regarding Title IX can be addressed to the Title IX and Prevention Services Coordinator, Rachael Brooks, Vera Low, Bethel University, 325 Cherry Avenue, McKenzie, TN 38201 (731-352-4246 or [brooksrq@bethelu.edu](mailto:brooksrq@bethelu.edu)).

Inquiries regarding other types of discrimination can be addressed to the Chief Academic and Compliance Officer, Phyllis Campbell, University Office of Compliance, 325 Cherry Avenue, McKenzie, TN 38201 (731-352-4046 or [campbellp@bethelu.edu](mailto:campbellp@bethelu.edu)) and staff member concerns can be addressed to Carolyn Dotson with the Human Resources Department (731-352-4272 or [dotsonc@bethelu.edu](mailto:dotsonc@bethelu.edu)).

## Americans with Disabilities Act (ADA) & ADA Amendments Act (ADAAA)

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The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act, known as the ADAAA, are federal laws that prohibit employers with 15 or more employees from discriminating against qualified applicants and individuals with disabilities. Furthermore, it is our policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

It is the policy of Bethel University to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). This may include providing reasonable accommodation where appropriate in order for an otherwise qualified individual to perform the essential functions of the job position. It is the employee's responsibility to notify the Director of Human Resource of the need of accommodation. Upon doing so, the Director of Human Resources may ask for your input or the type of accommodation you believe may be necessary or the functional limitations caused by your disability. When appropriate, Bethel University may need your permission to obtain additional information from your physician or other medical or rehabilitation professionals.

Bethel University will reasonably accommodate qualified individuals with a known disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation and/or if the accommodation creates an undue hardship to Bethel University. To request accommodations or report violations contact the Human Resource Director.

## Bethel University Anti-Harassment Policy

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Bethel University is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, Bethel University expects that all relationships among persons in the workplace will be business-like and free of bias, prejudice and harassment.

It is the policy of Bethel University to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, gender, national origin, age, disability, genetic information, sexual orientation, gender identity, marital status, amnesty or status as a covered veteran. Bethel University prohibits any such discrimination or harassment.

Bethel University encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of Bethel to promptly and thoroughly investigate such reports. Bethel prohibits retaliation against any individual who reports discrimination or harassment or who participates in an investigation of such reports.

Individuals who believe they have been victims of conduct prohibited by this policy statement or who believe they have witnessed such conduct should discuss their concerns with their immediate supervisor; and/or Human Resource.

## Bethel University Sexual Harassment Policy

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It is Bethel University's policy to provide a work environment free of sexual harassment. To that end, harassment of Bethel's employees who are in the workplace is absolutely prohibited. Further, any retaliation against an individual who has complained about sexual harassment or cooperated with an investigation of a harassment complaint will not be tolerated. Bethel University will take all steps necessary to prevent and eliminate unlawful harassment.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or any other visual, verbal, or physical conduct of a sexual nature when:

1. Submission to the conduct is made either implicitly or explicitly a condition of the individual's employment;
2. Submission to or rejection of the conduct is used as a basis for an employment decision affecting the harassed employee; or
3. The harassment has the purpose or effect of unreasonably interfering with the employee's work performance or creating an environment which is intimidating, hostile or offensive to the employee.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct that, if unwelcome, may constitute sexual harassment depending on the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Unwanted sexual advances, whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life, comments about an individual's body, comments about an individual's sexual activity, deficiencies or prowess;
- Displaying sexual suggestive objects, pictures or cartoons;
- Unwelcome leering, whistling, brushing up against the body, sexual gestures, or suggestive or insulting comments;
- Inquiries into one's sexual experiences; and
- Discussion of one's sexual activities.

When practical and possible, any employee who feels he or she is the subject of this kind of behavior should confront the harasser and request the behavior stop. The harasser may not realize the behaviors are offensive and confrontation may end the situation.

Any employee who believes that he or she is or has been subjected to objectionable conduct should report the situation to Human Resources. Similarly, any employee who observes acts of discrimination toward or harassment of another employee is requested and encouraged to report this to one of the individuals listed above.

Bethel University promptly will investigate any such complaints, which will be kept confidential to the extent appropriate and necessary to conduct an adequate investigation. Any employee who brings such a complaint to the attention of Bethel University in good faith will not be adversely affected as a result. An

employee who engages in objectionable conduct is subject to discipline up to and including termination.

*See Appendix A for Sexual Misconduct and Relationship Violence Policy*

*See Appendix C for Campus Security (CSA) Statement*

## History, Mission Statement, & Core Values

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Bethel University was founded in 1842 in McMoresville, Tennessee, as Bethel Seminary operating under the fostering care of West Tennessee Synod of the Cumberland Presbyterian Church. Bethel College was granted a charter by the State of Tennessee in 1847 and operated as Bethel College until 2009 when its trustees voted to change the name to Bethel University. Three colleges currently operate under the Bethel University umbrella. They include the College of Arts and Sciences, the College of Professional Studies, and the College of Health Sciences. Bethel University is joined in a covenant relationship with the Cumberland Presbyterian Church. Bethel is proud of its heritage as a Cumberland Presbyterian university and of the service provided to the church in the form of education for current and future leaders.

Bethel University continues the 175 year old tradition of education that reflects the founding Christian principles. In adherence to a Christian environment, the University draws upon the thought of St. Ignatius that the college environment should facilitate knowledge and contemplation such that the actions demonstrate unbiased reason and reasonable faith. The institution's mission and core values provide guidance for academic programs, extracurricular activities, community involvement, and administrative decisions.

### **Mission Statement**

The mission of Bethel University is to offer an accessible education, whether in person or through technology mediated methods, to the diverse learning community. The mission encompasses the goal of offering the opportunity to each individual to develop to the highest potential intellectually, spiritually, and socially in an environment that fosters Christian ideals of reverent spirituality with respect and inclusion of all members of the community.

### **Core Values**

Bethel University creates a learning community which:

- Accepts individuals from a wide variety of backgrounds, experiences and beliefs;
- Offers opportunities for individuals to contribute to the University and to other communities in a variety of ways;
- Emphasizes human dignity and ethics consistent with the Christian tradition;
- Encourages inquiry and the examination of values, self, and society;
- Prepares individuals for the life-long pursuit of knowledge in a complex and constantly changing world;

## Employee Classification

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**FULL-TIME EMPLOYEE:** A full-time employee is one who is scheduled to work a minimum of 37.50 hours per week on a regular basis. All full-time employees are eligible to participate in benefit programs.

If a full-time employee's status changes to part-time, benefits will cease at the end of the month in which the employee's status becomes part-time. At the time of the change in status, the employee will be offered a continuation in health insurance through COBRA.

**PART-TIME EMPLOYEE:** A part-time employee is one who works fewer than 1,352 hours per calendar year or less than 26 hours per week. Part-time employees may occasionally be asked to work more than 26 hours in a given week. There may be some cases when a part-time employee will work in excess of 40 hours in a given week. Part-time employees who work more than 40 hours during a timecard week will be paid according to the Fair Labor Standards Act. (See "Working Hours and Overtime")

In the event a part-time employee status changes to full-time, the employee will be subject to all of the terms of employment of those employees hired on a full-time basis. The beginning date of full-time status will be used when calculating eligibility for all benefits.

**EXEMPT AND NONEXEMPT:** Under the Fair Labor Standards Act, Bethel University classifies employees as either exempt or nonexempt. Generally, exempt employees are those employees who are employed in an executive, administrative, or professional capacity, or other legally exempted categories of employees as provided for pursuant to the Fair Labor Standards Act and implementing regulations, and who are not covered by the federal minimum wage and maximum hour law. Generally, nonexempt employees are those employees who are not employed in an executive, administrative, or professional capacity or other legally exempted categories of employees, and who are covered by the federal minimum wage and maximum hour laws.



# ATTENDANCE

## Maintenance

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Bethel University is required by law to keep accurate record of the hours nonexempt, hourly employees work in order to accurately compute regular pay and any overtime the employee may be due.

Pay periods begin on Sunday and end on Saturday. Nonexempt employees will use the electronic time clock system to record hours worked. Each employee must clock in at the beginning of each shift, clock out at lunch, clock in upon return from lunch, and clock out at the end of the work day. On days an employee is scheduled off and uses paid time off, holidays, or administrative closings, the employee must add leave time manually. It is the responsibility of the employee to maintain attendance by badging in and out at the appropriate time and to approve their attendance within (2) days after the pay period ends. Employees are responsible for informing their supervisor immediately with any attendance issue. It is the responsibility of the supervisor to review attendance, make necessary corrections, and approve attendance in a timely manner, within (2) days after the pay period ends. No non-exempt employee should perform work on behalf of the university unless the employee is clocked in. If an employee performs tasks on behalf of Bethel or for the benefit of the university without being on the clock, the employee must immediately notify his/her supervisor so that the employee's time can be accurately compensated.

Exempt employees will use the virtual time clock system to record attendance exceptions. Attendance exceptions include vacation, sick and personal time. Holidays and administrative closings are also considered exceptions. It is the responsibility of exempt employees to complete and approve attendance within (2) days after the payroll period ends. It is the responsibility of the supervisor to review attendance, make necessary corrections, and approve attendance in a timely manner, within (2) days after the pay period ends.

The following procedures will assist in maintaining accurate records:

- Record arrival time, all hours worked daily, and departure time
- When absent, note on the time clock system the reason for the absence. i.e. sick (S), personal (P), vacation (V),
- In the event of an error, let the supervisor know as soon as possible.

## Attendance and Punctuality

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Punctual and regular attendance is essential for each employee's job at Bethel University. Employees are expected to report to work as scheduled, on time, and prepared to start work. In cases of absence or tardiness, employees should provide their supervisor with a reason or explanation.

Sick leave and personal leave may be used in the case of emergency or sudden illness without prior scheduling. It is the responsibility of the employee to notify their supervisor when it is known that an extended absence may be necessary due to an injury or illness. Vacation must be scheduled with one's supervisor in advance.

Patterns of absenteeism or tardiness may result in discipline even if the employee has not yet exhausted available paid time off. Absences due to illnesses or injuries that qualify under the Family and Medical Leave Act (FMLA) will not be counted against an employee's attendance record. Medical documentation within the guidelines of the FMLA may be required in these instances.

Not reporting to work and not calling to report the absence is a no-call/no-show and is a serious matter. The first instance of a no call/no show will result in a written warning. The second separate offense may result in termination of employment with no additional disciplinary steps. A no call/no show lasting three days may be considered job abandonment and may be deemed an employee's voluntary termination of employment.

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## Work from Home

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From time to time, exempt employees may be assigned to work from home. Non-exempt may not be assigned to work at home. It is not a right for an employee to work from home and the University reserves the right to revoke approval at any time. If approval is revoked, the employee shall be present at the assigned work site at the beginning of the next scheduled work shift. Work from home arrangements must be documented and approved by the supervisor and the Human Resources Department must be notified prior to initiation of the arrangement. Prior to approving work from home arrangements, supervisors should document (1) the hours that the employee will work; (2) how such hours will be tracked; (3) the specific tasks that the employee will perform while not at the worksite; (4) how communication will be maintained; and (5) whether the employee will use University equipment and how that equipment will be monitored.

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## Inclement Weather/Emergency Closing

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Occasionally, adverse weather conditions may make reporting to work difficult. The university's colleges determine whether employees should report to work. Administrative closings are posted on the university's website. If an employee is unable to report for work and an administrative closing is not declared, the employee must report the day as a personal or vacation day. In the event the University closes for the day, all full-time employees will be compensated. In the event the University must close earlier than normal, employees who were able to report to work will be compensated; employees who were not able to report must use a vacation or personal day in order to receive compensation. In the event of inclement weather and/or administrative closing where an employee was previously scheduled off using paid time off, then paid time off will be charged to that employee. The same will apply in the event of an Emergency Closing.

For University closings, employees may also listen to local radio broadcasts or call the campus hotline at (731) 352-6450.

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## Attire and Grooming

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It is important for all employees to project a professional image while at work by being appropriately attired. Bethel University employees are expected to be neat, clean and well-groomed while on the job. Clothing must be consistent with the standards for an educational environment and must be appropriate

to the type of work being performed. Natural and artificial scents may become a distraction from a well-functioning workplace and are also subject to this policy.

Bethel University is confident that employees will use their best judgment regarding attire and appearance. Management reserves the right to determine appropriateness. Any employee who is improperly dressed will be counseled or in severe cases may be sent home to change clothes. Continued disregard of this policy may be cause for disciplinary action, which may result in termination.

## Background and Reference Checks

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### **Background Check Policy (4.400)**

All offers of employment are contingent upon satisfactory completion of a background check. Background checks are required on all candidates upon offer of employment, on existing employees in five-year intervals, and with promotions in areas of sensitivity.

Bethel University will conduct background checks with the assistance of a third-party agency. This process is being implemented to ensure the safety and protection of our employees and students, property, data, and to aid management in making optimum employment decisions.

Background checks may include, but are not limited to:

- Review of County/State/Federal Criminal Records;
- Verification of Social Security Number;
- Verification of Educational records;
- Verification of Employment records;
- Sexual Offender Registry Search;
- Review of Department of Motor Vehicle records (for those positions which drive University vehicles).

Background checks will take place at the time a conditional offer is made to applicants, at five-year employment intervals, or prior to promotion when applicable. Applicants will be requested to complete a Disclosure and Authorization form in accordance with the Fair Credit Reporting Act (FCRA) and/or Criminal Offender Record Information (CORI) request form authorizing the University to conduct the background check when they accept an offer of employment. Current employees that are at the five-year interval or up for promotion will be requested to complete the disclosure via their Bethel email. Failure to complete the release will result in non-selection for employment or for a promotional opportunity. The selected applicant may start pending the results of the background check.

Upon completion of the disclosure form, a third-party agency will conduct the check and a designated Human Resources representative will review all results. If negative or incomplete information is obtained, the Director of Human Resources and appropriate management will evaluate potential risks and liabilities in relation to the job requirements and decide regarding employment or promotion. If the University contemplates taking adverse action based on the results of the background check the individual will be informed what part(s) of the criminal record may make the individual unsuitable for the position. The University will also provide the applicant/employee with an opportunity to dispute the accuracy and relevance of the criminal record.

Bethel University will ensure that all background checks are held in compliance with all federal and state statutes. The University guarantees that all information obtained from the reference and background check process will only be used as part of the employment process, or for evaluation of existing employees, and will be held strictly confidential.

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## Internal Transfers/Promotions

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Employees with more than twelve months of service may request consideration to transfer to other jobs as vacancies become available and will be considered along with other applicants. At the same time, the University may initiate transfers of employees between departments and facilities to meet specified work requirements and reassignment of work requirements.

Bethel University offers employees promotions to higher-level positions when appropriate. Management prefers to promote from within and may first consider current employees with the necessary qualifications and skills to fill vacancies above the entry level, unless outside recruitment is considered to be in the university's best interest.

To be considered, employees must have held their current position for at least 12 months, have a satisfactory performance record and have no disciplinary actions during the last 12 months. Management retains the discretion to make exceptions to the policy. The University has the sole discretion to make decisions on whether or not to make transfers requested by an employee.

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## Nepotism, Employment of Relatives and Personal Relationships

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Bethel University seeks to employ and promote the most highly qualified and competent candidates. The University will permit employment of qualified relatives of employees as long as neither employee participates in making recommendations or decisions affecting the appointment, retention, promotion, demotion, salary or work assignments of the other; and that one relative does not directly supervise another.

- For the purpose of this policy, relatives include individuals who are related by blood or marriage, or reside in the same household. Each individual has the responsibility for disclosing that such a relationship exists, including a change in circumstances affecting application of this policy.

In exceptional circumstances there may exist a supervisory relationship between relatives, necessitated by unique qualifications or responsibilities. In such cases, job performance and salary determinations shall be handled by the second level supervisor as approved by the appropriate dean or vice president.

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## Progressive Discipline

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Every employee has the duty and the responsibility to be aware of and abide by existing rules and policies. Employees also have the responsibility to perform his/her duties to the best of his/her ability and to the standards as set forth in his/her job description or as otherwise established.

Bethel University supports the use of progressive discipline to address issues such as poor work performance or misconduct. Our progressive discipline policy is designed to provide a corrective action process to improve and prevent a recurrence of undesirable behavior and/or performance issues. Our

progressive discipline policy has been designed consistent with our organizational values, HR best practices and employment laws. However, the University reserves the right to take any disciplinary action warranted up to and including termination in serious situations that require immediate action.

Outlined below are the steps of our progressive discipline policy and procedure. Bethel University reserves the right to combine or skip steps in this process depending on the facts of each situation and the nature of the offense. The level of disciplinary intervention may also vary. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling and/or training; the employee's work record; and the impact the conduct and performance issues have on our organization.

The following outlines Bethel University's progressive discipline process:

- **Verbal warning:** A supervisor verbally counsels an employee about an issue of concern, and a written record of the discussion is placed in the employee's file for future reference.
- **Written warning:** Written warnings are used for behavior or violations that a supervisor considers serious or in situations when a verbal warning has not helped change unacceptable behavior. Written warnings are placed in an employee's personnel file. Employees should recognize the grave nature of the written warning.
- **Performance Improvement Plan:** Whenever an employee has been involved in a disciplinary situation that has not been readily resolved or when he/she has demonstrated an inability to perform assigned work responsibilities efficiently, the employee may be given a final warning or placed on a performance improvement plan (PIP). PIP status will last for a predetermined amount of time not to exceed 90 days. Within this time period, the employee must demonstrate a willingness and ability to meet and maintain the conduct and/or work requirements as specified by the supervisor and the organization. At the end of the performance improvement period, the performance improvement plan may be closed or, if established goals are not met, dismissal may occur.

It is impossible to list every type of misconduct that is considered serious enough to warrant disciplinary action. Each situation is reviewed and addressed by management on an individual basis. The following is a list of examples, although not all inclusive of types of actions, which may be subject to disciplinary action:

- Stealing, embezzlement or attempting to steal property of the University, student, or another employee;
- Assault of another employee or student;
- Possession of drugs on campus;
- Possession of a weapon on campus;
- Falsification of any information provided prior to hiring including prior work history, education, or other information;
- Unauthorized or excessive leaves of absence;
- Conviction of any crime outside of the University;
- Leaving the assigned work area without supervisor's permission;
- Failure to call in or report for work;
- Misuse or unauthorized use of University property, including the willful or negligent destruction of such

property;

- Unsatisfactory job performance; failure to perform job duties; inability to perform assigned duties; failure to follow and comply with the University's policies and procedures;
- Insubordination;
- Harassment in any form;
- Using any device to record conversations with other employees, managers, students, or members of the public while acting as an employee of the university without all parties express, written permission;

Bethel University reserves the right to determine the appropriate level of discipline for any inappropriate conduct, including oral and written warnings, suspension with or without pay, demotion and discharge.

## Separation of Employment

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Separation of employment within an organization can occur for several different reasons including resignation, retirement, job abandonment and termination. Bethel University requests that all employees give at least a two week notice prior to leaving the university. This notice should include two weeks of actual work – not unused vacation or personal time. The university reserves the right to waive any portion of the employee's notice, with or without pay, depending on the reason for the resignation and the employee's overall performance and attendance during the period of notice.

An employee desiring to resign should submit to his/her supervisor and Human Resources, a written notice containing the following information:

1. Name;
2. Reason for resigning;
3. Last day to be at work;
4. Forwarding address if moving.

Upon resigning, an employee is expected to return to the Human Resource Director any and all properties of Bethel University (keys, credit cards, equipment). The university will cease to provide insurance coverage for the employee and his/her dependents. Coverage will terminate on the last day of the month in which the employee resigns. The employee may have the option of converting these policies under the federal COBRA law. The employee will receive information concerning COBRA upon termination. All access to the university's network and e-mail will be terminated on the effective termination date. All e-mail addresses are university property and can be changed / terminated at any time. All materials on University computers are University property. An exit interview will be conducted by the Human Resource Director or a representative appointed by the Human Resource Director. Former employees of Bethel University who resign in good standing may be considered for re-employment. Former employees who left without adequate notice or who were dismissed for cause, including unsatisfactory performance, will not be considered for re-employment except under unusual circumstances.

# WORKPLACE SAFETY

## Drug-Free Workplace

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Bethel University has a longstanding commitment to provide a safe and productive work environment. Alcohol and drug abuse pose a threat to the health and safety of employees and to the security of our equipment and facilities. For these reasons, Bethel is committed to the elimination of drug and/or alcohol use and abuse in the workplace.

This policy outlines the practice and procedure designed to correct instances of identified alcohol and/or drug use in the workplace. This policy applies to all employees and all applicants for employment. The Human Resource department is responsible for policy administration.

## Employee Assistance and Drug-Free Awareness

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Illegal drug use and alcohol misuse have a number of adverse health and safety consequences. Information about those consequences and sources of help for drug/alcohol problems is available from the Human Resource department.

Bethel will assist and support employees who voluntarily seek help for such problems before becoming subject to discipline and/or termination under this or other policies. Such employees may be allowed to use accrued paid time off, placed on leave of absence, referred to treatment providers and otherwise accommodated as required by law. Such employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety sensitive or that require driving or if they have violated this policy previously.

Employees should report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely and promptly disclose any work restrictions to their supervisor. Employees should not, however, disclose underlying medical conditions unless directed to do so by their treating physician.

## Work Rules

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The following work rules apply to all employees:

- Whenever employees are working, are operating any university vehicle, are present on university premises, or are conducting related work off-site, they are prohibited from:
- Using, possessing, buying, selling, manufacturing or dispensing an illegal drug (to include possession of drug paraphernalia)
- Being under the influence of alcohol or an illegal drug as defined in this policy.
- Bethel University will not allow any employee to perform their duties while taking prescribed drugs that are adversely affecting the employee's ability to safely and effectively perform their job duties.

Employees taking a prescribed medication must carry it in the container labeled by a licensed pharmacist or be prepared to produce it if asked.

- Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.
- Violation of these work rules may result in disciplinary action up to and including discharge.

## Required Testing

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The university retains the right to require the following tests:

- Pre-employment: All applicants must pass a drug test before beginning work or receiving an offer of employment. Refusal to submit to testing will result in disqualification of further employment consideration.
- Reasonable suspicion: Employees are subject to testing based on observations by a supervisor of apparent workplace use, possession or impairment. Human Resources must be consulted before sending an employee for reasonable suspicion testing. If an employee refuses to submit to testing, he/she will be subject to immediate discharge from employment.
- Post-accident: Employees are subject to testing when they cause or contribute to accidents that seriously damage a university vehicle, machinery, equipment or property and/or result in an injury to themselves or another employee requiring off-site medical attention. In any of these instances, the investigation and subsequent testing must take place within two (2) hours following the accident, if not sooner. If an employee refuses to submit to testing, he/she will be subject to immediate discharge from employment.
- Follow-up: Employees who have tested positive, or otherwise violated this policy, are subject to discipline up to and including discharge. Depending on the circumstances and the employee's work history/record, Bethel University may offer an employee who violates this policy or tests positive the opportunity to return to work on a last-chance basis pursuant to mutually agreeable terms, which could include follow-up drug testing at times and frequencies for a minimum of one (1) year but not more than two (2) years. If the employee does not complete his/her rehabilitation program, tests positive after completing the rehabilitation program, and/or refuses to submit to further testing he/she will be subject to immediate discharge from employment.

## Consequences

- Applicants who refuse to cooperate in a drug test or who test positive for illicit drugs will not be hired.
- Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture or dispense an illegal drug in violation of this policy will be terminated.
- The first time an employee tests positive for alcohol or illegal drug use under this policy, the result will be discipline up to and including discharge.
- Employees will be paid for time spent in alcohol/drug testing and then suspended without pay pending the results of the drug/alcohol test. After the results of the test are received, a date/time will be scheduled to discuss the results of the test; this meeting will include a member of management and



Human Resources. Should the results prove to be negative the employee will receive back pay for the times/days of suspension.

## **Confidentiality**

Information and records relating to positive test results, drug and alcohol dependencies and legitimate medical explanations provided to the medical review officer (MRO) shall be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files.

## **Inspections**

Bethel University reserves the right to inspect all portions of its premises for drugs, alcohol or other contraband. All employees, contract employees and visitors may be asked to cooperate in inspections of their persons, work areas and property, including automobiles that might conceal a drug, alcohol or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline up to and including discharge.

## **Crimes Involving Drugs**

Bethel University prohibits all employees from manufacturing, distributing, dispensing, possessing or using an illegal drug in or on university premises or while conducting university business. Employees are also prohibited from misusing legally prescribed or over-the-counter (OTC) drugs. Law enforcement personnel shall be notified, as appropriate, when criminal activity is suspected.

*See Appendix B for Alcohol and Drug Policy*

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## **Smoke-Free Workplace**

Smoking or other use of tobacco or similar products (including, but not limited to, cigars, pipes, cigarettes, electronic smoking devices, e-cigarettes, snuff, or chewing tobacco) is not allowed in university building or work areas at any time. Designated areas have been identified and smoking is only permitted in these outdoor areas during break times. Employees using the designated areas must discard all debris safely and properly.

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## **Workplace Bullying**

Bethel University defines bullying as “repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment.” Such behavior violates the mission of the university.

The purpose of this policy is to communicate to all employees, including supervisors, managers and executives, that the university will not tolerate bullying behavior. Employees found in violation of this policy will be disciplined up to and including termination.

Bullying may be intentional or unintentional. However, it must be noted that where an allegation of bullying is made, the intention of the alleged bully is irrelevant and will not be given consideration when meting out discipline. As in sexual harassment, it is the effect of the behavior upon the individual that is important. Bethel University considers the following types of behavior examples of bullying:

- **Verbal bullying:** Slandering, ridiculing or maligning a person or his/her family; persistent name calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.
- **Physical bullying:** Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault; damage to a person's work area or property.
- **Gesture bullying:** Nonverbal threatening gestures or glances that convey threatening messages.
- **Exclusion:** Socially or physically excluding or disregarding a person in work-related activities.

## Workplace Violence Prevention

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All employees, customers, vendors and business associates must be treated with courtesy and respect at all times. Employees are expected to refrain from conduct that may be dangerous to others.

Conduct that threatens, intimidates, or coerces another employee, customer, vendor or business associate will not be tolerated. Bethel resources may not be used to threaten, stalk or harass anyone at the workplace or outside the workplace. Bethel treats threats coming from an abusive personal relationship as it does other forms of violence.

Indirect or direct threats of violence, incidents of actual violence and suspicious individuals or activities should be reported immediately to a supervisor, security personnel, Human Resources, or any member of senior management. When reporting a threat or incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident.

Employees should promptly inform the Human Resource department of any protective or restraining order that they have obtained that lists the workplace as a protected area. Employees are encouraged to report safety concerns with regard to intimate partner violence. Bethel will not retaliate against employees making good-faith reports. The University is committed to supporting victims of intimate partner violence by providing referrals to community resources and providing time off for reasons related to intimate partner violence.

Bethel University will promptly and thoroughly investigate all reports of threats of violence or incidents of actual violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as possible. Bethel will not retaliate against employees making good-faith reports of violence, threats or suspicious individuals or activities. In order to maintain workplace safety and the integrity of its investigation, Bethel University may suspend employees suspected of workplace violence or threats of violence, either with or without pay, pending investigation.

Anyone found to be responsible for threats of or actual violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

Bethel encourages employees to bring their disputes to the attention of their supervisors or Human Resources before the situation escalates. Bethel will not discipline employees for raising such concerns. However, anyone found to be responsible for an intentionally fraudulent report of a threat of violence,

incident(s) of violence, and/or suspicious individuals will be subject to prompt disciplinary action up to and including termination of employment.

*See Appendix A for Sexual Misconduct and Relationship Violence Policy*

*See Appendix C for Campus Security (CSA) Statement*

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## Weapon-Free Workplace

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Bethel University prohibits the possession of weapons on its property at all times, including company vehicles. Additionally, while on duty, employees may not carry a weapon of any type. Weapons include, but are not limited to, handguns, rifles, automatic weapons, and knives that can be used as weapons (excluding pocket knives, utility knives, and other instruments that are used to open packages, cut string, and for other miscellaneous tasks), martial arts paraphernalia, stun guns, and tear gas. Any employee violating this policy is subject to discipline up to and including dismissal for the first offense.

The company reserves the right to inspect all belongings of employees on its premises, including packages, briefcases, purses and handbags, gym bags, and personal vehicles on company property. In addition, Bethel University may inspect the contents of lockers, storage areas, file cabinets, desks, and work stations at any time and may remove all Company property and other items that are in violation of Company rules and policies.

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## Safety

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It is the responsibility of each employee to conduct all tasks in a safe and efficient manner complying with all local, state and federal safety and health regulations and program standards, and with any special safety concerns for use in a particular area or with a client.

Although most safety regulations are consistent throughout each department and program, each employee has the responsibility to identify and familiarize her/himself with the emergency plan for his/her working area. Each facility shall have posted an emergency plan detailing procedures in handling emergencies such as fire, weather-related events and medical crises.

It is the responsibility of the employee to complete an Accident and Incident Report for each safety and health infraction that occurs by an employee or that the employee witnesses. Failure to report such an infraction may result in employee disciplinary action, including termination.

Furthermore, Bethel requires that every person assumes the responsibility of individual and organizational safety. Failure to follow university safety and health guidelines or engaging in conduct that places the employee, client or university property at risk can lead to employee disciplinary action and/or termination.

The Health and Safety Committee and the safety coordinator shall have the responsibility to develop and the authority to implement the safety and health program in the interest of a safer work environment.

# WORKPLACE EXPECTATIONS

## Confidentiality

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It is our policy that all information considered confidential will not be disclosed to external parties or to employees without a “need to know.” Bethel considers any personal or private information relating to other employees, students, consultants, contractors, volunteers (WOC), or other designated individuals who conduct business on behalf of Bethel University obtained as a result of the employment relationship confidential. If an employee questions whether certain information is considered confidential, he/she should first check with his/her immediate supervisor.

This policy is intended to alert employees to the need for discretion at all times and is not intended to inhibit normal business communications.

Employees are not authorized to speak or state positions on behalf of the University. All inquiries from the media must be referred to the Communication Specialist.

## Conflicts of Interest

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Employees must avoid any relationship or activity that might impair, or even appear to impair, their ability to make objective and fair decisions when performing their jobs. At times, an employee may be faced with situations in which actions taken on behalf of Bethel University may conflict with the employee's own personal interests. University property, information or other opportunities may not be used for personal gain.

### **Conflicts of interest could arise in the following circumstances:**

- Being employed by another institute of higher learning while employed with Bethel.
- Hiring or supervising family members or closely related persons.
- Serving as a board member for another institution of higher learning or organization.
- Accepting gifts, discounts, favors or services from a customer/potential customer, competitor or supplier, unless equally available to all university employees.

Employees with a conflict-of-interest question should seek advice from management. Before engaging in any activity, transaction or relationship that might give rise to a conflict of interest, employees must seek review from their manager or the Human Resource department.

## Outside Employment

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Employees are permitted to engage in outside work or to hold other jobs, subject to certain restrictions as outlined below.

- Activities and conduct away from the job must not compete with, conflict with or compromise the university's interests or adversely affect job performance and the ability to fulfill all job responsibilities. This prohibition also extends to the unauthorized use of any university equipment and the unauthorized use or application of any confidential information. In addition, employees are not to solicit or conduct any outside business during paid working time.

- Employees are cautioned to carefully consider the demands that additional work activity will create before accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel or refusal to work overtime or different hours. If Bethel determines that an employee's outside work interferes with performance, the employee may be asked to terminate the outside employment.
- Employees who have accepted outside employment may not use paid sick leave to work on the outside job. Fraudulent use of sick leave will result in disciplinary action up to and including termination.

## Electronic Communication and Internet Use

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The following guidelines have been established for using the Internet, university-provided cell phones and e-mail in an appropriate, ethical and professional manner:

- Internet, university-provided equipment (e.g., cell phone, laptops, computers) and services may not be used for transmitting, retrieving or storing any communications of a defamatory, discriminatory, harassing or pornographic nature.
- The following actions are forbidden: using disparaging, abusive, profane or offensive language; creating, viewing or displaying materials that might adversely or negatively reflect upon Bethel University or be contrary to Bethel's best interests; and engaging in any illegal activities, including piracy, cracking, extortion, blackmail, copyright infringement, and unauthorized access of any computers and university-provided equipment such as cell phones and laptops.
- Employees may not copy, retrieve, modify or forward copyrighted materials, except with permission or as a single copy to reference only.
- Employees must not use the system in a way that disrupts its use by others. Employees must not send or receive large files that could be saved or transferred via thumb drives. Employees are prohibited from sending or receiving files that are not related to work.
- Employees should not open suspicious e-mails, pop-ups or downloads. Contact Information Technology with any questions or concerns to reduce the release of viruses or to contain viruses immediately.
- Internal and external e-mails are considered business records and may be subject to discovery in the event of litigation. Be aware of this possibility when sending e-mail within and outside the university.
- Employees shall not download any software to university-provided equipment (e.g., cell phone, laptops, computers) without the express permission of the University's IT department.

## Right to Monitor

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All university-supplied technology and university-related work records belong to the university and not to the employee. Bethel University routinely monitors use of university-supplied technology. Inappropriate or illegal use or communications may be subject to disciplinary action up to and including termination of employment.

## Social Media—Acceptable Use

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Below are guidelines for social media use:

- Employees may not post financial, confidential, sensitive or proprietary information about the university, employees or applicants. Bethel considers any personal or private information relating to other employees, students, consultants, contractors, volunteers (WOC), or other designated individuals who conduct business on behalf of Bethel University obtained as a result of the employment relationship confidential. If an employee questions whether certain information is considered confidential, he/she should first check with his/her immediate supervisor.
- Employees may not post obscenities, slurs or personal attacks that can damage the reputation of the university, employees or applicants.
- When posting on social media sites, employees must use the following disclaimer when discussing job-related matters, “The opinions expressed on this site are my own and do not necessarily represent the views of Bethel University.”
- Bethel University may monitor publically available content out on the Internet. Policy violations may result in discipline up to and including termination of employment.

## Solicitations, Distributions and Posting of Materials

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Bethel University prohibits the solicitation, distribution and posting of materials on or at university property by any employee or nonemployee, except as may be permitted by this policy. The sole exceptions to this policy are charitable and community activities supported by Bethel University management and university-sponsored programs.

Provisions:

- Nonemployees may not solicit employees or distribute literature of any kind on university premises at any time.
- Employees may only admit nonemployees to work areas with management approval or as part of a university-sponsored program. These visits should not disrupt workflow.
- Employees may not solicit other employees during work times, except in connection with a university-approved or sponsored event.
- Employees may not distribute literature of any kind during work times or in any work area at any time, except in connection with a university-sponsored event
- The posting of materials or electronic announcements are permitted with approval from Human Resources.

Violations of this policy should be reported to Human Resources.

## Use of Copyrighted Materials by Employees

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Bethel requires that any employee who makes copies of protected works for use at the university comply with copyright law by being able to show that the proposed use is “fair use” or by showing evidence of

having secured permission for the use. The university will not assume liability for any employee who acts contrary to this policy statement.

Where duplication of printed materials for use in the classroom is concerned, this policy applies to all copying of protected work regardless of whether the copying occurs on campus or off campus, on privately-owned copy machines or at commercial copy shops. In addition, this policy applies regardless of whether the copied material is sold directly to the student by the employee or through the University Bookstore. Demonstrating fair use and/or showing that permission has been secured is a prerequisite to duplication of protected works by the University Copy Center and to the sale of the material through the University Bookstore. Questions concerning copyright compliance should be directed to the Chief Academic Officer.

Unauthorized duplication of copyrighted works, such as books, movies, photographs, video games, music and software, is a violation of federal copyright law. Bethel supports strict compliance with federal laws regarding copyright infringement. Anyone who engages in illegal copying shall be subject to disciplinary action under Bethel's policies and may be sued in federal court by the copyright owner.

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## Intellectual Property – Copyrights and Patents

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Bethel University values an active intellectual environment where creative thought is encouraged and can develop into creative products. The University recognizes that such creative products are protected by intellectual property rights. Because University employees and students may create original works of a printed or other nature or produce inventions or discoveries, and because employees may make use of the original works of others, the University has established the following policy to clarify intellectual property rights for all parties involved.

### Definitions

#### Intellectual Property:

Certain intellectual and creative works qualify for protection under the laws of the United States of America. Title 17 of the United States Code defines federal copyright protection, details original works of authorship protected, and outlines the process for protecting such works. Title 35 of the United States Code defines patent protection, details inventions and discoveries protected, establishes conditions for patentability, and spells out the process for the granting of patents.

#### Independent Works:

Works in which the University has no intellectual property rights and includes works covered by copyright or patent protection produced by a University employee while NOT in the course or scope of his/her employment and by the employee or any person (including students of the University) without University support. An independent work is characterized by, for example, the applicability of the following criteria:

- The work is the result of individual initiative. It is not the product of a specific contract or assignment made as a result of employment with the University.
- The work is not a product of the employee's job duties.
- The work is produced by an employee outside his/her work schedule.

- The work is produced by an employee or by any person (including students of the University) without funds, resources, or facilities owned or controlled by the University.

#### University-Supported Works:

Works covered by copyright or patent protection produced by a University employee in the course or scope of his/her employment or by any person (including University students) with University support. A University-supported work is characterized by, for example, the applicability of one or more of the following criteria:

- The work is the product of a specific contract or assignment made as a result of employment with the University.
- The work is a product of the employee's job duties.
- The work is produced by an employee during his/her work schedule.
- The work is produced by an employee or by any person (including students of the University) with funds, resources, or facilities owned or controlled by the University. University funds include, but are not limited to, release time, grant funds, salary supplements, leave with pay, and other material or financial assistance.

#### Fair Use:

Title 17, Chapter 1, Section 107 (Fair Use) of the United States Code allows for the use of materials copyrighted by others and states as follows:

- U.S. Code, Title 17, Chapter 1
- Section 107. Limitations on exclusive rights: Fair use

Notwithstanding the provisions of sections 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in copies or phone records or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include-

- a. the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- b. the nature of the copyrighted work;
- c. the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- d. the effect of the use upon the potential market for or value of the copyrighted work.

The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.

Any person wishing to use copyrighted materials under conditions not permitted by these Fair Use provisions must first gain permission from the author or appropriate owner prior to using such material. The University employee who intends to use copyrighted materials for University-related activities must file all correspondence and documentation securing permission with his/her dean or unit manager. The documentation will consist of not less than the letter requesting the approval to copy, the letter of response from the author or owner, and the article or materials to be copied.



## **Rights in Intellectual Property Purpose**

This policy is stated to define and protect ownership rights to intellectual property, whether independent works or University-supported works, created by University employees, students, and others having formal relationships with the University.

## **Ownership Rights**

### *Independent Works:*

The creator of an independent work qualifying for copyright or patent protection under the appropriate U.S. Code owns all intellectual property rights to that work. This includes the right to voluntarily transfer intellectual property ownership, in whole or in part, through a formal written agreement signed by the creator of the independent work.

### *University-Supported Works:*

Unless otherwise provided for in a written agreement, the University owns all intellectual property rights to a work produced with University support and qualifying for copyright or patent protection. This includes the right to voluntarily transfer intellectual property ownership, in whole or in part, through a formal written agreement approved by the Board of Trustees and signed by its chair.

## **Distribution of Revenues and Other Benefits**

The creator of an independent work qualifying for copyright or patent protection controls any revenues or other benefits generated by those works.

Unless otherwise provided for in a written agreement, the University controls any revenues or other benefits generated by its intellectual property rights to University –supported works qualifying for copyright or patent protection.

## **Written Agreement**

Notwithstanding the University's ownership rights in a University-supported work, the President, normally with the approval of the employee's supervising administrators and the dean or manager of the employee's division, may enter into a written agreement with an employee for an equitable arrangement for joint ownership, sharing of royalties, or reimbursement to the University for its costs and support. In all such cases, the agreement shall provide that the University will have a perpetual license to use the work without compensation to the employee for such use.

The University recognizes that the research and development of an idea frequently requires the expenditure of time and money as well as the use of lab space, equipment, or other campus facilities. In order to assist worthy projects, Bethel University may enter into a written agreement with a University employee or student whose research or other work has demonstrable merit in order to assist that individual. Examples of assistance are: financial assistance for the purchase of supplies, payment of patent fees, and other costs deemed necessary to the successful development of the individual's idea, concept, design, or invention. In all such cases, the agreement shall provide for the University a basis of ownership, or an agreement to reimburse the University for its costs and support as agreed upon by the employee or student and the University Board of Trustees. In no circumstances, however, shall the University agreement deprive, diminish, or abrogate the rights of the University as specified in section 4a above.

## Grant-Supported Works

Notwithstanding the provisions of this policy, in the case of a work created under a grant accepted by the University, the ownership provisions of the grant shall prevail.

## Consulting

Subject to prior approval by the University and to the provisions of University policies, University employees may consult for outside organizations. Any consulting agreement should include a statement that the employee has obligations to the University as described in this Intellectual Property Policy, and this policy should be attached to the consulting agreement. In the event that there is any conflict between the consultant's obligations to this Intellectual Property Policy and that consultant's obligations to the entity for which he/she consults, the obligations to this Intellectual Property Policy shall control.

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## Phone Calls

To keep the University's phones free for business, employees should avoid making or receiving personal calls during working hours, except in the case of an emergency. Long distance codes are provided for employees to perform their job functions and should not be used to make personal calls.

## Cell Phone Use While Operating a Motor Vehicle

Bethel University recognizes that employees are a valued asset to the University, and important contributors to our continued growth and success. Bethel is firmly committed to providing a safe work environment for all employees.

Bethel University has a zero tolerance policy regarding using a cell phone or other electronic devices while driving any vehicle for work purposes. For the safety of our employees and others, it is imperative that you pull over and stop the vehicle at a safe location to dial, text, read text messages, receive or converse on the cell phone in any way. As a driver, your first responsibility is to pay attention to the road.

Bethel University employees whose job responsibilities include regular or occasional driving and who are issued a company cell phone, or who may use their personal phones are expected to refrain from using the phone while driving. The use of a cell phone while driving is not required by the University.

Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

Employees violating this policy will be subject to discipline, up to and including termination of employment.

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## Employment Records

Bethel University maintains records on each employee that directly relate to the employee's job with the university. Employee files are maintained by the Human Resource Department and are considered confidential. Managers or supervisors may only have access to personnel file information on a need to know basis. Managers or supervisors considering the hire of a former employee or transfer of a current employee may be granted access to the file, or limited parts of it, in accordance with antidiscrimination laws.

An employee may access his or her own personnel file upon request. Personnel files are to be reviewed in the Human Resource department and may not be taken outside the department.

To properly maintain personnel records, the Human Resources Department must be notified of any changes in name, address, telephone number, family status, etc. This is very important not only in the event of an emergency, but also in connection with items such as W-2's, insurance benefits, mail delivery, etc. Employees should notify the Human Resources Department whenever changes occur in the following areas:

1. Change of home address and/or telephone number;
2. Marriage, divorce or legal separation;
3. Birth or death in immediate family;
4. Legal changes of name;
5. Changes affecting insurance programs with beneficiaries;
6. Health or disabilities requiring accommodations for the job.

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## Privacy Rights of Students

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Bethel University is subject to the provisions of the Family Educational Rights and Privacy Act (FERPA). This federal law affords students' rights of access to education records, imposes regulations on the university in the release and disclosure of education records to third parties. In order to comply with this law, Bethel has formulated and adopted institutional policies and procedures to be followed by the university and by those interested in gaining access to education records. These policies and procedures allow students the right to inspect substantially all of his or her education records, the right to prevent disclosures of education records to third parties, and the right to request amendment or correction of education records believed to be inaccurate or misleading. These policies are available for inspection and review in the Financial Aid Office. Students will be asked to provide identification prior to inspecting their records. Under no circumstances shall an employee disclose an education record which is in his/her possession or control to any person other than the student to whom they pertain or another office or employee of the university who has a legitimate educational interest in reviewing the records in question.

All requests to inspect and review records not within the employee's possession or control and all requests by third parties (including the student's parents) to inspect and review records shall be referred to the dean of students. It is the policy of the university to allow students to inspect and review their education records unless those records contain any of the following:

1. Information on more than one student;
2. Financial information on his/her parents; or
3. Confidential letters and statements of recommendation if the student has waived his/her right to inspect the letters and the letters are related to the student's admission to the University, application for employment or receipt of honorary recognition.

# COMPENSATION

## Performance and Salary Review

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Performance appraisals are conducted on an annual cycle. Exempt and non-exempt employees will receive a performance review in June of each year. The performance appraisal will be discussed, and both the employee and manager will sign the form to ensure that all strengths, areas for improvement and job goals for the next review period have been clearly communicated. Performance evaluation forms will be retained in the employee's personnel file.

Merit increases are based on employee performance and university financials and are not guaranteed. A positive performance review does not always result in an automatic salary increase. The employee's overall performance and salary level relative to his/her position responsibilities are evaluated to determine if a salary increase would be warranted.

Budget allocations for merit increases are planned for and allocated before the start of each fiscal year. The salary increase program is designed to assist management in planning and allocating merit and promotional increases that reward individual performance and that are internally equitable.

Salary adjustments are occasionally requested or warranted at times other than the employee's scheduled annual salary reviews. Out-of-cycle salary increases must be preapproved by the department manager, HR and the university president. Human Resources will review all salary increase/adjustment requests to ensure internal equity and compliance with company policies and guidelines.

## Payment of Salaries

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All employees are paid on the 15th and 30th of each month. Supplemental pay such as overload, and summer school, will be paid on the 30th of the month. Facilitators will be paid on the 1st of each month or the second business day and banking day after the 1st if the 1st falls on a holiday or bank closing day. If a payday falls on a holiday in which the university is closed, employees will be paid on the business day preceding the holiday. Administrative closings are not considered holidays and do not necessarily affect payroll dates.

Direct Deposit is required by the Human Resource Department. Payroll checks will be deposited to the employee's bank of choice.

Each payday employees will receive a pay voucher showing the following:

- Regular and overtime wages
- Gross Salary
- Taxes withheld-Federal, FICA
- Deductions – Insurance, retirement, etc.
- Year-to-Date totals

## Working Hours & Overtime

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Working hours are established by departments of the University based on the function of the department. All employees are expected to be present at the work site during the hours established by the department. Other than meal breaks and morning/afternoon breaks, employees must have permission from the immediate supervisor to be absent from the work site.

This policy applies to all non-exempt staff members whose status is regular full-time, regular part time, or temporary. All non-exempt staff members are subject to overtime pay regulations of the Fair Labor Standards Act (FLSA) and must be compensated for all hours worked, including all hours worked off premises. Non-exempt employees are covered by the FLSA for overtime pay and are not eligible for compensatory time. Non-exempt employees are not permitted to work in excess of their regularly scheduled work hours without prior supervisory approval. All non-exempt employees, scheduled for six (6) consecutive hours, are required under Tennessee law to take a minimum of a thirty (30) minute unpaid lunch break. Exceptions may apply to positions that provide emergency and protective services

Overtime must be approved by the immediate supervisor and for extended periods of overtime, by the President. Under the Fair Labor Standards Act, all nonexempt employees are eligible for overtime pay of 1½ times their hourly rate for any hours over 40, physically worked in any given work week. Holidays, sick days, vacations, personal days, and administrative closings are not considered as time physically worked.

# Time Off & Leave of Absence

## Holiday Pay

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Bethel University recognizes paid holidays each year:

- New Year's Day
- Martin Luther King Day (this may be a floating holiday in some units)
- Good Friday
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Thanksgiving (Thursday and Friday)
- Christmas Eve and Christmas Day

The Holiday schedule is authorized by the President of Bethel University and is subject to change. Any changes will be announced by the Human Resource Department. Most offices are closed during the scheduled holidays. Certain positions require a different work schedule in order to service the operational requirements of the University and the University Students. Should a holiday fall on a weekend, the holiday will be observed on the work day closest to the holiday.

## Vacation

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All full-time administrative staff are entitled to vacation after the completion of six months of continuous employment. If the hire date is on the 1st day of the month, vacation accrual will begin on the last day of the month after six months of service. If the hire date is after the first day of the month, vacation accrual will be pro-rated.

Vacation accrual schedule:

- Employees with six months - 5 years accrue .83 days per month (6.64 hours)
- Employees with 6 years – 10 years accrue 1.25 days per month (10 hours)
- Employees with 11 plus years accrue 1.66 days per month. (13.36 hours)

Employees are encouraged to take the vacation to which he/she is entitled. Vacation leave must be requested in advance and approved by the employee's supervisor. No more than two weeks (10 days) of vacation may be carried over to the next year. Any vacation time over two weeks must be taken in the month prior to the employee's anniversary date. Any unused vacation time in excess of two weeks will be forfeited.

When a scheduled holiday falls within an employee's vacation, that day will not be counted as a vacation day but as a holiday. Upon termination, accrued vacation time will be paid.

## Sick Leave

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All full-time, regular employees accrue sick leave after a period of three months worked. Sick days may accumulate at the rate of one (1) day per month of continuous employment, up to a maximum of thirty (30) days.

Sick leave may be used for an employee's personal illness, well-care, medical and dental appointments. Sick leave may also be used for illness and well-care in an employee's immediate family. Immediate is defined as spouse, dependent children or parents.

An absence due to illness for a period longer than five (5) consecutive days must be supported by a statement from a licensed health care provider.

Pay will not be granted in lieu of accumulated sick days.

Sick leave does not apply to injury or illness covered by the Workers' Compensation Act.

In the event of an extended illness, other types of leave may be coordinated with sick leave. (Refer to the FMLA and Short Term Disability policies)

## Personal Leave of Absence

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All full time employees are granted five (5) personal days at the beginning of the fiscal year. Personal days are not cumulative and must be taken with prior approval of the employee's supervisor. Any unused personal days will be forfeited at the end of the fiscal year.

New employees are eligible for personal days on their hire date. The personal days are pro-rated from the date of hire to the end of the fiscal year. Terminated employees will not be paid for any unused personal days.

## Staff Leave by Department

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### **Coaches**

Coaches are expected to be in the office as necessary and attend all events as required to meet the job duties outlined in their job description. They should create and maintain a practice schedule that adequately prepares their teams for competition and attend all scheduled games. Games should not be cancelled without prior approval of the Athletic Director or his/her representative. Any absences from practice or games must be reported. Coaches receive one day of sick leave for each month worked and can accumulate up to 30 days of sick leave.

### **Athletic Non-Administrative Staff**

Athletic Non-Administrative staff maintains a work schedule that is dictated by athletic events. These staff members are expected to be in the office as necessary and attend all events as required to meet the job duties outlined in their job description. Any absences from scheduled events must be reported to the Athletic Director or his/her representative. Athletic Non-Administrative staff receive one day sick leave for each month worked and can accumulate up to 30 days of sick leave.

## Resident Director Staff

Resident Director's maintain a work schedule that is dictated by residential needs and events. These staff members are expected to be on campus as necessary and attend all events as required to meet the job duties outlined in their job description. Any absences from the campus must be reported as required by the Resident Director Handbook. Resident Director staff members receive one day sick leave for each month worked and can accumulate up to 30 days of sick leave.

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## Family and Medical Leave Act

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Upon hire, Bethel University provides all new employees with notices required by the U.S. Department of Labor (DOL) on Employee Rights and Responsibilities under the Family and Medical Act .

The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

If you have any questions, concerns or disputes with this policy, you must contact the Human Resource Director in writing.

### General Provisions

Under this policy, Bethel will grant up to 12 work weeks (or up to 26 work weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

### Eligibility

To qualify to take family or medical leave under this policy, the employee must meet the following conditions:

- The employee must have worked for the university for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating the employer's intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.
- The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.
- The employee must work in a work site where 50 or more employees are employed by the university within 75 miles of that office or work site. The distance is to be calculated by using available transportation by the most direct route.



## Type of Leave Covered

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

- The birth of a child and in order to care for that child.
- The placement of a child for adoption or foster care and to care for a newly placed child.
- To care for a spouse, child or parent with a serious health condition (described below).
- The serious health condition (described below) of the employee.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position. A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or as a condition that requires continuing care by a licensed health care provider.

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

Employees with questions about what illnesses are covered under this FMLA policy or under the company's sick leave policy are encouraged to consult with the Director of Human Resources.

If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the university may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

- Qualifying exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the military member is on covered active duty or called to covered active duty as defined in The Family and Medical Leave Act; Final Rule, 78 Fed. Reg. 25 (Feb. 6, 2013) (to be codified at 29 C.F.R. Part 825).

An employee whose spouse, son, daughter or parent has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: a) short-notice deployment, b) military events and related activities, c) child care and school activities, d) financial and legal arrangements, e) counseling, f) rest and recuperation, g) post-deployment activities, h) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave, and i) parental care.

Leave taken for rest and recuperation can be used for a period of 15 calendar days beginning on the date the military member commences each instance of rest and recuperation leave.

Covered active duty means:

In the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country.

- In the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in Title 10 U.S.C. §101(a)(13)(B).
- The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.
- Military caregiver leave (also known as covered service member leave) to care for covered service member or veteran with a serious illness or injury.

An employee whose son, daughter, parent or next of kin is a covered service member may take up to 26 workweeks of leave in a single 12-month period to care for that service member.

Next of kin is defined as the closest blood relative of the injured or recovering service member.

The term covered service member means:

A member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation or therapy or is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

A covered veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged under conditions other than dishonorable at any time during the period of five years preceding the first date the eligible employee takes FMLA leave to care for the covered veteran.

The term serious injury or illness means:

- In the case of a current member of the Armed Forces (including a member of the National Guard or Reserves), an injury or illness that was incurred by the covered service member in line of duty on active duty in the Armed Forces (or that existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the service member medically unfit to perform the duties of the member's office, grade, rank or rating.
- In the case of a covered veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is:
  - (i). A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; or

- (ii). A physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
- (iii). A physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
- (iv). An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

## **Amount of Leave**

An eligible employee may take up to 12 workweeks for the first five FMLA circumstances above (under heading "Type of Leave Covered") under this policy during any 12-month period. The university will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the company will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount of time the employee is entitled to take at that time.

An eligible employee can take up to 26 workweeks for the FMLA military caregiver leave circumstance above during a single 12-month period. For this military caregiver leave, the university will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 workweeks available.

If a husband and wife both work for the university and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the husband and wife may only take a combined total of 12 workweeks of leave. If a husband and wife both work for the university and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 workweeks of leave.

## **Employee Status and Benefits During Leave**

While an employee is on leave, the university will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

## **Employee Status After Leave**

An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from the health care provider.

## **Use of Paid and Unpaid Leave**

All paid vacation, personal and sick leave runs concurrently with FMLA leave.

Disability leave for the birth of a child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA.

## **Intermittent Leave or a Reduced Work Schedule**

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the work week or work day, resulting in a reduced-hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12-month period).

## **Certification for the Employee's Serious Health Condition**

The university will require certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

## **Certification for the Family Member's Serious Health Condition**

The university will require certification for the family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

## **Certification of Qualifying Exigency for Military Family Leave**

The university will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

## **Certification for Serious Injury or Illness of Covered Service Member for Military Family Leave**

The university will require certification from an authorized health care provider of the service member for the serious injury or illness of the covered service member. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

## **Recertification**

The university may request recertification for the serious health condition of the employee or the employee's family member when circumstances have changed significantly, or if the employer receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the university may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence.

## **Procedure for Requesting FMLA Leave**

All employees requesting FMLA leave must provide Human Resource with verbal or written notice of the need for the leave. Within five business days after the employee has provided this notice, the FMLA administrator will provide the employee with the DOL Notice of Eligibility and Rights.

When the need for the leave is foreseeable, the employee must provide the employer with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the university's usual and customary notice and procedural requirements for requesting leave.

## **Designation of FMLA Leave**

Within five business days after the employee has submitted the appropriate certification form, the FMLA administrator will provide the employee with a written response to the employee's request for FMLA leave.

## **Intent to Return to Work from FMLA Leave**

The university may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

The Tennessee Maternity Leave Act is administered under FMLA when applicable.

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## **Jury Duty**

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Upon receipt of notification from the state or federal courts of an obligation to serve on a jury, employees shall, on the next day the employee is engaged in the employee's employment, notify their supervisor and provide him/her with a copy of the jury summons. The employer shall excuse the employee from employment for each day the employee's service as a juror in any Tennessee state court or court of the United States exceeds three (3) hours. Summons for jury duty must be presented to the Human Resource Department for verification. Employees who are called for jury duty will receive full pay for that period of absence in addition to jury pay.

Bethel University is not required to compensate an employee for more time than was actually spent serving and traveling to and from jury duty. An employee on jury duty will be expected to work as much of their regularly scheduled hours as the jury duty schedule permits. Time not required by jury duty must be spent on the job or the employee will be charged personal time off. Bethel University reserves the right to request a statement showing the number of hours the juror spent serving each day prior to the juror's service.

Jury duty hours will not be considered hours worked when computing overtime.

## Voting Leave

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### Voting Time

All employees should be able to vote either before or after regularly assigned work hours. However, if employees begin their work day less than three (3) hours after polls open and finish less than three (3) hours before polls close, they are entitled to up to three (3) hours paid leave to vote. The employee must request leave by noon on the day before the election. The employer can set the time for leave to vote. Time off for voting should be reported and coded appropriately on timekeeping records.

### Election Leave

Employees who are chosen to serve as election officials at polling sites will be permitted to take required time off to serve in this capacity. It is incumbent on employees who are chosen to act as election officials to notify their manager a minimum of seven days in advance of their need for time off in order to accommodate the necessary rescheduling of work periods. Time engaged as an election official should be reported and coded appropriately on timekeeping records. Hours spent by an employee engaged as an election official will not be considered hours worked when computing overtime.

## Military Leave of Absence

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Bethel University is committed to protecting the job rights of employees absent on military leave. In accordance with federal and state law, it is the university's policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in or obligation to perform service for any of the Uniformed Services of the United States. Specifically, no person will be denied employment, reemployment, promotion or other benefit of employment on the basis of such membership. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised his or her rights under applicable law or university policy. If any employee believes that he or she has been subjected to discrimination in violation of university policy, the employee should immediately contact Human Resources.

Employees taking part in a variety of military duties are eligible for benefits under this policy. Such military duties include leaves of absence taken by members of the uniformed services, including Reservists and National Guard members, for training, periods of active military service and funeral honors duty, as well as time spent being examined to determine fitness to perform such service. Subject to certain exceptions under the applicable laws, these benefits are generally limited to five years of leave of absence.

Employees requesting leave for military duty should contact Human Resources to request leave as soon as they are aware of the need for leave.

## Lactation/Breastfeeding

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For up to one year after a child's birth, any employee who is breastfeeding her child will be provided reasonable break times as needed to express breast milk for her baby. Bethel University will make reasonable efforts to provide an area for this purpose on an as needed basis. Any breast milk stored in the refrigerator must be labeled with the name of the employee and the date of expressing the breast milk. Nursing mothers wishing to use this room must request/reserve the room by contacting Human Resources. Employees who work off-site or in other locations will be accommodated with a private area as necessary.

# BENEFITS

For more information regarding benefit programs, please refer to the Employee Benefit Guide and/or the benefit summaries provided to employees upon hire, or contact the Human Resource department.

## Medical, Dental and Vision Insurance

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The university currently offers regular full-time employees medical, dental and vision insurance. Bethel pays a portion of the premiums and the employee makes monthly premiums through payroll deductions. These benefits are effective the first of the month following the date of hire or the 1st day of the month if hired on the 1st.

Employees have up to 30 days from their date of hire to make medical, dental and vision plan elections. Once made, elections are fixed for the remainder of the plan year. Bethel University's plan year is from May 1st until April 30th. Changes in family status, as defined in the Plan document, allow employees to make changes in coverage consistent with the family status change. Please contact the Human Resource department to determine if a family status change qualifies under the Plan document and IRS regulations.

At the end of each plan year during open enrollment, employees may change medical and dental elections for the following plan year. The Human Resource department is available to answer benefits plan questions and assist in enrollment as needed.

## Flexible Spending Account

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As part of the company's Flexible Benefits Plan, we currently offer an employee-funded flexible spending account (FSA) to regular full-time employees. Plan participants may elect an annual amount of flexible dollars to pay for eligible health care expenses, including medical and dental, insurance deductibles, copayments, and out-of-pocket costs for vision care and other types of care. Participants may now roll over \$550 from the previous plan year.

## Basic Life Insurance

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Bethel University offers regular full-time employees an employer-paid basic group term life policy along with an accidental death and dismemberment policy. Each policy generally pays a death benefit equal to the lesser of their "Life Salary" (as defined in the Plan document) or \$50,000.

### Benefit Reductions Due to Age

- The original benefit amount will be reduced by 35% at age 65
- The original benefit amount will be reduced by 60% at age 70
- The original benefit amount will be reduced by 75% at age 75
- The original benefit amount will be reduced by 85% at age 80
- \*Basic Life Policy Terminates at Retirement

In the event of the death of an employee, the amount for which the employee is insured will be paid to his/her beneficiary. At the time of hire, the employee names his/her beneficiary. The beneficiary may be changed at any time by completing a new beneficiary form.

Individuals may purchase additional employee life benefits in increments of \$10,000 up to \$150,000. Coverage for spouses and children may also be purchased. See plan summary for more detailed information.

#### Benefit Reductions Due to Age

- The original benefit amount will be reduced by 35% at age 65
- The original benefit amount will be reduced by 60% at age 70
- The original benefit amount will be reduced by 75% at age 75
- The original benefit amount will be reduced by 85% at age 80
- \*Spouse policy terminates at age 70

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## Short-Term Disability Benefits

The university's short-term disability plan is a benefit that provides partial pay for regular full-time employees who are unable to work due to illness, injury or disability not related to work. This benefit is available after the completion of 6 consecutive months of employment. All available paid time off will be exhausted prior to short term disability benefit payments beginning. There is a 14 day elimination period. Benefits continue for related absences up to a maximum of 180 days. Employees will not be able to return to work without submitting to Human Resources a note from a physician or licensed health care professional authorizing the employee's return. Any time spent on short-term disability counts as part of the employee's FMLA leave.

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## Long-Term Disability Benefits

Bethel University offers eligible employees (i.e., regular full-time employees) a noncontributory long-term disability (LTD) base plan. This noncontributory base plan provides for monthly LTD benefits of 60% of basic monthly earnings to a maximum benefit of \$10,000 per month, less any other offsets. Eligible employee benefits begin with approval after 180 consecutive days of total disability. Please contact Human Resources for more information.

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## 401(k) Retirement Plan

The university offers a voluntary pre-tax salary reduction plan in which regular full-time employees may elect to participate beginning with the first payroll period administratively feasible after employment or anytime thereafter. An employee may change the dollar amounts or the percentages of his/her contributions at any time during the year. Please visit [IRS.gov/retirement](https://www.irs.gov/retirement) for limits on 401(k) plan contributions.

Further details about the Plan may be obtained from the Human Resource department and the Plan document.



## Workers' Compensation Benefits

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Workers' compensation is a "no-fault" system that provides compensation for medical expenses and wage losses to employees who are injured or who become ill because of employment.

Bethel University pays the entire cost of workers' compensation insurance. The insurance provides coverage for related medical and rehabilitation expenses and a portion of lost wages to employees who sustain an injury on the job.

The company abides by all applicable state workers' compensation laws and regulations.

If an employee sustains a job-related injury or illness, it is important to notify the supervisor and Human Resources immediately. The Benefits Specialist will complete an injury report with input from the employee. Human Resources will file the claim with the insurance company. In cases of true medical emergencies, report to the nearest emergency room.

Workers' compensation benefits (paid or unpaid) will run concurrently with FMLA leave, if applicable, where permitted by state and federal law.

## Tuition Scholarship

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Bethel University believes that the employee is the resource that makes us successful. Our objective is to attract and retain employees who contribute to the success of Bethel University and, to the extent possible, provide employees with the opportunity to reach their full potential. We promote higher learning for our employees and encourage our employees and families to attain these educational opportunities.

The University shall provide tuition scholarships at Bethel University to all full time employees, their spouses, and dependent children under the age of 25 for only one bachelor's degree. A dependent child must meet FAFSA requirements for being considered a dependent. Exception: Depending on the month of a student's birthday, a student could be considered independent of the FAFSA at age 24. In this case, if the student lives at home, is truly a dependent in the employee's household, and no other reason for independent status is marked on the FAFSA, the student shall receive the tuition scholarship for the year they are 24. The tuition scholarship will be discontinued upon the termination, resignation or retirement of an employee. An employee and/or their eligible spouse or dependent children will be allowed to finish the current semester or term providing the semester or term has already started.

Eligibility for the tuition scholarships begins after six months of service and the following scholarships are available to employees, spouses, and dependents if eligibility requirements are met; 100% tuition waiver for College of Arts & Sciences and College of Professional Studies. Additionally, employees are eligible for 50% tuition waiver in Business, Criminal Justice, and Education graduate courses provided that they meet all the requirements for the program and are admitted through the regular admission process.

Employees are limited to 6 hours per semester or no more than one Professional Studies module at a time. Persons receiving the scholarship must submit a signed Faculty-Staff Scholarship Application and obtain approval from the Human Resources Director. These must be on file before any student begins class. Failure to do so will result in the employee paying for the course. Applications are available in the Human Resources Department and at the link here.

A full-time employee may not neglect their normal working hours (8:00 a.m. to 4:30 p.m.) to attend classes and expect to receive the tuition scholarship.

Continuation of this benefit requires the student maintain a “C” average and demonstrate satisfactory progress toward graduation. Students are required to apply for all Federal and State grants available; any balance remaining will then be covered by Bethel under the Tuition Scholarship benefit.

Any fees outside the standard curriculum cost of tuition/fee charges will be the responsibility of the student. Fees not covered include private lessons, cost of books, challenge exam and portfolio review evaluation fees, and technology fees (including learning management system fees). Current fees will be applied for each semester or course and students are advised to inquire about the fees each time they register for classes.

College of Health Sciences programs are not included in the tuition scholarship.

### **Faculty/Staff Tuition Exchange Program**

Family members of full-time faculty and staff are eligible to apply for participation in the Council of Independent College (CIC) Tuition Exchange program.

The benefit is available to be used by an employee’s spouse, child, or individual for whom legal guardianship can be documented, for up to nine semesters of undergraduate study. It will not be granted for graduate study, non-degree study, or second undergraduate degrees.

The student must apply for admission to the institution he/she wishes to attend. Each institution determines admission and admission procedures. A faculty/staff member with a dependent who wishes to be considered for TEP must also notify the Director of Human Resources of intent to participate by November 1st of each academic year. Notice of certification will be sent to as many as six member schools to which the student has applied or intends to apply. A list of participating schools can be found at [www.cic.edu](http://www.cic.edu).

**Date Updated and Published:****Review: Annually****Last Date Reviewed: August 26, 2022****Revision History:**

- July 20, 2019
- July 31, 2020
- July 16, 2021
- August 26, 2022

**Introduction**

Bethel University is committed to the principles of equal opportunity and seeks to establish and maintain a safe and healthy environment for all members of the University community, guests, and visitors. The University provides programs, activities, and a campus environment that foster courtesy and respect. The University seeks to eliminate and, by this policy, prohibits all forms of sexual discrimination and misconduct, including sexual harassment and sexual assault, and other forms of relationship violence, which includes dating violence, domestic violence, and stalking. Under federal law, including Title IX of the Education Amendments of 1972 ("Title IX"), Bethel has a duty to prevent and redress sexual discrimination, misconduct, and relationship violence. Such conduct is contrary to Bethel's mission, values, standards, and expectations and will not be tolerated. This policy addresses Bethel's obligations under Title IX, the Violence Against Women Act, and the Violence Against Women Reauthorization Act of 2013.

This policy outlines the procedures that the University will follow for promptly, thoroughly, and equitably investigating and resolving reports of sexual discrimination, misconduct, and relationship violence involving students and employees. The policy sets forth the specific types of conduct that are prohibited, explains options for reporting such conduct, and details the resources and support services available to those in the Bethel community who have been impacted by sexual discrimination, misconduct, and relationship violence. Bethel encourages reporting of violations of this policy. Any reports received beginning on August 1, 2022 will fall under the policy set out below. The University will take prompt and effective action to address complaints of sexual discrimination, misconduct, and relationship violence and will resolve complaints in a timely and fair manner.

Questions about the policy may be directed to Bethel University's Title IX and Prevention Services Coordinator, who oversees compliance with applicable sexual discrimination policies, including this policy:

Rachael Brooks, JD, MSW  
Title IX and Prevention Services Coordinator  
Bethel University  
325 Cherry Ave.  
McKenzie, TN 38201  
731-352-4246  
[brooksra@bethelu.edu](mailto:brooksra@bethelu.edu)

## Relationship Between this Policy & Other University Policies & Procedures

This policy supplements existing University standards of conduct for students and employees. Students and employees who violate this policy will be subject to disciplinary action, up to, and including termination and/or expulsion. In the event of a conflict between this policy and another University policy or procedure, this policy shall control. If this policy does not supply a substantive or procedural rule or provision then another policy or procedure, if applicable, may supply the rule. A non-exclusive list of other policies and procedures that in some cases may apply to the investigation and/or resolution of a report of sexual misconduct or relationship violence involving a University student or employee and whose application will be determined on a “case-by-case” basis includes, but is not limited to, the following:

- Anti-Harassment Policies
- Sexual Harassment Policies
- Termination of Tenure or Employment
- Employee Handbook
- Faculty Handbooks
- Family Educational Rights and Privacy Act (FERPA)
- Student Code of Responsibility
- Student Conduct and Discipline
- Student Bullying and Harassment Policy
- Student Complaint Policy
- Campus Wide Student Life Policies and Regulations

## Jurisdiction

### Title IX

Regarding Title IX jurisdiction, this policy applies to any person who must be participating or attempting to participate in a Bethel University education program or activity. Bethel's education programs or activities include locations, events, or circumstances over which Bethel University exercised substantial control over both the Respondent (the alleged perpetrator of sexual misconduct or relationship violence) and the context in which the sexual misconduct or relationship violence occurred. Bethel's education programs or activities also includes conduct that happened in buildings owned or controlled by student organizations that are officially recognized by Bethel University or were recognized by Bethel University at the time of the alleged conduct. Additionally, regarding Title IX jurisdiction, this policy only applies to conduct which took place in the United States of America.

### Other Sexual Misconduct and Relationship Violence

This policy also applies to other sexual misconduct and relationship violence that does not fall within Title IX but, nevertheless, violates Bethel University's standards and expectations. The policies and procedures set out below fully apply to the investigation and adjudication of allegations of sexual misconduct and relationship violence that, while not meeting Title IX's definition of “sexual harassment” (e.g., an alleged sexual assault of one student by another at a private off-campus apartment) and related jurisdiction, constitute unacceptable conduct under the standards and expectations of Bethel University.

## Presumption of Non-Responsibility

This policy presumes that the Respondent is not responsible for the alleged conduct, and that presumption remains in place until a determination regarding responsibility is made at the conclusion of the process set out in this policy.

## Prohibited Conduct & Definitions

### A. Offenses

The conduct prohibited under this policy, includes, but is not limited to:

- Rape
- Fondling
- Sexual Harassment: Quid Pro Quo and Hostile Environment
- Sexual Exploitation
- Sexual Discrimination
- Incest
- Statutory Rape
- Stalking
- Dating Violence
- Domestic Violence
- False Imprisonment
- Retaliation

### B. Definitions of Specific Offenses

- **Sexual Assault** is an offense classified as a forcible or non-forcible sex offense and meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Crime Reporting system. A sex offense is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
- **Rape** is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. Private body parts include the breast, buttocks, and groin.
- **Sexual Harassment/Quid Pro Quo** is when an employee of the University conditions the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct. Sexual harassment/quid pro quo may be based on or result from power differentials or retaliation.

An aid, benefit, or service under sexual harassment/quid pro quo may include, for example, an internship, award, housing privileges, access to a student organization, additional research time in a laboratory, benefits, promotions, travel accommodations, and food stipends.

- **Sexual Harassment/Hostile Environment** is:
  - unwelcome words and/or conduct, on the basis of sex,
  - determined by a reasonable person
  - to be so severe, pervasive, and objectively offensive
  - that it effectively denies a person equal access to a Bethel University educational program or activity.

Sexual Harassment/hostile environment may include, for example, online harassment using social media, unwelcome sexual advances, requests for sexual favors, Sexual Assault, and Sexual Exploitation. To determine whether words and/or conduct constitute Sexual Harassment, Bethel will consider the totality of the circumstances, including without limitation: the context in which the conduct and/or words occurred; and the frequency, nature, and severity of the words and/or conduct. Depending on the severity of the words and/or conduct, a single incident (e.g., Sexual Assault) may be considered Sexual Harassment.

With respect to conduct by an employee or other non-student, "Sexual Harassment" means words and/or conduct of a sexual nature prohibited by Bethel University's Employee Handbook, Bethel University's Sexual Misconduct & Relationship Violence Policy, or both and the applicable policy will be determined on a "case-by-case" basis.

Title IX applies to students and employees alike. Consequently, Bethel's Title IX Department initially will receive and evaluate all claims of sexual harassment or sexual discrimination made by students and employees. Claims made by employees that do not fall within Title IX will be sent to Bethel's Human Resources Department for evaluation and response under Title VII, Bethel's employment policies, or both. Bethel's Title IX Department will refer to the Human Resources Department all claims that fall within Title IX, but for which no formal complaint is signed. These claims will be addressed under Title VII, Bethel's employment policies, or both. Under all circumstances, retaliation is equally prohibited under Title IX and Title VII.

- **Sexual Discrimination** is conduct directed at a specific person or a group of identifiable persons that subjects the person or group to treatment that adversely affects their employment, education, or ability to participate in or benefit equally in any University program or activity, on the basis of sex. Sex Discrimination may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature. Sexual Harassment, Sexual Assault, Sexual Exploitation, and discrimination involving pregnancy or parenting are all types of Sex Discrimination. A complaint of prohibited conduct will be treated as a complaint of Sex Discrimination in violation of Bethel's Non-discrimination Statement if it was based on the sex of the Complainant (the alleged victim of sexual misconduct or relationship violence). Complaints of Sex Discrimination will be handled in accordance with the procedures outlined below in this section of the Policy. Bethel prohibits Sex Discrimination in any Bethel University education program or activity, including employment and admissions.
- **Sexual Exploitation** is non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other improper purpose. Examples of Sexual Exploitation include, without limitation: observing or audio or videotaping of persons who are undressing or undressed or engaging in sexual contact or sexual intercourse, without the consent of all persons involved, and prostituting another person.

- **Sexual Misconduct** is a term that encompasses (1) sexual harassment, (2) sexual exploitation, (3) sexual violence, including sexual assault and other non-consensual sexual contact (forcible or not), (4) sexual discrimination; (5) and all other words and/or conduct that constitute a sexual violence crime under this Policy. Forms of sexual misconduct include, but are not limited to, the following: attempts to commit sexual misconduct and facilitating, aiding, encouraging, and/or assisting a violation of this policy.
- **Sexual Violence** is engaging in any physical sexual act perpetrated against a person without that person's effective consent.
- **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by the laws of the state in which the incident occurred.
- **Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent under the laws of the state in which the incident occurred.
- **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to **(A)** fear for his or her safety or the safety of others; or **(B)** suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates with or about a person, or interferes with a person's property.
- **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other treatment or counseling.
- **Reasonable person** means a reasonable person under similar circumstances and with similar identities to the Complainant.
- **Relationship Violence** is a term that encompasses Dating Violence, Domestic Violence, and Stalking.
- **Dating Violence** means violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on the Complainant's statements with consideration of the following factors: (i) the length of the relationship, (ii) the type of relationship, and (iii) the frequency of interaction between the persons involved in the relationship. This can include, but is not limited to, such actions as grabbing, slapping, hitting, and pushing. 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.
- **Domestic Violence** is a term that includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. Domestic violence can include such actions as grabbing, slapping, hitting, and pushing.

- **False Imprisonment** is the detaining of a person without the person's consent and/or against the person's will to leave. False imprisonment can apply to any physical act, threat, or intimidation in which a person intentionally restricts another person's freedom to move or to leave without consent. This can also include, but is not limited to, removing that person's means of leaving (e.g., taking and/or holding someone's keys, wallet, phone, or other means that would provide that individual with the means to leave the vicinity). This policy does not apply to authorized personnel acting within the scope of their responsibilities, such as Resident Life Staff.
- **Retaliation** is intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purposes of interfering with any right or privilege secured by the Title IX statute or regulations. Because retaliation does not constitute sexual discrimination or sexual harassment under Title IX, retaliation claims will fall under the jurisdiction of "Other Sexual Misconduct and Relationship Violence" reports.

### C. Additional Definitions

- **Force** includes physical force (such as pushing, hitting, pinning down), threats (direct or indirect expressions of intent to inflict harm to self or others), intimidation (implied or indirect threats), and/or other forms of control.
- **To coerce** is to attempt to cause another person to act or think in a certain way by use of duress, compulsion, force, pressure, threats, or intimidation; to compel is to coerce. Positions of power may contain an element of coercion within the relationship and will be considered. The following factors will be taken into account to determine if someone was coerced: duration, frequency, isolation, and intensity.
- **Blacking out** is an amnesia-like state that may be brought on by drugs, heavy drinking, or intoxication; blacking out is not necessarily incompatible with the ability to engage in simple or even complex behavior. Afterwards, the person has no recollection of all or part of the events that occurred during the blackout. There is a distinction between passing out (falling asleep or becoming unconscious) due to drug or alcohol use and blacking out in that a person in a blackout remains conscious and operative.
- **Incapacitation** includes the inability to make a rational, reasonable decision. Incapacitation can result from the taking of GHB, Rohypnol, Burundanga (Scopolamine), Ketamine, or other sedatives or "date-rape" drugs, or excessive use of alcohol or other drugs. Evidence of incapacitation may include, but is not limited to, one or more of the following:
  - sleep
  - slurred speech
  - bloodshot eyes
  - the smell of alcohol on the breath
  - shaky equilibrium
  - lack of control over physical movements (e.g., inability to dress/undress without assistance; inability to walk without assistance)
  - lack of awareness of circumstances or surroundings
  - vomiting



- outrageous or unusual behavior
  - unconsciousness
  - elevated blood alcohol level
  - blacking out
- **Intoxication** refers to a state of stupefaction, exhilaration or euphoria resulting from the ingestion of alcohol or other chemical substances.

## Effective Consent

Bethel prohibits all forms of sexual violence. Any sexual acts without effective consent may be considered sexual assault. Failure to obtain effective consent greatly increases the risk of sexual assault. Engaging in any sexual activity with a person whom one knows or reasonably should know is incapacitated or otherwise unable to give consent is prohibited.

### A. Essential elements of Effective Consent

- *Informed*: both parties demonstrate a clear understanding of exactly what they are consenting to.
- *Freely and voluntarily given*: there is no coercion, such as force, threats, intimidation, or pressuring.
- *Active, not passive*: expressed in words or actions that indicate a clear willingness to do the same thing, at the same time, in the same way, with each other.
- *Ongoing*; furthermore, consent may be withdrawn at any time, and at that time all sexual activity must cease unless and until additional effective consent is given.

### B. What is NOT Effective Consent

- *Silence does not equal consent*. A lack of verbal resistance does not, by itself, constitute consent.
- *Resistance is not required*. A lack of physical resistance does not, by itself, constitute consent.
- *Incapacitated or Underage persons cannot give consent*. Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction). Under Tennessee law, persons who are (a) under the age of eighteen (18); (b) mentally defective; (c) mentally incapacitated; and/or (d) physically helpless, are incapable of giving consent. A person is considered “mentally incapacitated” if they are rendered temporarily incapable of appraising or controlling their conduct due to the influence of a narcotic, anesthetic, or other substance (voluntarily or involuntarily), or due to any other act committed upon that person without their consent. A person is considered “physically helpless” if they are unconscious, asleep, involuntarily restrained, or for any other reason are physically or verbally unable to communicate unwillingness to do an act. **Anyone who engages in sexual activity with another whom one knows or should reasonably know is incapable of giving consent, according to these standards, may be charged with a criminal offense relating to sexual activity under Tennessee law and will have violated this policy.** The question of what the Respondent should have known is objectively based on what a reasonable person in the place of the Respondent – sober and exercising good judgment – would have known about the condition of the Complainant.
- *Alcohol and other drug use*: Because the use of alcohol and other drugs over time can have a cumulative effect, a person who may not have been incapacitated at the beginning of a sexual

activity may become incapacitated and therefore unable to give effective consent as the sexual activity continues. See the definition of “Incapacitation” for evidence of incapacitation from alcohol or drug use. *Bethel strongly encourages careful communication between individuals considering sexual activity of any kind, and in particular when considering sexual activity between persons who are under the influence of alcohol and other drugs—especially between persons who do not have a well-established, current sexually intimate relationship.* Such sexual activity is inherently complicated and potentially fraught with misunderstanding.

- *No “Implied Consent” for Sexual Encounters.* Previous sexual relationships and/or a current sexual relationship may not, in and of themselves, constitute effective consent. One should not infer effective consent as a function of attire, flirtation, the buying of dinner or the spending of money on a date, etc. Intentional use of alcohol/drugs may not, in and of itself, be taken to imply consent. Consent to sexual activity may be withdrawn at any time, and at that time all sexual activity must cease unless and until additional effective consent is obtained. Consent is not an open-ended condition and once obtained, does not carry past the current sexual activity.

**\*\*Bethel strongly encourages careful communication between individuals considering sexual activity of any kind.\*\***

**BLACKING OUT, INCAPACITATION, AND INTOXICATION DO NOT PROVIDE  
A VALID EXPLANATION OR EXCUSE FOR VIOLATING THIS POLICY.**

## **Intent**

*Depending on the facts and circumstances, proof of intent may or may not be required to find a violation of this policy. For example, engaging in intercourse without obtaining effective consent constitutes a violation of the policy regardless of intent. On the other hand, intent may be an appropriate consideration in some complaints (such as when one person brushes up against another person in a crowded room).*

## **Reporting an Incident**

Bethel takes reports of sexual misconduct and relationship violence seriously. How the University responds to such complaints depends upon a variety of factors, including the wishes of the Complainant, the facts and circumstances of the specific incident, to whom it was reported, and the University’s obligations under applicable federal and state laws. Complainants are not required to report sexual misconduct or relationship violence to the University if they do not want the University to provide supportive measures or to be able to respond to the incident. However, reporting a violation of this policy to the University enables the University to respond appropriately by providing supportive measures to the Complainant (and Respondent, as needed) and giving the University an opportunity to respond to the report, including conducting a prompt, thorough, and equitable investigation when a formal complaint is filed and, if warranted, taking disciplinary action against the Respondent if the complaint is substantiated. Whenever a report is made under this Policy, a Complainant is entitled to supportive measures, regardless of whether a formal complaint is filed.

### **A. How to Report to the University**

The University recommends that complaints of sexual misconduct or relationship violence be made to the Title IX Coordinator, but if a person chooses to make an initial complaint to any other responsible employee of the University, that person will refer the matter to the Title IX Coordinator. Retaliation against any person who files a complaint, participates in an investigation, encourages

the filing of a complaint, or opposes sexual misconduct and relationship violence is prohibited. Complaints may be filed at any time in person, by phone call, or in writing by email or letter, but the University encourages community members to report violations as soon as possible after the incident. If the Title IX Coordinator determines that the complaint should be filed with another department, the Title IX Coordinator will direct the Complainant to the appropriate department. The Title IX Coordinator also investigates incidents that have been reported to other University officials and referred to the Title IX Coordinator.

To file a complaint pertaining to this policy, please contact the University's Title IX Coordinator at:

Rachael Brooks, JD, MSW  
Title IX and Prevention Services Coordinator  
Bethel University  
325 Cherry Ave.  
McKenzie, TN 38201  
731-352-4246  
[brooksra@bethelu.edu](mailto:brooksra@bethelu.edu)

Complainants or third-party reporters who write to the Title IX Coordinator should provide as much of the following information as possible: what happened, where, and when; names of all parties involved, including witnesses (if any); supporting documentation (if any); and contact information. Everyone is encouraged to report sexual misconduct or relationship violence, even if some or all information is unavailable or cannot be provided.

If a Complainant calls or visits the Title IX Coordinator's office or if the Title IX Coordinator receives a report in writing, the Title IX Coordinator or a staff person will explain to the Complainant the role of the Title IX Coordinator, the options for reporting an incident, available supportive measures, the Complainant's right to file a formal complaint and the process for filing a formal complaint. In addition, the office of the Title IX Coordinator will explain how any request for confidentiality will be evaluated and how confidentiality may limit the University's ability to investigate the incident.

### **1. Responsible Employees Reporting for Title IX and Other Sexual Misconduct and Relationship Violence**

**In order for a student/employee to provide notice to the University of an incident of sexual misconduct or relationship violence, the student/employee must report the incident to a Responsible Employee.**

Under this policy, a "Responsible Employee" (RE) is an employee:

- Who has the authority to take action to redress sexual misconduct/relationship violence;
- Who has been given the duty of reporting incidents of sexual misconduct/relationship violence by students to the Title IX Coordinator or other appropriate school designee; or
- Who a student/employee could reasonably believe has either the authority or the duty listed above.

Most employees to whom students/employees might reasonably report an incident of sexual misconduct or relationship violence will be REs. Responsible Employees should explain to the student/employee making the report that REs are not confidential resources before a student/employee reveals something that they may want to keep confidential. If a person begins talking about the incident(s) with no warning, the RE should interrupt immediately (but nicely) and

inform them that the conversation cannot be considered confidential. The RE should also assure them that the RE wants to be supportive, but if they do not want the incident(s) to potentially be reported then they should make an appointment with a confidential resource. If the person has already told the RE enough information characterizing a possible sexual misconduct or relationship violence incident, the RE must make a Title IX report. In emergency situations, where a person's health or safety is in immediate danger, call 911.

This policy considers it notice to the institution if an RE "knew, or in the exercise of reasonable care should have known" about the sexual misconduct/relationship violence. This includes incidents that are reported directly; are witnessed or reported by a third party (parent, other student); are posted on fliers around campus or published in a local newspaper; etc. Each of these examples should be reported to the Title IX Coordinator.

All BU employees who are designated as supervisors, with a few exceptions (including chaplain(s) and associate chaplain(s) in the Office of the Chaplains and licensed physician(s), nurse(s), or other healthcare provider(s)), are considered "Responsible Employees." This includes some select undergraduate student employees such as resident assistants (RAs). For more information on reporting confidentially, please see the section below entitled "Confidential Resources."

Also considered Responsible Employees are:

- Security Officers and related employees
- Student Affairs/Activities Staff
- Human Resources Staff
- Athletics and Recreation Staff
- Academic Advisors
- Faculty, Instructors, and Teaching Assistants
- Graduate Assistants that are supervising other students
- Work Study students
- Individuals designated as Campus Security Authorities (CSAs)

NOTE: Faculty, instructors, and teaching assistants are not required to report sexual misconduct or relationship violence if this information is disclosed in the context of academic work and discussions. Additionally, Security Officers have a separate requirement to report incidents of sexual assault and other criminal acts of a serious nature to the McKenzie Police Department.

Responsible Employees are to report allegations of sexual misconduct/relationship violence that take place on or off campus to the Title IX Coordinator in order to give the University the best chance to investigate and potentially address and eliminate sexual misconduct/relationship violence. REs should NOT attempt to determine if the sexual misconduct/relationship violence actually did occur.

The information that should be reported includes all the relevant information that the individual has shared and that may be useful in the investigation. This includes names of the alleged perpetrator, the student/employee who allegedly experienced the misconduct/violence, any other student/employee involved, and the date, time, and location of the alleged incident.

If the student/employee wants to tell an RE what happened, but does not want the complaint investigated or the student/employee's name disclosed, the RE will tell the student/employee

that the University will consider the request, but cannot guarantee that the University will be able to honor it. A report to the Title IX Coordinator does not necessarily lead to a full investigation. Any action is typically determined based on the Complainant's choices. However, the Coordinator will make a safety assessment to determine if there is a safety risk to the community. If it is likely that there is continued risk, the Title IX Coordinator may have to proceed with the investigation without the Complainant's consent. The RE should let the student/employee know that conversations with REs are otherwise kept private to the extent possible and are only disclosed to those with a need or right to know. In reporting the details of an incident to the Title IX Coordinator, the RE will also inform the Title IX Coordinator of the student/employee's request for confidentiality. For more information on this, see the section below entitled "Title IX Requests for Confidentiality."

A Responsible Employee who receives notice of an incident of sexual misconduct or relationship violence SHALL NOT:

- 1) Pressure a Complainant to request confidentiality or make a full report;
- 2) Guarantee to a Complainant that the RE will keep information confidential;
- 3) Share information about the incident with a person who does not have a University-related need to know;
- 4) Share the Complainant's name with law enforcement or campus security without the Complainant's consent; or
- 5) Investigate or otherwise attempt to resolve the report without the approval of the Title IX Coordinator.

## **2. Campus Security Authorities**

Many Responsible Employees are also considered Campus Security Authorities (CSA) under the Clery Act, which is a law related to Title IX. The function of a Campus Security Authority ("CSA") is to report to the Security Department, those allegations of Clery Act crimes that he or she receives. CSAs are responsible for reporting allegations of Clery Act crimes that are reported to them in their capacity as a CSA. This means that CSAs are NOT responsible for investigating or reporting crimes that they overhear students talking about in the hallway; that a student mentions during an in-class discussion; that a victim mentions during a speech; or that a CSA learns about in an indirect manner.

A CSA is a Clery Act specific term that encompasses groups of individuals and organizations associated with an institution listed below:

- Campus Security, which includes all members that are employed in the Security Department.
- Any individual or individuals who have responsibility for campus security, but do not constitute a security department (e.g., an individual who is responsible for monitoring the entrance into institutional property). This category would include Resident Directors, Resident Assistants, and Hall Monitors.
- An individual that has significant responsibility for student and campus activities. This category would include: Dean of Student Development, Academic Dean, Housing Director, Coaches – including assistant coaches and GA's, Athletic Director, Title IX

Coordinator, Director of Student Engagement, Faculty Advisor of an organized group, and a satellite campus coordinator.

Examples of individuals who would not meet the criteria for being campus security authorities include: a Faculty member who does not have any responsibility for student and campus activity beyond the classroom; and clerical support or cafeteria staff. Exemptions to being a CSA include a counselor and the University Chaplain.

The definition of who is a CSA is broad for a good reason: it recognizes that frequently the first person a victim of crime talks to about what happened is someone he or she knows well and trusts. How that first person responds may determine whether or not the victim feels supported and affects the decisions he or she makes moving forward.

The function of a CSA is to document and report to Bethel Security allegations of crimes. CSAs, like REs, are not responsible for determining whether the crime took place. CSAs do not need to prove what happened or who was at fault and it is not their responsibility to find the perpetrator. When in doubt, report. Let the student/employee know that you must share the information with Campus Security. Only include the name of the victim in the report if the victim wishes to be identified. **CSAs must also report Title IX offenses to the Title IX Coordinator and must report ALL known information to the Title IX Coordinator, regardless of the victim's wishes to remain anonymous.**

The criminal offenses that CSAs must report are:

- Murder/Non-negligent manslaughter
- Negligent Manslaughter
- Sex Offenses (*rape/sodomy/sexual assault w/object/fondling and non-forcible incest and statutory rape*)
- Robbery
- Aggravated Assault
- Burglary
- Motor vehicle theft
- Arson
- Hate Crimes
- Domestic Violence
- Dating Violence
- Stalking
- Liquor Law Violations
- Drug Law Violations
- Weapons Law Violations.

CSAs must disclose offenses that occur on campus; in residence facilities; in non-campus property or buildings owned or controlled by the institution or a recognized student organization; and on-campus public property adjacent to and accessible from campus.

CSAs and REs serve a very important role at BU. CSAs and REs are here to help their fellow students and employees, and to do that, they must understand that their role goes beyond just a legal obligation. When a victim reports a crime to a CSA or RE, that person becomes a first responder and the victim has placed their trust in the CSA or RE. Victims deserve compassion and they deserve clear information about resources to help them understand their options moving forward. CSAs and REs have a responsibility to help the reporting student/employee with his or her reporting options.

NOTE: All allegations involving the abuse of minors must be reported to law enforcement and the University.

### **3. Title IX Requests for Confidentiality**

All requests for confidentiality will be evaluated by the Title IX Coordinator. In doing so, the Title IX Coordinator will consider the interests of the Complainant and the University's commitment to a safe and non-discriminatory environment for all members of the University community. Although the University affirms the right of the Complainant to decide whether they wish to be involved in any process to address sexual misconduct, individuals should understand that if the conduct at issue poses a threat to campus safety or the individual's safety the University must take action regardless of whether the Complainant wishes to proceed with their individual complaint. Circumstances which may pose a threat to campus or individual safety include, but are not limited to, threats, acts of violence, the use of weapons, cases involving multiple respondents, previous allegations involving the Respondent, patterns of alleged misconduct by the Respondent, and/or the likelihood of repeated offenses.

If a Complainant's request for confidentiality is granted, the University's ability to provide supportive measures and investigate the incident may be limited. The Complainant cannot file a formal complaint while remaining anonymous or while using a confidential identity. In such situations, the University may, to the extent possible, take steps to mitigate the effects of the alleged sexual misconduct and prevent its recurrence without initiating formal action against the alleged offender or revealing the identity of the Complainant. Such actions include, but are not limited to, increased monitoring, supervision, or security at locations or activities where the alleged misconduct occurred; providing training and education for students and employees; revising and publicizing the University's policies on sexual misconduct and relationship violence, and conducting climate surveys regarding sexual misconduct and relationship violence.

If the University determines that it must proceed with a formal complaint and/or protective measures, notwithstanding the Complainant's request for confidentiality, it will inform the Complainant prior to notifying the Respondent of the investigation; the University will also implement protective measures, as necessary, to protect the Complainant and ensure the safety of the University community. Under no circumstances will the University require a Complainant to participate in any investigation or disciplinary proceeding.

A Complainant who initially requests confidentiality is not precluded from later requesting that a full investigation be conducted.

### **4. Third-Party Reporting**

Bethel encourages third parties to report incidents of sexual misconduct or relationship violence to Campus Security and/or the Title IX Coordinator. Third parties may also report incidents to any Responsible Employee. The University may not be able to move forward with third-party reports if the victim does not wish to cooperate with an investigation. After providing a report, third

parties are not entitled to information about the University's investigation and response due to privacy concerns and applicable federal and state laws.

Bethel encourages anyone who witnesses, experiences, or has information about possible sexual misconduct and/or relationship violence to take reasonable actions to prevent or stop such actions. This may include reporting the behavior (in accordance with the reporting options outlined above), directly intervening when it is safe and reasonable to do so, contacting law enforcement, or other means. A person who has been subjected to sexual misconduct and/or relationship violence need not confront the other party; the appropriate process to address the conduct is through this policy.

**5. Amnesty for Students who Report Sexual Misconduct or Relationship Violence to the University**

Bethel recognizes that a student who is under the influence of alcohol and/or drugs at the time of an incident may be hesitant to report such incident to the University because of fear of disciplinary sanctions for the student's own violation of Bethel's policies and procedures including Bethel's Student Code of Responsibility.

However, a student who reports sexual misconduct or relationship violence to the University generally will not face disciplinary charges solely for possessing or being under the influence of alcohol and/or drugs.

**6. False Reporting**

An accusation of sexual misconduct or relationship violence may have severe consequences for a Respondent. Any individual who makes a report that is later found to have been intentionally false or made maliciously without regard for its truth may be subject to disciplinary action, up to and including, termination of employment or dismissal from the University. This provision does not apply to reports made in good faith, even if the facts alleged in the report are not later substantiated by an investigation.

**7. Public Awareness Events**

Public awareness events such as "Take Back the Night," candlelight vigils, protests, "survivor speak outs," prevention/awareness trainings, or other forums in which students disclose incidents of sexual violence, are not considered notice to the University of sexual misconduct and/or relationship violence for purposes of triggering its obligation to investigate any particular incident. Such events may, however, inform the need for campus-wide education and prevention efforts, and the University may provide information about students' Title IX rights at these events.

**8. Protection of Minors on Campus**

Bethel University is dedicated to the welfare and safety of minors who visit Bethel's campuses, who participate in Bethel's programs, or who are entrusted to Bethel's care. Every member of the University community (not limited to individuals who interact with minors) is required by law to report known or suspected instances of the abuse of, neglect of, or inappropriate interactions with minors. Members making a report in good faith are protected from criminal and civil liability for making the report. Everyone is required by Tennessee law to report any type of suspected abuse, neglect, or inadequate care, including suspected child sexual abuse. Two reports, one external and one internal, must be made:

- *External Report:* Tennessee law requires every person who suspects sexual, emotional, or physical abuse or neglect of a minor to report it. Failure to report is a Class A misdemeanor.



The required report may be made to the State of Tennessee Child Abuse Hotline at 877-237-0004, online at <https://apps.tn.gov/carat/> or to a Tennessee sheriff's office or police department. If the situation is a life-threatening emergency, contact 911.

- *Internal Report:* Every member of the University community has a further obligation to immediately report to Bethel University known or suspected abuse or neglect of a minor on campus or in a Bethel program. The preferred method is to contact Rachael Brooks, the Title IX and Prevention Services Coordinator at 731-352-4246 or [brooksra@bethelu.edu](mailto:brooksra@bethelu.edu).

## B. How to Report to Law Enforcement

Sexual misconduct or relationship violence may constitute a violation of both this policy and criminal law. **Civil or criminal proceedings are separate and distinct from internal University proceedings.** As such, the University encourages persons to report incidents of sexual misconduct and/or relationship violence to law enforcement. Prompt reporting of an incident to law enforcement is especially critical as the collection and preservation of evidence relating to sexual misconduct and relationship violence is often essential for law enforcement investigations and criminal prosecutions. Reporters, including victims, have the option to be assisted by campus authorities and/or the Title IX Office in notifying law enforcement authorities, if the reporter so chooses.

NOTE: When Campus Safety and Security Officers are contacted about sexual assault and other criminal acts of a serious nature, they are required to contact the McKenzie Police Department. Campus Safety and Security Officers and Officers with the McKenzie Police Department will work together to assist victims. For all offenses, the McKenzie Police Department will typically conduct the investigation, followed by an investigation conducted by the Title IX Department, when applicable.

### Contact Information for Local Law Enforcement

Incident Location	Contact
Regardless of where incident occurs	Call 911 in an emergency
In the City of McKenzie	McKenzie Police Department 2470 Cedar Street, McKenzie, TN 38201 (731) 352-2265
In Carroll County, but outside the City of McKenzie	Carroll County Sheriff's Office 200 Norandal Dr, Huntingdon, TN 38344 (731) 986-8947
Outside Carroll County	Contact the law enforcement agency that has jurisdiction over the location where the incident occurred

#### 1. Relationship between University Policies/Procedures & Criminal Procedures

The University will cooperate with law enforcement agencies if a Complainant decides to pursue the criminal process, to the extent permitted by law. However, this policy may differ in significant

respects from criminal law. A Complainant may seek resolution through the University's procedures outlined in this policy, may pursue criminal action, may choose one but not the other, or may choose both. Neither law enforcement's determination whether to prosecute a Respondent nor the outcome of any criminal prosecution is determinative of whether sexual misconduct or relationship violence occurred in violation of this policy. Procedures under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. The University normally provides deference to law enforcement until a criminal investigation or proceeding is concluded before conducting its own investigation and/or taking other appropriate action. Although the University may need to delay temporarily the fact-finding portion of its investigation while law enforcement is gathering evidence, the University will provide supportive measures as needed to assist the Complainant during such delay. Decisions made or sanctions imposed by the University are not based on a result of criminal or civil charges against a Respondent arising from the same incident being dismissed, reduced, rejected, sustained or not prosecuted; however, a Respondent's plea(s) or a finding against a Respondent in a criminal or civil proceeding may, at the University's discretion be taken into consideration by the University in a disciplinary proceeding.

## **2. Right to Decline to Report to Law Enforcement**

A Complainant has the right to decline to report the incident to law enforcement. Even if a Complainant does not report the incident to law enforcement, the Complainant may still request supportive measures from the University by reporting the incident to the Title IX Coordinator or another Responsible Employee. In contrast, if the Complainant reports the incident to law enforcement, the Complainant will also need to report the incident to the Title IX Coordinator or a Responsible Employee if the Complainant wants the University to take any action.

## **Care and Support for Complainants**

The following resources are available to any member of the Bethel community who has experienced sexual misconduct or relationship violence, regardless of whether the Complainant chooses to make a formal complaint or participate in an investigation or criminal process. As discussed in the "Reporting an Incident" section above, some of these resources are subject to mandatory reporting requirements.

### **A. Confidential Resources**

Some resources are completely confidential and will not communicate any information to the University, law enforcement, or any other third party, unless required by law in limited circumstances. Confidential resources include counselors/mental health providers; the University Chaplain or any of the University's pastoral counselors acting in that capacity; and licensed medical professionals, such as those at clinics or hospitals. These resources do not report any information about an incident to the Title IX Coordinator without a Complainant's permission. Off-campus counselors and health care providers will also generally maintain confidentiality and not share information with the University unless the Complainant requests the disclosure and signs a consent or waiver form. However, these resources may have reporting obligations under state or federal law. For example, healthcare providers and certain other individuals are required to notify law enforcement when a victim seeks treatment for injuries related to a violent crime, including sexual assault. Similarly, all persons are required to notify law enforcement when they receive a report of abuse or neglect of a minor. Information communicated to a person identified as a confidential resource in this section does not constitute actual notice or a report to the University of an incident of sexual misconduct or relationship violence.

## **B. Confidential Resources and Support**

*(not required to notify Title IX Coordinator or law enforcement in most cases):*

### **1. On Campus**

- Office of the University Chaplains: Chaplain: (731) 352-4066; [hamesa@bethelu.edu](mailto:hamesa@bethelu.edu); Associate Chaplain: (731) 352-6449; [burnsg@bethelu.edu](mailto:burnsg@bethelu.edu)

### **2. Non-University**

- Mobile Crisis Line: 1-800-353-9918
- 24-Hour Statewide Domestic Violence Hotline: 1-800-356-6767
- National Sexual Assault Hotline: 1-800-656-4673
- Love is Respect-- National Teen Dating Abuse Hotline: 1-866-331-9474 or text LOVEIS to 22522
- Wo/Men's Resource and Rape Assistance Program: 1-800-273-8712
- A personal attorney; clergy member; physician or Qualified Mental Health Counselor.

## **C. Immediate Assistance: Level of Confidentiality**

Any member of the Bethel community who has experienced sexual misconduct or relationship violence may seek immediate assistance from one or more of the following resources. As discussed in the "Reporting an Incident" section above, some of these resources are subject to mandatory reporting requirements. This policy indicates the level of confidentiality offered by each of the listed on-campus resources.

The McKenzie Police Department is available for emergency response, facilitating medical transport, investigating incidents of a criminal nature, referrals, and preserving evidence. As discussed above, members of Bethel's Office of Safety and Security are required to report potential violations of this policy to the Title IX Coordinator and to report incidents of sexual assault and other criminal acts of a serious nature to the McKenzie Police Department.

### **1. Law Enforcement**

- McKenzie Police Department (MPD): (731) 352-2265; Emergency: 911

### **2. Campus Security**

- Office of Safety and Security: (731) 352-4222, (731) 415-7599 (24/7), or [busecurity@bethelu.edu](mailto:busecurity@bethelu.edu); Emergency: 911 (Not confidential — required to notify Title IX Coordinator and local law enforcement in most circumstances)

### **3. Medical Service Providers**

- McKenzie Medical Center's BU Hometown Health Clinic: (731) 352-4027
- Baptist Memorial Hospital: (731) 986-4461; Emergency: 911
- Henry County Medical Center: (731) 642-1220; Emergency: 911
- Jackson-Madison County General Hospital: (731) 541-5000; Emergency: 911 (Closest Location with a SANE [Sexual Assault Nurse Examiner] available)

#### D. Medical Care

A victim may seek medical care at any time following an incident of sexual misconduct and/or relationship violence. The medical service providers listed above are available for treatment of injuries, preventative treatment for sexually transmitted diseases, other health services, and consultations. In cases of sexual misconduct and/or relationship violence, it is critical for a victim to seek immediate medical attention to determine the presence of physical injury, address pregnancy concerns, determine the possibility of exposure to sexually transmitted diseases, and, if the victim later decides to pursue legal options, to obtain evidence to assist in criminal prosecution, a civil action and/or in obtaining a civil protection order. **Prior to seeking medical care, victims should not change their clothing or bedding, bathe, shower, douche, comb their hair, clean up, brush their teeth, change clothes, or drink liquids.**

**The collection of evidence for use in a criminal prosecution or an order of protection hearing relating to sexual assault can only be performed by trained personnel, a Sexual Assault Nurse Examiner (SANE), at a hospital emergency room; physical examinations by other healthcare providers are likely to impede future legal remedies. The nearest SANE to the Bethel University (McKenzie campus) is located at the Jackson-Madison County General Hospital in Jackson, TN (731-541-5000).**

Tennessee law requires all medical personnel to report to law enforcement when a victim seeks treatment for injuries related to a violent crime, including sexual assault. Medical personnel are also required to report to law enforcement and/or Child Protective Services when a minor presents for treatment for any injury or condition that reasonably indicates it was caused by violence or abuse, including physical or sexual abuse. Medical personnel are also required to report to law enforcement and/or Adult Protective Services when certain vulnerable adults present and there is reasonable belief that they are victims of adult abuse, neglect, or exploitation.

#### E. Preserving Evidence

Victims should not clean up until police or SANE personnel have had a chance to gather evidence. If a victim has already changed clothes or cleaned up/showered, evidence may still be collected. Leave any clothes or bedding unfolded and undisturbed, if possible. If clothing or bedding must be moved, try to keep each item separate to prevent transfer of body fluids or other trace evidence and **store evidence in folded and stapled paper bags**. Make sure to **save/screenshot any text messages, emails, voicemails, written notes, social media posts, or any other documents** that may be relevant.

### University Procedures for Resolving Reports of Sexual Misconduct and Relationship Violence

#### A. Complainants' and Respondents' Rights

In addition to rights for Complainants and Respondents described in other sections of this policy, under Title IX, which is a law to protect students and employees from sexual discrimination, Complainants and Respondents have the following rights, which are more fully explained and discussed in other sections of this policy:

- The right to receive notice about the University's Title IX procedures, the complaints and allegations, any supportive measures, investigations, interviews, delays/extensions of time frames, a live hearing, determinations, and appeals of supportive measures and final determinations.

- The right to the presumption of non-responsibility.
- The right to have the Title IX complaint dismissed if the allegations do not fall within Title IX.
- The right to have complaints determined under the preponderance of evidence standard, which is "more likely than not."
- The right to supportive measures determined case-by-case.
- The right to an immediate appeal of emergency removal measures.
- The right to informal resolution, agreed to by both parties, in appropriate cases.
- The right to a prompt, thorough, unbiased, and equitable (fair) investigation of a Title IX complaint, including the right to present an explanation of the facts during the investigation and the right to receive copies of the evidence.
- The right to have an advisor with you during the course of a Title IX investigation.
- The right to get a copy and respond to the investigation report before any live hearing.
- The right to a live hearing at which you can call witnesses, including expert witnesses, and at which your advisor can cross examine the other party and their witnesses.
- The right to a reasoned determination of responsibility by a live hearing panel after a live hearing.
- The right to appeal the determination rendered by the live hearing panel.

## **B. Standards Applicable to Reports**

1. **Intake:** Upon receiving a report, the Title IX Coordinator will assess the nature of the report through an intake process. If the allegations do not involve a violation of this policy or other anti-discrimination/retaliation policies, the Title IX Coordinator will refer the Complainant to the appropriate department.
2. **Notice to the Complainant:** If the report falls under Title IX law and/or Bethel's Sexual Misconduct and Relationship Violence Policy, the Title IX Coordinator will initiate immediate and appropriate steps by the University to provide notice to the Complainant with the following information: the supportive measures available to the Complainant (which are provided with or without the filing of a formal complaint), the Complainant's right to file a formal complaint, and how to file a formal complaint.
3. **Supportive Measures:** After a Responsible Employee or Title IX Coordinator receives a report of sexual misconduct or relationship violence, Bethel will implement supportive measures, as appropriate, designed to assist the parties in restoring or preserving equal access to Bethel's education program or activity, deter the reported sexual misconduct or relationship violence, and protect persons involved in the matter, including potential witnesses. Supportive measures may be implemented on Bethel's own initiative or in response to a request from a Complainant or Respondent. These supportive measures must be non-disciplinary, non-punitive, and not unreasonably burdensome to the other party. The supportive measures must be kept

confidential, to the extent that maintaining such confidentiality would not impair Bethel's ability to provide the supportive measures.

Supportive measures for students may include, but are not limited to:

- referral to counseling services and assistance in setting up an initial appointment
- “no-contact directives” (also known as stay away orders or directives to desist)
- rescheduling of exams and assignments
- providing alternative course completion options
- changing class schedules, including the ability to transfer course sections or withdraw from a course without penalty
- changing work schedules, job assignments, or job locations for University employment
- changing residence hall assignments
- providing an escort to ensure safe movement between classes and activities
- providing academic support services, such as tutoring
- limiting or barring an individual’s or organization’s access to certain Bethel-owned facilities or activities
- emergency removal of the Respondent
- interim suspension of the Respondent
- student-requested leave of absence

Supportive measures for faculty and staff may include, but are not limited to:

- changing work schedules, job assignments, or job locations
- “no-contact directives” (also known as stay away orders or directives to desist)
- limiting or barring an individual’s or organization’s access to certain Bethel-owned facilities or activities
- providing an escort to ensure safe movement on campus
- emergency removal of the Respondent
- administrative leave
- Bethel-imposed leave or physical separation from individuals or locations

**4. Procedures for Emergency Removal of a Respondent:**

The Respondent may be removed from Bethel's educational program or activity on an emergency basis after consultation from other need-to-know Bethel employees who conduct an individualized safety and risk analysis and determine that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual

harassment justifies removal, and then provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal. Those employees tasked with performing the individualized safety and risk analysis may include the Dean of Student Development, the Director of Housing, and/or the Chief of Safety & Security.

Immediately after the emergency removal has occurred, but no later than three (3) calendar days after the removal, the removed Respondent may challenge the emergency removal by submitting to the Title IX Coordinator a written challenge showing any of the following:

- a. The “individualized safety or risk analysis” was based upon generalized, hypothetical or speculative beliefs or assumptions that a Respondent could pose a risk to someone’s physical health or safety;
- b. The “immediate threat” justifying and compelling an emergency removal was (i) based solely on the complainant’s subjective fear of a threat and not based on an objective reasonable person standard; (ii) did not assess the Respondent’s propensity, opportunity, and ability to carry out a stated or potential threat; or (iii) was not fact-specific, nuanced, and was not the product of a careful evaluation of whether there were more appropriate and less restrictive supportive measures that would have negated or sufficiently minimized the likelihood of a threat’s occurrence;
- c. The immediate threat was not related to the “physical health or safety” of one or more individuals, who may be the Respondent, the Complainant, or any other individual, like a third-party witness;
- d. The emergency situation did not specifically arise from the allegations of sexual harassment;
- e. The removal decision did not give full and appropriate consideration to the applicable disability laws, and the challenging Respondent falls within and is covered by an applicable disability law. Applicable disability laws include the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, and any relevant State laws;
- f. The emergency removal amounted to or effected an improper imposition of sanctions without first following grievance process because the analysis was not the product of careful and cautious balancing of these factors: (i) Bethel’s obligation to offer and provide prompt supportive measures to a Complainant to ensure equal educational access; (ii) the adverse impacts of separating a Respondent from educational opportunities and benefits; and (iii) Bethel’s obligation to protect the health and safety of its community; or
- g. The Respondent did not receive notice of the emergency removal that was sufficiently detailed to alert the Respondent to the specifically identified emergency threat of physical safety or harm that compelled the removal decision. In all challenges of an emergency removal, the Respondent has the burden of proof on all grounds in the written challenge and the safety and risk analysis to the Dean of Student Development or other appropriate University official. Upon receipt of the written challenge, the Title IX Coordinator will relay the written challenge and the safety and risk analysis to the Dean of Student Development or other appropriate University official, whose decision will be rendered within three (3) calendar days and will be final.

The emergency removal procedures may not apply to employee respondents on Administrative Leave enacted by Bethel’s Human Resources Department.

5. **Privacy:** Subject to the University's legal disclosure obligations and need to assess the campus community's safety, information about the report will be shared on a case-by-case basis, with need-to-know University investigators, administrators, and personnel. Additionally, information about the report will not be shared with witnesses or the Respondent prior to the filing of a formal complaint, except in relation to the exceptions above concerning legal disclosure obligations and safety considerations for the Complainant and campus community.
6. **Filing a Formal Complaint:** Regarding reports that do not involve a safety risk to the Complainant or campus community, the Complainant will have the option to choose whether the Complainant wants to file a formal complaint. Even if the Complainant chooses not to file a formal complaint, the Complainant can still receive supportive measures.

If the report involves a safety risk, including, but not limited to threats, acts of violence, the use of weapons, multiple respondents, previous allegations involving the Respondent, patterns of alleged misconduct by the Respondent, and/or the likelihood of repeated offenses, the Title IX Coordinator may choose to file a formal complaint, with or without the Complainant's approval. The Title IX Coordinator may also file a formal complaint when a safety risk is present, even when the Complainant's identity is unknown. All formal complaints must be signed (physically or electronically) by the Complainant or the Title IX Coordinator.

7. **Dismissal of the Formal Complaint:** Once a formal complaint is filed, the Title IX Coordinator must determine whether the formal complaint meets requirements to be dismissed.

a. A formal Title IX complaint MUST be dismissed under Title IX if:

- The conduct alleged, even if proved, would not constitute a violation of this Policy;
- The conduct alleged did not occur in the University's education program or activity; and/or,
- The conduct alleged did not occur within the United States of America.

Formal complaints dismissed under Title IX may still be pursued by the Title IX Coordinator under this policy as "Other Sexual Misconduct and Relationship Violence" generally.

b. The Title IX Coordinator MAY choose to dismiss a formal complaint if:

- The Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any of its allegations;
- The Respondent is no longer enrolled or employed by the University; and/or,
- Specific circumstances prevent the Title IX Coordinator or Investigator from gathering evidence sufficient to reach a determination as to the formal complaint or any of its allegations.

Formal complaints that are dismissed by the Title IX Coordinator can still be referred to and resolved by other disciplinary departments on campus, under other procedures, such as the Student Code of Responsibility or the Employee and Faculty Handbooks. Complainants can also appeal the dismissal of a formal complaint using the Appeals Process indicated further below in this policy.



## **8. Choosing Between Informal and Formal Resolutions Processes**

The Complainant will have the option to choose between proceeding with the Informal Resolutions Process or the Formal Resolutions Process, except in cases in which the Title IX Coordinator has determined that a safety risk is present, in which case, the Title IX Coordinator will determine if the Formal Resolutions Process is necessary and required. Additionally, Informal Resolution cannot be used in Title IX cases in which the Complainant is a student, and the Respondent is an employee.

### **a. Informal Resolutions Process**

Bethel offers an Informal Resolutions Process designed to eliminate the conduct prohibited by Title IX, stop its recurrence, and remedy its effects in a way that meets the needs of the parties involved and, at the same time, maintaining the safety of the Bethel community. During the Informal Resolutions Process, the Title IX Coordinator and the Informal Resolutions Facilitator, with input from the Complainant and Respondent, will choose the most appropriate process or combination of processes for the resolution of the case, including, but not limited to, Mediation, Restorative Justice, and an Educational Conference with the Dean of Student Development. In certain cases, such as those involving sexual assault, stalking, dating violence, and domestic violence, the Informal Resolutions Process may not be an option given to the parties by the Title IX Coordinator, dependent upon the safety concerns presented in those cases. All Informal Resolutions Processes will be conducted by the Informal Resolutions Facilitator, unless the Facilitator has a conflict of interest, in which case, the Title IX Coordinator or appointed facilitator will step in. The Informal Resolutions Process is not available to cases of sexual harassment, sexual assault, dating violence, domestic violence, and stalking, involving student Complainants and employee Respondents.

At the onset of the Informal Resolutions Process, the Title IX Coordinator will provide to the parties a written notice disclosing: the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

#### **i. Important Rules for the Informal Resolutions Process:**

- Both parties must agree to participate in the Informal Resolutions Process, which includes individual meetings with the Title IX Coordinator and Informal Resolutions Facilitator.
  - Neither party can be forced to participate.
- Any or both parties may withdraw from the Informal Resolutions Process at any time prior to the signing of an agreement.
  - Once a party has withdrawn from the Informal Resolutions Process, the case will continue through the Formal Resolutions Process (see below).

- The Informal Resolutions Process can only be utilized once by the same Complainant and Respondent concerning the same alleged violation, unless the Informal Resolutions Process chosen initially was “Consultation with the Dean of Student Development.” In that case, the Title IX Coordinator has the discretion to consider other Informal Resolutions measures.
  - The Title IX Coordinator has the discretion to deny the Informal Resolution Process to any repeat Respondents.
- If the parties do not agree to follow all recommendations and stipulations in the resolution agreement or no agreement is reached, the Complainant or the Title IX Coordinator will have the opportunity to continue with an investigation under the Formal Resolutions Process.
- Information shared during this process will not be used in the investigation or determination of responsibility, but can be used in the sanctioning phase of the Formal Resolutions Process.
  - Additionally, information shared during this process and the Formal Resolutions Process can be subpoenaed by a court of law.
- The University reserves the right to suspend or terminate the Informal Resolutions Process and continue with the Formal Resolutions Process at any time prior to the signing of the agreement. Instances in which this could happen include, but are not limited to if the Title IX Coordinator or Informal Resolutions Facilitator believes that either or both of the parties are not acting in “good faith” or are not participating voluntarily. No one will be allowed to compel, threaten, pressure, force, coerce, intimidate, or otherwise manipulate either party into participating in the Informal Resolutions Process.
- By participating in the Informal Resolutions Process in “good faith” and by completing the agreement between the parties, the Respondent will not face any disciplinary sanctions in relation to the allegations under this policy.
- Any agreement reached between the parties during the Informal Resolutions Process must be physically or electronically signed by the parties and must be approved by the Title IX Coordinator.
- At the discretion of the Title IX Coordinator, the parties can pursue the Informal Resolutions Process, while proceeding through the Formal Resolutions Process, but the Informal Resolutions Process will not be available to the parties after the commencement of the Live Hearing.
- Once an agreement is signed, if either party violates the agreement, the party can be found responsible for violating the Student Code of Responsibility in the Student Handbook under “Failure to Comply with University Officials.”
- The Informal Resolutions Process is not subject to appeal.

ii. Types of Informal Resolutions Offered:

- *Restorative Justice*: a framework in which the Informal Resolutions Facilitator focuses on restoring the relationships between the parties. The goal of restorative justice is to repair the harm caused to the Complainant and, sometimes, the parties' communities by giving the Respondent an opportunity to make amends. Generally, in this process, the Respondent must take responsibility for the harm caused to the Complainant; however, the Respondent will not be charged with a violation of the policy when participating in this process.
- *Mediation*: a flexible framework in which the Informal Resolutions Facilitator will assist the parties in understanding each other's position and reaching a mutually acceptable resolution. During mediation, the Facilitator will conduct separate sessions with the parties and may conduct joint sessions, if agreed to by both parties. Mediation does not require the Respondent to take responsibility for the harm caused to the Complainant.
- *Educational Conference with the Dean of Student Development*: when requested by the Complainant, a Respondent can be asked to attend a meeting with the Dean of Student Development. During this meeting, the Dean of Student Development will inform the Respondent that the Complainant has filed a formal complaint against the Respondent and will inform the Respondent of what could happen in the future if the Complainant decides to pursue the Formal Resolutions Process. An agreement between the parties is not required and the Respondent is not required to take responsibility for the harm caused to the Complainant during this consultation.

*iii. Possible Options for Agreements in the Informal Resolutions Process:*

An agreement reached during an Informal Resolutions Process will be unique and specific to the parties, harm, and conduct involved in each case in order to adequately address the needs of those involved. Examples of potential options that the parties could use as part of their agreement include, but are not limited to:

- *Counseling Sessions*: Either or both parties can participate in counseling sessions covering a range of topics related to the harm caused.
- *Educational/Awareness Sessions with the Title IX Coordinator*: Either or both parties can participate in educational/awareness sessions one-on-one with the Title IX Coordinator or can attend group sessions and presentations coordinated by the Title IX Coordinator and open to the campus community. These sessions will cover prevention topics, including, but not limited to: consent, healthy relationships, alcohol/drug use, etc.
- *Restorative Circles*: Restorative Circles are led by the Informal Resolutions Facilitator and provide an opportunity for the parties and others in the parties' communities, who have been affected by the Respondent's actions, to meet together and work toward repairing the harm that has been done and restoring the Respondent's relationships with others in the community. Restorative Circles facilitate better understanding of the others' perspectives and assist Respondents in gaining greater insight into the effects of their actions.
- *Voluntary Statements*: Voluntary statements are statements made by either or both parties concerning the harm caused to another and may be written, artistically depicted, recorded, typed, or delivered in person. Voluntary statements can include,

but are not limited to: impact statements made by Complainants and others affected by the harm describing their experience and the impact of the Respondent's actions; apology letters written by the Respondent; statements in which the Respondent demonstrates his understanding of the harm caused and its effect on others; etc.

- Regular check-in meetings with the Title IX Coordinator-Possible intervals for these meetings would be monthly, bi-monthly, or weekly.
- Restrictions on involvement in the University's extracurricular activities, clubs, social events, etc.
- Community Service: the parties can participate in community service, which can be coordinated by each party or the University's Director of Community Engagement.
- Mutual "No-contact Directives" (also known as stay away orders or directives to desist)

#### **b. Formal Resolutions Process**

If the Formal Complaint alleges conduct that falls *outside of Title IX* and the Informal Resolutions Process was not pursued or did not lead to a resolution, then the Formal Complaint will proceed through the Non-Title IX Formal Resolutions Process. During this process, the Title IX Coordinator or an appointed Investigator will conduct the investigation in a manner appropriate to the circumstances of the case. Investigations typically include interviews of the Complainant, the Respondent, and any witnesses. As part of the investigation, the University will provide an opportunity for the Complainant and the Respondent to identify witnesses and other evidence. Neither the Complainant nor the Respondent may be restricted from speaking to other people about the investigation. The interviews will be supplemented by the gathering of any physical, documentary, or other evidence, as appropriate and available. The investigation is designed to provide a fair and reliable gathering of the facts. The investigation will be reasonably prompt, thorough and equitable, and all persons will be treated with appropriate sensitivity and respect. At the conclusion of the investigation, the Investigator will prepare a written report containing their findings concerning whether a violation of the University's policy occurred, and recommendations related to any sanctions, if applicable. Alleged violations of this policy will be investigated and decided by the preponderance of the evidence standard (whether it is more likely than not that the University policy has been violated by the conduct alleged). The Investigator will then send the written report to the parties and the Decision-maker. The Title IX Coordinator will appoint the Decision-maker, who will review the report and determine whether the Sexual Misconduct and Relationship Violence Policy was violated and any applicable sanctions. The Decision-maker will provide the parties with letters outlining the decision(s) made. The parties will then have 10 calendar days from receipt of the decision to file an appeal. The parties may refer to section *viii. Appeals Process for Determinations of Responsibility* below which applies to appeals of decisions made by Decision-makers, as well as Hearing Panels.

If the Formal Complaint alleges conduct that falls *under Title IX*, then Bethel's Title IX Formal Resolution Process will be followed. During Bethel's Title IX Formal Resolution Process, the Title IX Coordinator or Investigator will provide written notice to the Complainant and Respondent of the following: the allegations, the Respondent's presumption of non-responsibility, the parties' rights to advisors of their choice, the parties' and advisors' rights to inspect and review evidence directly related to the allegations including inculpatory and

exculpatory evidence, the prohibition against false statements and retaliation, a statement that the Title IX Coordinator will send amended notice if this information changes, and a link to the University's applicable Sexual Misconduct and Relationship Violence Policy.

- i. Selecting an Investigator: The Title IX Coordinator is responsible for selecting an Investigator(s) of his/her choosing to investigate the complaint or serving as the Investigator, provided that the Investigator(s) has received training on an annual basis on issues related to sexual misconduct, and other relationship violence, and in conducting investigations in a manner that protects the well-being and safety of the parties and the University community. Any Investigator(s) chosen to conduct the investigation must be impartial and free from any conflict of interest. The Investigator(s) may be the Title IX Coordinator, a University employee, a team of University employees, an external Investigator(s) engaged to assist the University in its fact-gathering, or a team of Investigators that pairs an external Investigator(s) with a University employee. If a party believes that the Investigator has a conflict of interest/bias, the party has five (5) calendar days to provide a written response supporting the party's claim to the Title IX Coordinator. The Title IX Coordinator will then determine if the Investigator will proceed, or a new Investigator will be appointed. In the event that the Title IX Coordinator is the Investigator, then the determination will be made by another Bethel employee.
  
- ii. Investigation: The Investigator selected by the University will conduct the investigation in a manner appropriate in light of the circumstances of the case, which will typically include interviews with the Complainant, the Respondent, and any witnesses. As part of the investigation, the University will provide an opportunity for the Complainant and the Respondent to identify witnesses and other evidence. Neither the Complainant nor the Respondent may be restricted from speaking to other people about the investigation. The interviews will be supplemented by the gathering of any physical, documentary, or other evidence, as appropriate and available. The investigation is designed to provide a fair and reliable gathering of the facts. The investigation will be reasonably prompt, thorough and equitable, and all persons will be treated with appropriate sensitivity and respect. The investigation will be conducted in a manner that is respectful of individual privacy concerns; however, neither parties nor witnesses may remain anonymous during the investigation. Prior to the conclusion of the investigation, the Investigator will provide both parties and their advisors an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations, including the evidence upon which the Investigator does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence. If a party does not have an advisor before the directly related evidence is provided to the parties, Bethel University may provide to that party, at no charge, an advisor of Bethel's choosing to assist the party. The advisor may be, but is not required to be, an attorney. Neither party nor party's advisor may copy, forward, scan, print, duplicate, or otherwise distribute any evidence, or other relevant information, given to them by the Investigator to another person outside of the party to whom the evidence was intended and that party's advisor. The Investigator must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the Investigator will consider prior to completion of the investigative

report. At the conclusion of the investigation, the Investigator will prepare a written report containing their findings concerning whether a violation of the University's policy occurred.

- iii. Past Relationships and Conduct: Questions and evidence about a party's sexual history with anyone other than the opposing party are deemed irrelevant during the investigation and are prohibited during the Live Hearing, except under two circumstances: (1) where such questions and evidence are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant; or (2) where the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. If the Respondent is found to have violated Bethel's Sexual Misconduct and Relationship Violence Policy, the Respondent's past sexual misconduct may become relevant in determining sanctions.
- iv. Preponderance of the Evidence Standard: Alleged violations of this policy will be investigated and decided by the preponderance of the evidence standard (whether it is more likely than not that the University policy has been violated by the conduct alleged). The burden of proof to meet the preponderance of the evidence standard is with the University and the Respondent is presumed not responsible.
- v. Advisors and Support Persons: Both the Complainant and the Respondent will be permitted to ask an advisor of their choosing to be present during all relevant meetings related to alleged violations of this policy. The advisor may accompany the Complainant or Respondent and may confer privately with them, but the advisor may not speak on behalf of the Complainant or Respondent or otherwise participate in any meeting, excluding the Live Hearing. Upon the request of any party, the Title IX Coordinator has the discretion to consider and to allow an advisor to participate to the extent the Title IX Coordinator deems appropriate. An advisor's failure to comply with these guidelines may result in the termination of the meeting or the advisor no longer being permitted to be present. University personnel employed in the offices responsible for the disciplinary proceedings described in this policy, along with those in the chain of command above them, and others whose participation could create a conflict of interest with their University duties are not eligible to serve as advisors. The parties may choose to have a different advisor with them at the Live Hearing than they had at previous meetings during the investigation. If there is a question or concern about a possible advisor, please consult with the Title IX Coordinator.
- vi. Live Hearing Policy: In all cases, the Respondent is presumed to be not responsible for the alleged violation.

(1). *Generally*

- (a). Definitions. A Live Hearing is Bethel's formal determination proceeding of sexual misconduct and relationship violence allegations by which the Title IX Coordinator will hold a virtual Live Hearing in front of a Sexual Misconduct and Relationship Violence Hearing Panel that will hear and weigh the relevant evidence and determine if a sexual misconduct or relationship violence claim has been substantiated and if a Respondent is responsible or not responsible for

an alleged violation of Bethel's Sexual Misconduct and Relationship Violence Policy. If the Respondent is found in violation of the Sexual Misconduct and Relationship Violence Policy, the Respondent may be subjected to disciplinary action.

- (i) *Sexual Misconduct and Relationship Violence Hearing Panel* means a three-person panel, including a Chairperson and two other panel members, none of whom will have been previously involved in the investigation of the allegation, and all of whom will hear and weigh the relevant evidence and determine if the evidence substantiates the alleged violation.
  - (ii) *Relevant* means any inculpatory or exculpatory evidence that helps to either substantiate or disprove the allegation.
  - (iii) *Weigh the relevant evidence* means the act of determining whether, using the preponderance of the evidence standard, it is more likely than not that the Respondent is responsible for the alleged violation of Bethel's Sexual Misconduct and Relationship Violence Policy.
  - (iv) *Substantiated* means the Respondent has been found to be responsible for the alleged violation of Bethel's Sexual Misconduct and Relationship Violence Policy.
  - (v) *Participate or Participation* means a party's electronic appearance at a Live Hearing.
- (b). *Material for the Live Hearing; confidentiality of material.* At least ten (10) calendar days before a Live Hearing, the Title IX Coordinator will provide to the parties, the parties' advisors, if any, and to the Sexual Misconduct and Relationship Violence Hearing Panel a physical or electronic copy of the investigation report and a physical or electronic copy of other information relevant to the hearing. The Hearing Panel will also receive a copy of the evidence obtained as part of the investigation that is directly related to the allegations, which the parties and their advisors have previously received. The investigation report and other relevant information likely will contain private FERPA-protected information and is confidential material. Receipt by any party of the investigation report, evidence, other relevant information, or any combination of them, is conditioned upon that party's and that party's advisor's agreement not to disclose any of the information to anyone after the Live Hearing has ended. Neither party nor either party's advisor may copy, forward, scan, print, duplicate, or otherwise distribute to any other person any copy of the investigation report, any evidence, or other relevant information given to them by the Title IX Coordinator/Investigator or by any member of the Hearing Panel. All physical material used in Live Hearing must be returned to the Title IX Coordinator after the conclusion of the Live Hearing and all electronic material used in the Live Hearing must be deleted by any party or that party's representative.
- (c). *Party witnesses; witness lists; sequence of witness testimony.*  
Each party may present witnesses at the Live Hearing to testify on their behalf. Any witness expected to appear at the Live Hearing must first have been

interviewed by the Title IX Coordinator/Investigator, or must have given the Coordinator a written statement, unless all parties consent to the participation of that witness. Each party is responsible for presenting their own witnesses at the Live Hearing, either personally or through an advisor. To help make the Live Hearing run smoothly, at least three business (3) days before the Live Hearing, the parties each must give to the Title IX Coordinator their respective written lists identifying their respective attendees and witnesses and setting out the sequence in which the parties expect to call their witnesses. The Title IX Coordinator will share this information with the other party, so the other party can prepare accordingly. The respective attendee/witness lists and expected sequence will not strictly bind any party, and the Hearing Panel has the discretion to alter the sequence as needed. If the investigation report shows the previous testimony of any witness for any party is not relevant to the facts at issue, the Title IX Coordinator, in consultation with the Chairperson of the Hearing Panel, may at the Title IX Coordinator's discretion, exclude the witness(es), including any character witness(es) from participating in the hearing. The parties may object to this exercise of discretion, but the Title IX Coordinator is the ultimate decision maker on this issue. After receiving the parties' witness lists, the Hearing Panel has the discretion to request that the Title IX Coordinator call additional witnesses, when the Panel deems necessary.

- (d). Live Hearings recorded and closed to public. All Live Hearings under this section will be recorded or transcribed and will be closed to the public. Any party is welcome at their own expense to retain a court reporter to transcribe the hearing, with permission from the Title IX Coordinator. Generally, each party may have one advisor, two non-advisor attendees, and that party's witnesses, subject to the exercise of the Title IX Coordinator's discretion in Paragraph 3. Campus Security Officers may also be asked to be present during the Live Hearing, at the request of the Title IX Coordinator.
- (e). State and federal rules of evidence and procedure. Neither the state nor federal rules of evidence, criminal procedure, or civil procedure will apply at a Live Hearing.
- (f). Party participation; parties kept apart. The Hearing Panel will convene virtual hearings. No in-person attendance will be required or allowed and no party will be required to be present for the entire virtual hearing. Participation in the Live Hearing gives the parties, or their advisors, the opportunity to offer their facts and evidence to the Hearing Panel, and, when any party or witness does not submit to cross examination, either by refusal or lack of participation in the Live Hearing, that person's previous statements will not be taken into account as evidence by the Hearing Panel. The parties and witnesses will be required to be in separate rooms during the course of the hearing, but the audio and video feed of the hearing will be streamed in real time to the separate rooms where the respective parties and witnesses are present.
- (g). Altering time frames. In limited circumstances, the Title IX Coordinator will have the discretion to alter the timing requirements in the Live Hearing Policy, as needed, including the discretion to alter the timing to avoid conflicts with exams,



holiday periods and school closures. The Title IX Coordinator has the discretion to convene a Live Hearing over the academic calendar breaks or during other instances when students are not required or allowed to be on campus.

(2). *Live Hearing Procedure and Determinations of Responsibility*

The following is a general outline describing how the Live Hearing will be conducted. The Sexual Misconduct and Relationship Violence Hearing Panel has the discretion to alter, as necessary, how the actual Live Hearing will proceed.

(a). Calling and sequestering witnesses; character evidence. Each party will be allowed to call their own witnesses to testify on their behalf, and all witnesses will be asked to affirm that they are telling the truth. Witnesses not testifying at that moment will be excluded from the hearing until it is time for them to testify. The Hearing Panel will not consider information from character witnesses or character testimony unless it relates to the truthfulness of the parties or witnesses.

(b). Questions and order of questioning; no party directly questions any participant. The Hearing Panel and the parties' advisors will each have an opportunity to question the following, if desired: (1) the opposing party, assuming the opposing party's participation in the hearing, (2) every witness who appears at the hearing, and (3) the Title IX Coordinator/Investigator. At no point, however, will the parties, themselves, be allowed to directly question the opposing party, witnesses, or the Title IX Coordinator/Investigator. If a party does not have an advisor present at the Live Hearing, Bethel University will provide to that party, at no charge, an advisor of Bethel's choosing to develop and submit cross-examination questions on that party's behalf. The advisor may be, but is not required to be, an attorney. The questioning will occur in this order:

- (i) No later than five (5) calendar days before the start of the Live Hearing, each party and the Title IX Coordinator may submit to the Chairperson for consideration any questions they wish to have asked of the other party, of witnesses, or of the Title IX Coordinator/Investigator. The Chairperson has the discretion to consider questions brought outside the deadline on a showing of good cause.
- (ii) The Hearing Panel Chairperson will determine if the questions are relevant, and if deemed not relevant, will orally explain why at the Live Hearing as the questions arise for a particular witness.
- (iii) The Chair will open the hearing by providing a general statement of expectations about how the hearing will be conducted.
- (iv) The Title IX Coordinator may give an opening statement containing a summary of the factual findings from the investigation report, and each party will give an opening statement summarizing their position.
- (v) After opening statements, the Chair or panel members may ask questions of the Title IX Coordinator/Investigator, including questions deemed relevant that were submitted by the parties prior to the hearing. Afterwards, the Complainant's advisor, followed by the Respondent's advisor, will each

have the opportunity to ask questions directly to the Title IX Coordinator/Investigator. The Chair will determine if each additional question is relevant before the question is answered. If the question is determined to be irrelevant, the Title IX Coordinator/Investigator will be instructed not to answer the question.

- (vi) The Chair or the panel then may ask questions of the Complainant, including questions deemed relevant that were submitted by the Respondent or the Title IX Coordinator prior to the hearing. Afterwards, the Complainant's advisor, followed by the Respondent's advisor and the Title IX Coordinator, will each have the opportunity to ask questions directly to the Complainant. The Chair will determine if each additional question is relevant before the question is answered. If the question is determined to be irrelevant, the Complainant will be instructed not to answer the question. When this questioning is through, the hearing will proceed with the Complainant's witnesses.
- (vii) The Complainant then may call their witnesses, one by one, and the Chair or the panel then may ask questions of the Complainant's witnesses, including questions deemed relevant that were submitted by the Respondent or the Title IX Coordinator. Afterwards, the Complainant's advisor, followed by the Respondent's advisor and the Title IX Coordinator, will each have the opportunity to ask questions directly to the Complainant's witnesses. The Chair will determine if each additional question is relevant before the question is answered. If the question is determined to be irrelevant, the witness will be instructed not to answer the question. When this questioning is through, the Complainant's witnesses will return to their waiting area.
- (viii) The Chair or the panel then may ask questions of the Respondent, including questions deemed relevant that were submitted by the Complainant or the Title IX Coordinator. Afterwards, the Respondent's advisor, followed by the Complainant's advisor and the Title IX Coordinator, will each have the opportunity to ask questions directly to the Respondent. The Chair will determine if each additional question is relevant before the question is answered. If the question is determined to be irrelevant, the Respondent will be instructed not to answer the question. When this questioning is through, the hearing will proceed with the Respondent's witnesses.
- (ix) The Respondent then may call their witnesses, and the Chair or the panel then may ask questions of the Respondent's witnesses, including questions deemed relevant that were submitted by the Complainant or the Title IX Coordinator. Afterwards, the Respondent's advisor, followed by the Complainant's advisor and the Title IX Coordinator, will each have the opportunity to ask questions directly to the Respondent's witnesses. The Chair will determine if each additional question is relevant before the question is answered. If the question is determined to be irrelevant, the witness will be instructed not to answer the question. When this questioning is through, the Respondent's witnesses will return to their waiting area.

- (x) If necessary, in the discretion of the Hearing Panel Chairperson, the Chairperson and Hearing Panelists may recall the Title IX Coordinator/Investigator, either party, or any witness for further questioning.
- (xi) After questioning ends, the chair will dismiss the witnesses and closing statements of the Title IX Coordinator and the parties may be heard. Neither the Title IX Coordinator, nor the parties are required to make closing statements. Closing statements are confined to the evidence admitted during the hearing and arguments made about the admitted evidence.
- (xii) After closing statements are heard, the Chair will dismiss the Title IX Coordinator and the parties, and the Chair and Hearing Panel will meet in private to deliberate.
- (xiii) The Hearing Panel Chairperson will have the discretion to alter the order of questioning and to permit additional rounds of follow-up questions, as they deem necessary. The Hearing Panel will ensure the questions and the questioning are fair and comply with the terms of the Live Hearing Policy, but the panel will not limit the scope of the parties' questions, except in relation to relevancy. However, questions seeking to elicit solely character evidence that do not relate to the truthfulness of the parties or witnesses, irrelevant information, unduly cumulative evidence, or questions that badger or harass a witness will not be allowed. Parties, advisors, witnesses, participants, or other attendees of the hearing who speak or act in a way that is not respectful to everyone involved in the hearing will not be allowed to participate in the hearing. The Hearing Panel Chairperson has the discretion to restrict anyone's participation in the hearing process.
- (xiv) Questions and evidence about a party's sexual history with anyone other than the opposing party are prohibited during the Live Hearing, except under two circumstances: (1) where such questions and evidence are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant; or (2) where the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. If the Respondent is found to have violated Bethel's Sexual Misconduct and Relationship Violence Policy, the Respondent's past sexual misconduct may become relevant in determining sanctions. The Title IX Coordinator will provide the panel with information about previous good faith allegations and/or findings to consider as evidence of pattern and/or predatory conduct.
- (xv) The Hearing Panel will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized confidentiality, such as doctor-patient privilege, unless the party it applies to has waived the privilege.
- (xvi) If a party or witness does not submit to cross-examination at the Live Hearing, the Hearing Panel cannot rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that

the panel cannot draw an inference about responsibility for the alleged conduct based solely on a party's or witness's absence from the Live Hearing or refusal to answer cross-examination or other questions.

- (c). Evidence: exclusion and weight. The Sexual Misconduct and Relationship Violence Hearing Panel has the discretion to exclude or to give lesser weight to information or evidence introduced at a Live Hearing that was not earlier given to the Title IX Coordinator/Investigator to consider during the investigation.
- (d). Title IX Coordinator role. The Title IX Coordinator will be present throughout the Live Hearing and may assist with procedural and logistical matters, but the Title IX Coordinator will not participate in the Hearing Panel deliberations.
- (e). Panel Deliberations. In its deliberations, the Hearing Panel will consider the evidence given by the respective parties, their respective witnesses, the Title IX Coordinator/Investigator, and from other permitted sources. The panel will determine whether a violation of Bethel's Sexual Misconduct and Relationship Violence Policy has occurred using the preponderance of the evidence standard—that is, whether it is more likely than not that the Respondent violated the Policy—and will issue a written determination. The written determination will include:
  - (i) Identification of the allegations potentially constituting a violation of the policy;
  - (ii) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
  - (iii) Findings of fact supporting the determination;
  - (iv) Conclusions regarding the application of Bethel's Sexual Misconduct and Relationship Violence Policy to the facts;
  - (v) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the recipient imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the Complainant; and
  - (vi) Bethel's procedures and permissible bases for the Complainant and Respondent to appeal.
- (f). Decision. The Hearing Panel will make its decision based on a majority vote, will notify the Title IX Coordinator of its decision, and will impose sanctions, if any.
- (g). Appeal. Decisions from the Live Hearing may be appealed as set out in the Appeal Section below.

(3). *Notices of Outcome*

- (a). Written notice. Within three (3) business days from the Sexual Misconduct and Relationship Violence Hearing Panel's decision, the Title IX Coordinator will provide the Complainant and the Respondent written notice of the determination of the Live Hearing, including the applicable sanctions (if any) and a description of the appeals procedure. Both the Complainant and Respondent will also receive simultaneous written notice of any changes to the determination that occur prior to the time that the determination becomes final, and when such determination becomes final. This notice will be provided to the Complainant and Respondent simultaneously by personal delivery or by email (with automated return receipt). The Complainant and Respondent will be deemed to have received notice on the date of personal delivery or email notification.
- (b). Enforcement of determination of responsibility. The Dean of Student Development, Human Resources Department, or other applicable department will enforce the determination, if any.

vii. Remedies and Sanctions: Non-exhaustive lists of ranges of remedies and sanctions in sexual misconduct and relationship violence cases, when a Respondent has been found to have violated this policy, are set forth below. The Hearing Panel may deviate from the range of sanctions when appropriate based on all the relevant facts and circumstances, including any previous conduct infractions by the Respondent.

(1). *A range of remedies for student Complainants includes:*

A "no contact directive;" providing an escort to ensure that the Complainant can move safely between buildings, classes, activities, and offices; exploring changes in class, dining, and extracurricular schedules, including adjustments so that the Complainant and the Respondent do not share the same classes; assisting the Complainant in communicating with faculty; providing academic support for the Complainant, including tutoring; and exploring options for re-taking a course, dropping a course, or withdrawing for a semester without financial or academic penalty.

(2). *A range of remedies for employee Complainants includes:*

A "no contact directive;" Providing an escort to ensure that the Complainant can move safely between buildings, classes, activities, and offices; exploring changes in work schedules and work requirements; and referral to the Human Resources Department for additional remedies.

(3). *A range of sanctions for student Respondents includes:*

Loss of privileges and/or transportation, dining, and working arrangements; mandatory completion of assessments; mandatory participation in an evaluation and/or treatment program(s) by an approved counseling service; community service; mandatory participation in an educational, awareness, or prevention session(s)/program(s); restitution; disciplinary reprimand; disciplinary probation; suspension; and/or expulsion.

(4). *A range of sanctions for employee Respondents includes:*

Loss of privileges, and/or transportation, dining, and working arrangements; mandatory participation in an evaluation and/or treatment program(s) by an approved counseling service; mandatory participation in an educational, awareness, or prevention session(s)/program(s); restitution; oral or written corrective action; disciplinary reprimand; disciplinary probation; demotion; indefinite suspension with or without pay; suspension for a specific period of time with or without pay; and/or termination.

Inappropriate behavior that does not constitute sexual misconduct and/or relationship violence may be addressed through other corrective action, or remediation, consistent with the Student and Employee Handbooks, depending on all relevant facts and circumstances.

The determination regarding responsibility becomes final either on the date that the Appellate Officer provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely, the eleventh (11<sup>th</sup>) calendar day following receipt by the parties of the Hearing Panel's determination. The Title IX Coordinator is responsible for effective implementation of any remedies provided to Complainant.

viii. *Appeals Process for Determinations of Responsibility:*

Complainants and Respondents who are University students or employees have the right to appeal the final determination of responsibility and/or the resulting sanction. Complainants may also use this section and the following Grounds for Appeal to appeal a dismissal of a Title IX complaint. The Complainant and Respondent will be notified of this right and the procedures for appeal simultaneously in writing. Such appeals will be decided by an Appellate Officer for Sexual Misconduct and Relationship Violence. Appellate Officers will be full-time employees selected by the Title IX Coordinator, who will receive annual training on issues involved in sexual misconduct and other forms of power-based relationship violence. Assignment to cases will be on a rotating basis, unless the assigned Appellate Officer has a conflict, such as a conflict of interest or scheduling conflict, in the applicable case.

A petition for appeal, signed by the petitioning party, must be submitted in writing, either by hand delivery to: 325 Cherry Avenue, McKenzie, TN 38201, or by email attachment to the Title IX Coordinator, no later than 4:30 pm on the tenth (10<sup>th</sup>) calendar day following the date the parties are notified of the Hearing Panel's determination.

The petition must include the following: a statement of the grounds for appeal, supporting explanation, and copies of, or reference to, all evidence the Petitioner wishes the Appellate Officer to consider. Except where explicitly provided below, no documents or other evidence may be included with an appeal unless previously submitted to the Title IX Coordinator/Investigator. Once an appeal is filed, the Title IX Coordinator will provide written notice to the non-petitioning party that the appeal was filed and implement appeal procedures equally for both parties.

(1). *Grounds for Appeal*

The grounds for appeal are as follows:

- (a). Procedural irregularities sufficient to affect the determination and/or sanction imposed by the Hearing Panel. The Live Hearing Panel members are expected to conduct themselves in accordance with their policies and procedures. Deviation from those policies and procedures which render their actions fundamentally unfair constitutes a sufficient procedural basis for an appeal to the Appellate Officer. Procedural irregularities that are considered by the Appellate Officer to be harmless and that did not, in the judgment of the Appellate Officer, adversely affect the outcome of the matter are not a basis for upsetting the determination and/or sanction imposed by the Hearing Panel.
- (b). New evidence that was not reasonably available at the time the determination regarding responsibility was made, that could affect the outcome of the matter. All available information, including testimony of witnesses, is expected to be presented at the live hearing. Only on that basis can the Hearing Panel render a fair and reasonable determination of responsibility. An appealing party who seeks to introduce new information has the burden of demonstrating that the information was not reasonably available for presentation to the Hearing Panel, and that the introduction of such new information can be reasonably expected to affect the outcome of the matter. If the Appellate Officer determines that the appealing party has satisfied this burden, the Appellate Officer remands the case to the Hearing Panel with instructions to reconsider the case in light of the new information.
- (c). The Title IX Coordinator, Investigator(s), or Hearing Panel had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter. A conflict of interest can arise when the Title IX Coordinator, Investigator, or Decision Maker's personal interests or relationships conflict with the ability of that person to act in a neutral manner with regard to the Complainant, Respondent, or both.

(2). *Consideration of Petition and Determination of Appeal*

Upon receipt of a petition, the Title IX Coordinator will notify all persons who received formal notification of the determination that a petition for appeal has been filed and that the sanction (if any) should not be implemented pending the result of the appeal. This does not preclude the University from taking supportive measures to ensure the safety and security of the Complainant, Respondent, or campus community.

- (a). Upon receipt of the petition, the Appellate Officer will also request from the Title IX Coordinator the entire record of the case.
- (b). The Appellate Officer will then proceed to review the petition and the record with all deliberate speed to determine whether the petition, when considered in the light most favorable to the Petitioner, presents sufficient grounds for an appeal.

- (c). If the Appellate Officer determines that the petition does not set forth sufficient grounds for the appeal, the petition will be dismissed, and the Hearing Panel's decision will be final.
- (d). If the Appellate Officer determines that sufficient grounds for appeal are presented in the petition, the Appellate Officer forwards a copy of the petition to the Hearing Panel Chairperson, as well as the non-petitioning party, with instructions to respond to it (or such parts of the petition that the Appellate Officer has determined present sufficient grounds for appeal) within ten (10) calendar days of receiving the Appellate Officer's notification.
- (e). Upon receiving any responses from the Hearing Panel Chairperson, as well as the non-petitioning party, the Appellate Officer will send the responses to the Petitioner and offer the Petitioner an opportunity to reply. Replies must be submitted within five (5) calendar days.
- (f). The Appellate Officer then proceeds to consideration of the appeal. The Appellate Officer's consideration of the appeal must be based only on the original record and the petition, any new information the Appellate Officer determines should be considered, and all responses/replies submitted.
- (g). After reviewing the record, the Appellate Officer decides whether to affirm, modify, or reverse the determination and/or sanction imposed by the Hearing Panel or to remand the case to the Hearing Panel with instructions.
- (h). In cases where there has been a procedural error, or that new evidence should be considered, the Appellate Officer will remand the case to the Hearing Panel with instructions.
- (i). The Appellate Officer will notify the Complainant, the Respondent, Hearing Panel, and Title IX Coordinator (which, in turn, will notify all persons who received notice of the determination or sanction) of the Appellate Officer's decision and the reasons for the decision.
- (j). While a case is pending, policy changes that might affect the case cannot be considered in the appeal.
- (k). If the Appellate Officer has a question about the meaning or application of a University policy or procedure, the Appellate Officer may consult with Bethel University's private counsel to determine how best to proceed. At no time may the Appellate Officers substitute their opinions or values for University policy.
- (l). An Appellate Officer may not consider an appeal if the Appellate Officer has a conflict of interest. Each Appellate Officer is responsible for determining whether or not a conflict of interest exists and may consult with the University's private counsel, if necessary. If a conflict does exist, the case is assigned to the next panelist in the rotation.
- (m). Once a final determination has been made, all records of the Title IX Coordinator will be returned to that authority.



(3). *Additional Petition for Penalty of Expulsion or Dismissal*

Students who have been expelled from Bethel University and/or employees who have been dismissed as a result of a violation of this policy may, upon completion of the appeals process, submit a written petition within ten (10) calendar days to the President or the President's designee, requesting reconsideration. The decision of the President or the President's designee is final.

9. **Time Frame:** Complaints will be resolved within a reasonably prompt time frame; however, what is "reasonably prompt" may differ in each case. Complaints that are resolved through the involuntary resolutions process generally may be resolved in a shorter amount of time than complaints in the formal resolutions process. Some of the factors that can affect the time frame include, but are not limited to: the complexity of the allegations; the complexity of the investigation and resolution; the severity and extent of the alleged misconduct; the number of parties, witnesses, and the types of other evidence (e.g., forensic evidence) involved; the availability of the parties, parties' advisors, witnesses, and evidence; a request by a party to conduct an investigation or resolution at a slower pace; the effect of a concurrent criminal investigation; the need for language assistance or accommodations of disabilities; any intervening University holidays, breaks, or other closures; and/or other unforeseen circumstances. In addition, the time frame for completion can be affected by the requests of a party for a temporary delay or a limited extension of time. For good cause, this policy permits the Title IX Coordinator, the Complainant, or the Respondent to make a written request for a temporary delay of the grievance process or the limited extension of time frames. When good cause is shown and the delay or extension is granted, written notice will be given to the Complainant and the Respondent of the delay or extension, which will state the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. In general, informal resolutions of a complaint may take approximately one to two months and formal resolutions of a complaint may take approximately two to six months, but these are approximate time frames and the actual time might vary. Appeals procedures and decisions are generally decided within one month from the date of the appeal.
10. **Recordings and Evidence:** The recording of any meeting conducted as part of an investigation under this policy is prohibited, except for the recording or creation of a transcript at the live hearing which will be coordinated by the Title IX Coordinator.

## **Prevention, Education, and Training**

Bethel provides numerous programs that address sexual misconduct and relationship violence, including the related issue of drug and alcohol misuse. Bethel's programs include various public awareness events such as "Take Back the Night," seminars, "survivor speak outs" and other campus-wide education and prevention efforts, such as online educational modules.

Several individual departments and offices, and student organizations also provide regular and ongoing programming on these important issues.

Bethel also provides regular and ongoing training to faculty and staff, beginning at the start of their association with the University. This training includes:

- New staff and faculty orientation including a discussion of non-discrimination laws and policies;
- Reference guide for faculty and staff; and,

- Additional training for faculty, staff, and student groups on sexual misconduct and relationship violence and the University's policies pertaining to these issues.

The Title IX Coordinator/Investigator, Informal Resolutions Facilitator, Hearing Panel, Appellate Officers, and others involved in responding to, investigating and adjudicating sexual misconduct and relationship violence cases receive additional training in these areas.

### **Dissemination**

This policy is to be disseminated to all Bethel University's students and employees on an annual basis.

### **Frequency of Review**

This policy is to be reviewed on an annual basis.

### **Monitoring/Responsible Parties**

This policy is to be maintained and reviewed by the Title IX and Prevention Services Coordinator. This policy is to be enforced by the Title IX and Prevention Services Coordinator, Dean of Student Development, Hearing Panel, and Appellate Officers.

### **Publication**

This policy will be posted on the University website and sent by email to all Bethel students and employees.



## Alcohol & Drugs Policy

Policy: 1.250

### Date Updated and Published:

**Review: Annually**

**Last Date Reviewed: August 26, 2022**

### Revision History:

- July 2019
- June 2020
- July 2021
- August 2022

### Federal Drug-Free Schools and Campuses Regulations [Edgar Part 86] Bethel University's Annual Policy Notification/Distribution

As a requirement of these regulations, Bethel University is to disseminate and ensure receipt of the policy/information below to all students, faculty, and staff on an annual basis. This process is formally conducted by emailing this policy to each student, faculty, and staff member. Questions concerning this policy and/or alcohol and other drug programs, interventions and policies may be directed to Rachael Brooks at brooksra@bethelu.edu and (731) 352-4246.

This policy contains:

- **Bethel University Alcohol & Drug Policies and Sanctions for Students, Staff, and Faculty**
- **Student Medical Care Amnesty Policy for Alcohol and Other Drug Use Treatment**
- **Legal Sanctions, Health Risks, and Drug and Alcohol Programs**

### ALCOHOL AND OTHER DRUG POLICIES

As an academic community, Bethel University is committed to providing an environment in which learning and scholarship can flourish. The possession, distribution, or use of illegal drugs, or the abuse or misuse of drugs that are legally possessed, detrimentally affects the University environment, as well as the individual potential of our students, faculty, and staff.

It is a University policy that Bethel students and employees must obey the law. Therefore, a violation of alcohol or drug laws while admitted to the University, wherever that violation occurs, is a violation of the University's policy.

Further, it is a violation of the University's policy for a student to drink, possess, be impaired by, manufacture, or sell alcoholic beverages; to possess, use, sell, solicit for the sale, distribute, barter, manufacture, or be under the influence of illegal drugs, including paraphernalia supporting such use; or to abuse or misuse drugs that are legally possessed on campus or at any event sponsored by the University or by a University-approved student organization. Additionally, there is no smoking allowed in any building on campus, including residence hall rooms, bathrooms, hallways, or lobbies. THIS INCLUDES SMOKING OF ALL TOBACCO PRODUCTS, HEMP PRODUCTS, AND THE USE OF

VAPOR PRODUCTS. In conjunction with Tenn. Code Ann. § 39-17-1505, the possession of any tobacco, smoking hemp, and/or vapor product is also prohibited for anyone under the age of 21 on campus or at any event sponsored by the University or by a University-approved student organization and for anyone in the residence halls, specifically.

- The term “tobacco product” includes, but is not limited to cigarettes, cigars, hookah, and smokeless tobacco.
- The term “smoking hemp” means hemp that is offered for sale to the public with the intention that it is consumed by smoking.
- The term “vapor product” includes, but is not limited to any electronic smoking devices, including any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product, and any vapor cartridge, any substance used to refill a vapor cartridge, or other container of a solution containing nicotine or any other substance that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe.

Without limiting the foregoing, the above prohibitions specifically include any University sponsored trip. The University encourages students to notify their parents or guardians if the student is found to have acted in violation of this policy. If the University, through its disciplinary procedures, determines that a student has violated this policy regarding the use or possession of alcohol or controlled substances, the University will disclose the violation to a student’s parent or legal guardian if the student is under 21 years of age at the time of the disclosure to the student’s parent or legal guardian (34 C.F.R. § 99.31), except as prohibited by the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g).

If any of the above-mentioned products are found in a residence hall, and possession is disputed among the students assigned as occupants of the dorm room, all students assigned as occupants of the dorm room will be assumed to possess the product, unless and until such time that one occupant claims to have solely possessed the product.

Tennessee Code Annotated Title 39, Chapter 17 Sections 39-17-1801 and 39-17-1802, also known as the “Non-Smoker Protection Act,” deals with smoking in public areas. This law restricts people from smoking in specific public areas.

Designated areas on campus for smoking, 50 feet from buildings, include:

- Behind Baker and in front of Vera Low in grassy area
- Behind Odom and in front of parking area
- Walking trail behind the Library
- Middle awning behind baseball field
- Courtyard behind Crisp Arena / Rear of Vera Low

All University employees are also subject to the University’s “Smoke-Free Workplace” Policy, located in Bethel University’s Employee Handbook, which states that smoking is prohibited in buildings and work areas, but is allowed during break times in designated outdoor areas.

The University maintains the right to define and determine, on a case-by-case basis, and at its sole discretion, if any substance, possession, or use violates this policy. The University can, and will, impose disciplinary sanctions for violations. Students, staff, and faculty are also subject to city ordinances and state and federal laws. Arrest and prosecution for alleged violations of criminal law or city ordinances may result from the same incident for which the University imposes disciplinary sanctions.

The University strongly encourages students, staff, and faculty members to voluntarily obtain assistance for dependency or abuse problems before such behavior results in an arrest and/or disciplinary referral which could result in their separation from the institution.

Help is available on campus and within the community for students, staff, and faculty members who are dependent on or who abuse the use of alcohol or other drugs. Referrals for counseling are available to students through **Bethel University's Office of Student Development (Office: 731-352-4225 or Email: [jacksonst@bethelu.edu](mailto:jacksonst@bethelu.edu))**. **Bethel University's Human Resources Department (Office: 731-352-4272 or Email: [dotsonc@bethelu.edu](mailto:dotsonc@bethelu.edu))** offers assistance to employees through appropriate referrals.

Violation of this policy may result in any sanction deemed appropriate by the University, including, but not limited to, required participation in a drug or alcohol treatment or rehabilitation program, suspension, expulsion, or termination.

## STUDENT SANCTIONS

### Bethel University CAS Alcohol & Drug Sanction Policy

ALCOHOL, DRUGS, SMOKING, VAPING USE & POSSESSION	
<b>1<sup>st</sup> Violation</b>	<ul style="list-style-type: none"> <li>• \$100 fee</li> <li>• Intervention/Prevention Program (if appropriate)</li> <li>• Parental Notification (if under 21 years old)</li> <li>• Conduct Probation</li> <li>• Possibility of Other Disciplinary Measures</li> </ul>
<b>2<sup>nd</sup> Violation</b>	<ul style="list-style-type: none"> <li>• \$200 Fee</li> <li>• Parental Notification (if under 21 years old)</li> <li>• Assessment (minimum of 3-10 sessions)</li> <li>• Conduct Probation</li> <li>• Possibility of Other Disciplinary Measures</li> </ul>
<b>3<sup>rd</sup> Violation</b>	<ul style="list-style-type: none"> <li>• \$300 Fee</li> <li>• Housing Cancelled</li> <li>• Parental Notification (if under 21 years old)</li> <li>• Conduct Probation</li> <li>• Possibility of Other Disciplinary Measures</li> </ul>

The sanction fee would be placed on the student's account as an "Assessment Fee" and credited to a restricted account to provide revenue for prevention programming/funding. Failure to

complete the sanction process will result in a “Conduct Hold” on the student’s account. The hold can be removed by completing the sanction process. Failure to comply with the Intervention/Prevention Program may result in being moved to the next sanction level, with the additional fine assessed.

Students whose use of alcohol or drugs results in harm or the threat of harm to themselves or others, or to property, regardless of the location of the incident, may face disciplinary action by the University up to and including expulsion.

Sanctions for alcohol and drug violations by students in the College of Professional Studies encompass a range of penalties, including, but not limited to, mandatory counseling, suspension, and/or expulsion.

Students in Athletics, the Nursing Department, and the Physician’s Assistant Program face additional penalties for alcohol and drug violations, such as suspension or expulsion from sports and their respective programs. For more information, review each department’s and program’s specific policies.

## **EMPLOYEE SANCTIONS**

### **Drug-Free Workplace**

Bethel University has a longstanding commitment to provide a safe and productive work environment. Alcohol and drug abuse pose a threat to the health and safety of employees and students and to the security of our employees, students, equipment and facilities. For these reasons, Bethel is committed to the elimination of drug and/or alcohol use and abuse in the workplace.

This policy outlines the practice and procedure designed to correct instances of identified alcohol and/or drug use in the workplace. This policy applies to all employees and all applicants for employment. The Human Resource Department is responsible for policy administration regarding employees.

### **Employee Assistance and Drug-Free Awareness**

Illegal drug use and alcohol misuse have many adverse health and safety consequences. Information about those consequences and sources of help for drug/alcohol problems is available from the Human Resource Department.

Bethel will assist and support employees who voluntarily seek help for such problems before subjecting them to discipline and/or termination under this or other policies. Such employees may be allowed to use accrued paid time off, placed on a leave of absence, referred to treatment a provider and/or otherwise accommodated as required by law. Such employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold safety sensitive jobs or assignments that require driving. Also, any employee may be required to document that they are successfully following prescribed treatment and take and pass follow-up tests if they have violated this policy previously.

Employees should report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the effect of the medication on fitness for duty and ability to work safely and shall promptly disclose any work restrictions to their supervisor. Employees should not, however, disclose underlying medical conditions unless directed to do so by their treating physician or if the employee holds an assignment in which disclosure is required.

### **Work Rules**

The following work rules apply to all employees:

- Whenever employees are working, are operating any university vehicle, are present on university premises, or are conducting related work off-site, they are prohibited from:
  - Using, possessing, buying, selling, soliciting the sale of, manufacturing, or dispensing an illegal drug (this prohibition includes the possession by an employee of any drug paraphernalia);
  - Being under the influence of alcohol or any illegal drug as defined in this policy.
- Bethel University will not allow any employee to perform their duties while taking prescribed drugs that adversely affect the employee's ability to safely and effectively perform their job duties. Prescribed medications must be carried in a container labeled with a prescription protocol that was issued by a licensed pharmacist or be prepared to produce the properly-labeled container if requested.
- Any illegal drugs or drug paraphernalia will be turned over to the appropriate law enforcement agency, which may result in criminal prosecution.
- Violation of these work rules may result in disciplinary action up to and including discharge.

### **Required Testing**

The university retains the right to require the following tests:

- **Pre-employment:** All applicants must pass a drug test before beginning work or receiving an offer of employment. Refusal to submit to testing will result in disqualification of further employment consideration.
- **Reasonable suspicion:** Employees are subject to testing based on observations by a supervisor of apparent workplace use, possession or impairment. Human Resources must be consulted before sending an employee for reasonable suspicion testing. If an employee refuses to submit to testing he/she will be subject to immediate discharge from employment.
- **Post-accident:** Employees are subject to testing when they cause or contribute to accidents that seriously damage a university vehicle, machinery, equipment or property and/or result in an injury to themselves or another employee requiring off-site medical attention. In any of these instances, the investigation and subsequent testing must take

place within two (2) hours following the accident. If an employee refuses to submit to testing he/she will be subject to immediate discharge from employment.

- **Follow-up:** Employees who have tested positive, or otherwise violated this policy, are subject to discipline up to and including discharge. Depending on the circumstances and the employee's work history/record, Bethel University may offer an employee who violates this policy or tests positive the opportunity to return to work on a last-chance basis pursuant to mutually agreeable terms, which could include follow-up drug testing at times and frequencies for a minimum of one (1) year but not more than two (2) years. If the employee does not complete his/her rehabilitation program, tests positive after completing the rehabilitation program, and/or refuses to submit to further testing he/she will be subject to immediate discharge from employment.

### **Consequences**

Applicants who refuse to cooperate in a drug test or who test positive for illicit drugs will not be hired.

Employees who refuse to cooperate in required tests or who use, possess, buy, sell, solicit the sale, manufacture, or dispense an illegal drug in violation of this policy will be terminated. The first time an employee tests positive for alcohol or illegal drug use under this policy, the result will be discipline up to and including discharge.

Employees will be paid for time spent in alcohol/drug testing and then suspended without pay pending the results of the drug/alcohol test. After the results of the test are received, a date/time will be scheduled to discuss the results of the test; this meeting will include a member of management and Human Resources. Should the results prove to be negative the employee will receive back pay for the times/days of suspension.

### **Confidentiality**

Information and records relating to positive test results, drug and alcohol dependencies and legitimate medical explanations provided to the medical review officer (MRO) shall be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files.

### **Inspections**

Bethel University reserves the right to inspect all portions of its premises for drugs, alcohol, or other contraband. All employees, contract employees and visitors may be asked to cooperate in inspections of their persons, work areas and property, including automobiles that might conceal a drug, alcohol or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline up to and including discharge.

### **Crimes Involving Drugs**

Bethel University prohibits all employees from manufacturing, distributing, dispensing, possessing, soliciting the sale, or using an illegal drug in or on university premises or while conducting university business. Employees are also prohibited from misusing legally prescribed or over-the-counter



(OTC) drugs. Law enforcement personnel shall be notified, as appropriate, when criminal activity is suspected.

## **STUDENT MEDICAL CARE AMNESTY POLICY FOR ALCOHOL AND OTHER DRUG USE TREATMENT**

### **Philosophy**

Bethel University advocates that students not use alcohol; however, those who choose to consume alcohol should do so in a safe and responsible manner within the limits set by Tennessee Law and Bethel policies. Excessive alcohol consumption, illegal drug use, and/or abuse of legal drugs can place a student at risk, and Bethel encourages students to seek immediate medical treatment where such risk is present.

Importantly, students who are in distress from alcohol or drug consumption should seek medical attention. Students who see others in distress should call for help. Bethel also urges students to obtain help when there is doubt about the condition of another person or whether help is needed - it is better to make an unnecessary call for help than to "wait and see" when someone is in real distress. Student health and safety are always important concerns. While this policy relates to alcohol and drug consumption only, we hope it is obvious that appropriate medical attention should be sought whenever any member of the community or person present on campus needs such attention.

### **Purpose**

In recognition of these concerns, students who require and receive medical attention for excessive consumption of alcohol or drugs, as well as students who obtain help for students in distress, will not be referred through the Student Code of Responsibility process with respect to violations concerning their possession or consumption of alcohol or drugs related to that incident, provided they comply with this policy.

Please note that nothing in this policy precludes referral for other violations that may have occurred while under the influence of alcohol or drugs. This policy does not prevent an individual who is obligated by federal, state, or local law, or Bethel policies and guidelines, from reporting or taking action related to and conduct otherwise subject to the policy.

### **Student Regulation and Policy**

- a) If any member(s) of the community and/or their guests is/are concerned with an individual's health or safety as a consequence of alcohol or drug consumption, he or she should call the proper authorities to obtain medical attention. Appropriate first responses would typically include calling 911 and Campus Security (731-415-7599) and Student Life Staff.
- b) A student who (i) needs and receives medical treatment for alcohol or drug consumption; or (ii) obtains assistance or treatment for any person in need of such treatment will not face charges for violation of the Student Code of Responsibility related solely to that student's possession or consumption of alcohol or drugs in connection with that incident, provided

the student in question (a) agrees to meet with the Dean of Student Development to discuss the situation; and (b) agrees with the Dean of Student Development on the scope of the problem and, further, participates fully in an appropriate program of education or counseling designed to help the student avoid excessive or illegal use of alcohol and drugs in the future.

Examples of educational activities that might be assigned include: attending or participating in an alcohol or drug education course; the Directions Program, researching and writing a reflective essay, parental notification, or other activities that should help the student make better decisions in the future.

- c) If a student complies with this policy, the incident will not be recorded as a reported or confirmed violation of the Student Code of Responsibility. Instead, the information will be maintained by the Student Development Staff for reference purposes only. Bad faith or repeated violations of this policy may lead to a determination that amnesty is not available.

*NOTE: The idea and much of this policy is borrowed from Presbyterian College.*

## **LEGAL SANCTIONS FOR ALCOHOL & DRUG USE**

**Students, faculty, and staff who violate Bethel University's Alcohol and Drug Sanction Policy are subject to both the institution's sanctions and to criminal sanctions provided by federal, state, and/or local law. The University provides the following in a good faith effort to give students, faculty, and staff information, but the University does not guarantee its accuracy.**

### **Local Law Sanctions**

Each student, faculty, and staff member is expected to review local and state law sanctions in the jurisdiction where he/she lives and/or works.

#### **The McKenzie Municipal Code (2012)**

##### **Title 8 Chapter 1 Section 8**

**8-101. Prohibited generally. Except when he affirmatively shows that he has express authority under the state law and applicable ordinances, it shall be unlawful for any person to receive, possess, store, transport, sell, furnish, or solicit orders for any intoxicating liquor within this city. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers which contain more than five percent (5%) of alcohol by weight. (1995 Code, § 8-101)**

**8-221. Open containers in public prohibited. It shall be declared unlawful and a misdemeanor for any person to possess an open container of alcoholic beverage in an automobile or in any other conveyance upon the streets and alleys of the City of McKenzie. (Ord. #420, Aug. 2007)**

##### **Title 11 Chapter 1 Section 11**

**11-101. Drinking alcoholic beverages in public, etc. It shall be unlawful for anyone, within the corporate limits of the City of McKenzie to publicly possess any alcoholic beverages including**

**but not limited to beer, ale, wine, whiskeys and other distilled spirits in an opened condition for the purposes of public consumption.**

**It shall also be unlawful for anyone within the corporate limits of the City of McKenzie to consume in public any alcoholic beverage including but not limited to beer, ale, wine, whiskeys, and other distilled spirits.**

**For the purposes of this section “in public” shall mean on any public street or road or in any public gathering place or any private or commercial establishment where the public gathers or congregates.**

**This section shall in no way make the private possession of liquor under one gallon unlawful neither shall it make the private consumption of liquor unlawful. (1995 Code, § 11-101)**

### **State Law Sanctions**

1. It is unlawful for any person under the age of twenty-one to possess either a tobacco, smoking hemp, or vapor product, to purchase or accept receipt of either product, or to present or offer to any person any purported proof of age that is false, fraudulent, or not actually that person's own for the purpose of purchasing or receiving any tobacco, smoking hemp, or vapor product. These violations are punishable by a citation, a civil penalty of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00), community service work not to exceed fifty (50) hours, and/or successful completion of a prescribed court program for a second or subsequent violation that occurred within a one-year period. (Tenn. Code Ann. § 39-17-1505)
2. It is unlawful for any person under the age of twenty-one to buy, possess, transport, or consume alcoholic beverages or for anyone to buy or furnish alcoholic beverages to them. These violations are punishable by imprisonment for not more than eleven months and twenty-nine days, or a fine of not more than \$2,500, or both. (Tenn. Code Ann. § 39-15-404)
3. It is illegal to be intoxicated in public. Conviction can result in up to 30 days in jail and/or a \$50.00 fine. (Tenn. Code Ann. § 39-17-310)
4. Driving while under the influence of alcohol or drugs, including prescription medications, (first offense) is punishable by a jail term of not less than 48 hours and up to 11 months and 29 days, and up to a \$1,500 fine, and loss of driving privileges for one year for the first offense. Depending on the offender's blood alcohol content, punishment may be greater for the first and subsequent convictions. Punishment increases for subsequent convictions and includes mandatory jail time and loss of driving privileges for up to five years. It is illegal for a driver of an automobile to consume or possess an open container of any alcoholic beverage, including beer, while operating a motor vehicle. (Tenn. Code Ann. §§ 55-10-401, 55-10-402, 55-10-403, 55-10-404, 55-10-405, 55-10-416).
5. Killing a person while driving a vehicle under the influence of alcohol or drugs may result in a sentence of up to fifteen years, a fine of up to \$10,000, and the loss of one's license to drive for up to ten years. (Tenn. Code Ann. § 39-13-213).

6. Causing serious bodily injury to another person in a manner adjudged to be reckless while driving a vehicle under the influence of alcohol or drugs may result in a sentence of up to twelve years, a fine of up to \$5,000, and the loss of one's license to drive for up to five years. (Tenn. Code Ann. § 39-13-106)
7. It is illegal to possess or manufacture an illicit drug or controlled substance with the intent to sell or deliver it to another. Such an act is punishable by up to life in prison and a \$500,000 fine. (Tenn. Code Ann. § 39-17-417).
8. The simple possession or casual exchange of an illicit drug or controlled substance is subject to a jail term of 11 months and 29 days and a \$2,500 fine; with two or more prior convictions, the sentence increases to six years in prison and a \$3,000 fine. (Tenn. Code Ann. § 39-17-418).
9. The casual exchange of an illicit drug or controlled substance with a minor may result in a penalty of up to life in prison and a \$500,000 fine. (Tenn. Code Ann. § 39-17-418(d))
10. Inhaling, selling, giving or possessing glue, paint, gas aerosol or gas for an unlawful purpose is punishable by a sentence of 11 months and 29 days to six years and a fine of up to \$3,000. (Tenn. Code Ann. § 39-17-422).
11. It is illegal to sell or buy any item represented to be an illicit drug or controlled substance, and such is punishable by up to six years in prison and a \$3,000 fine. (Tenn. Code Ann. § 39-17-423).
12. It is illegal to sell, deliver or possess the seed of jimsonweed on the premises of any elementary or secondary school. The penalty for violation is 11 months and 29 days and/or a fine of up to \$2,500. (Tenn. Code Ann. § 39-17-426).
13. It is illegal for any person to use personally, or to possess with intent to use personally, drug paraphernalia, and such is punishable by up to 11 months and 29 days in jail and a fine of up to \$2,500. (Tenn. Code Ann. § 39-17-425)

<b>Tennessee Sanctions Under 21 Alcohol Offenses</b>	
Offense	Penalty
Tenn. Code. Ann § 55-10-415 Underage Driving While Impaired	>17 years and <21 years old: Class A Misdemeanor that is punishable by suspension of driving privileges for 1 year, a fine of \$250, and public service work in discretion of court. <18: Same as above, but delinquent act, not misdemeanor. Note that no jail time is applicable in conflict with general penalty relating to delinquent children, see T.C.A. § 37-1-131.
Tenn. Code Ann. § 57-3-412 (a)(3)(A) Prohibits the possession, consumption, or transporting of alcoholic	Class A misdemeanor. Regardless of disposition, the record can be expunged 6 months after the date of the violation and such offense cannot be used against them in any criminal proceeding. Under section (a)(5)(C), an order denying the offender of driving

beverages unrelated to employment by anyone under 21.	privileges is required, and the court and dept. of safety shall follow the same provisions of T.C.A. 55-10-701 et seq. that apply to persons 13 to 18.
Tenn. Code Ann. § 57-3-412 (a)(4) Prohibits the purchase of an alcoholic beverage for anyone under 21.	Class A misdemeanor. 1st offense also includes a fine of not less than \$25 nor more than \$500, and 2nd and subsequent offenses also include minimum \$50 fine with max of \$1,000.

For information regarding sanctions related to *Driving Under the Influence*, including *Implied Consent (refusal to submit to BAC)*, *Vehicular Assault*, *Child Endangerment*, *Vehicular Homicide*, *Aggravated Vehicular Assault While Driving Intoxicated*, *Fees to reinstate a driver's license after an alcohol-related offense*, and *Penalties for drug and alcohol-related offenses committed by minors*, see T.C.A. 55-10-401, et seq. and

<https://www.tn.gov/content/tn/safety/publicsafety/duioutline.html#duifirst>.

### Tennessee Statutory Sanctions for Illegal Drugs Manufacture or Delivery

It is a crime in Tennessee for a person to knowingly manufacture a controlled substance; deliver a controlled substance; sell a controlled substance; or possess a controlled substance with intent to manufacture, deliver or sell such controlled substance. T.C.A. § 39-17-417. Controlled substances are classified according to their potential for abuse, utility in medical treatment, and potential for dependency. The Tennessee Drug Control Act of 1989, T.C.A. § 39-17-401 et seq., establishes the following schedule of controlled substances:

Schedule I	High potential for abuse; no accepted medical use in treatment or lacks accepted safety for use in treatment under medical supervision.	This includes certain opiates (e.g., heroin); hallucinogens (e.g., LSD) depressants (e.g., methaqualone) and stimulants (e.g., MDMA). See T.C.A. § 39-17-406.
Schedule II	High potential for abuse; has currently accepted medical use in treatment, or currently accepted medical use with severe restrictions; abuse of the substance may lead to severe psychic or physical dependence	Examples: cocaine, morphine, amphetamines, amobarbital. See T.C.A. § 39-17-408.
Schedule III	Potential for abuse less than the substances listed in Schedules I and II; has currently accepted medical use in treatment; and may lead to moderate or low physical dependence or high psychological dependence.	Example: Anabolic steroids. See T.C.A. § 39-17-410.

Schedule IV	Low potential for abuse relative to substances in Schedule III; has currently accepted medical use in treatment; and may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III.	Examples: Phenobarbital and Fenfluramine. See T.C.A. § 39-17-412.
Schedule V	Low potential for abuse relative to the controlled substances listed in Schedule IV; has currently accepted medical use in treatment in the United States; and has limited physical dependence or psychological dependence liability relative to the controlled substances listed in Schedule IV.	Example: A medicine containing not more than two hundred (200) milligrams of codeine per one hundred (100) grams. See T.C.A. § 39-17-414.
Schedule VI	Substances the commissioner of mental health and substance abuse has decided should not be included in Schedules I through V.	Examples: Marijuana; hashish; synthetic equivalents. See T.C.A. § 39-17-415.
Schedule VII.	Butyl nitrite and any isomer thereof. See T.C.A. § 39-17-416.	

Similar to all other jurisdictions (federal and state), Tennessee distinguishes among offenses based on their seriousness. These offenses range from minor misdemeanors to capital crimes. See T.C.A. § 40-35-111, "Authorized terms of imprisonment and fines for felonies and misdemeanors." The following table sets forth the basic levels of offenses involving manufacture, sale, distribution, or possession with intent to distribute a controlled substance. However, one must understand that the law provides additional penalties for violations involving large amounts of numerous substances, including heroin, cocaine, LSD, morphine, peyote, barbiturates and amphetamines.

Level of Controlled Substance	Level of Offense
Schedule I	Class B felony, potential fine of no more than \$100,000.
Cocaine or methamphetamine (.5 grams or more)	Class B felony, potential fine of no more than \$100,000.
Schedule II, including cocaine (less than .5 grams).	Class C felony, potential fine of no more than \$100,000.
Schedule III	Class D felony, potential fine of no more than \$50,000.
Schedule IV	Class D felony, potential fine of no more than \$50,000.

Schedule V	Class E felony, potential fine of no more than \$5,000.
Schedule VI	Depends on amount. See T.C.A. §39-17-417.
Schedule VII	Class E Felony, potential fine of no more than \$1,000.

For more details regarding the levels of offenses for specific substances, see T.C.A. § 39-17-417.

**Federal Law Sanctions**

**Federal Drug Laws**

The possession, use, or distribution of illicit drugs is prohibited by federal law. Strict penalties are enforced for drug convictions, including mandatory prison terms for many offenses. The following information, although not complete, is an overview of federal penalties for first convictions. All penalties are doubled for any subsequent drug conviction.

**Denial of Federal Aid (20 USC § 1091 (r)(1))**

Under the Higher Education Act of 1998, students convicted under federal or state law for the sale or possession of drugs will have their federal financial aid eligibility suspended. This includes all federal grants, loans, federal work study programs, and more. Students convicted of drug possession will be ineligible for one year from the date of the conviction of the first offense, two years for the second offense, and indefinitely for the third offense. Students convicted of selling drugs will be ineligible for two years from the date of the first conviction, and indefinitely for the second offense. Those who lose eligibility can regain eligibility by successfully completing an approved drug rehabilitation program.

**Forfeiture of Personal Property and Real Estate (21 USC § 853)**

Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation, including houses, cars, and other personal belongings. A warrant of seizure is issued and property is seized at the time an individual is arrested on charges that may result in forfeiture.

**Federal Drug Trafficking Penalties (21 USC § 841)**

Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substance involved in the transaction. Penalties for subsequent convictions are twice as severe.

If death or serious bodily injury result from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces mandatory life sentence and fines ranging up to \$8 million.

Persons convicted on federal charges of drug trafficking within 1,000 feet of a University (21 USC § 860) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least 1 year.

### Federal Drug Possession Penalties (21 USC § 844)

Persons convicted on Federal charges of possessing any controlled substance face penalties of up to 1 year in prison and a mandatory fine of no less than \$1,000 up to a maximum of \$100,000. Second convictions are punishable by not less than 15 days but not more than 2 years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than 3 years in prison and a minimum fine of \$5,000. Possession of drug paraphernalia is punishable by a minimum fine of \$750.

### Drugs of Abuse A DEA Resource Guide: 2020 Edition Federal Trafficking Penalties

<u>Drug/Schedule</u>	<u>Quantity</u>	<u>Penalties</u>	<u>Quantity</u>	<u>Penalties</u>
Cocaine (Schedule II)	500–4999 grams mixture	<u>First Offense:</u> Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual. <u>Second Offense:</u> Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	5 kgs or more mixture	<u>First Offense:</u> Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual. <u>Second Offense:</u> Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual. <u>2 or More Prior Offenses:</u> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
Cocaine Base (Schedule II)	28–279 grams mixture		280 grams or more mixture	
Fentanyl (Schedule II)	40–399 grams mixture		400 grams or more mixture	
Fentanyl Analogue (Schedule I)	10–99 grams mixture		100 grams or more mixture	
Heroin (Schedule I)	100–999 grams mixture		1 kg or more mixture	
LSD (Schedule I)	1–9 grams mixture		10 grams or more mixture	
Methamphetamine (Schedule II)	5–49 grams pure or 50–499 grams mixture		50 grams or more pure or 500 grams or more mixture	



PCP (Schedule II)	10–99 grams pure or 100–999 grams mixture		100 gm or more pure or 1 kg or more mixture	
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid) Flunitrazepam (Schedule IV)	Any amount  1 gram	<p><u>First Offense:</u> Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than life. Fine \$1 million if an individual, \$5 million if not an individual.</p> <p><u>Second Offense:</u> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.</p>		
Other Schedule III drugs	Any amount	<p><u>First Offense:</u> Not more than 10 years. If death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.</p> <p><u>Second Offense:</u> Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.</p>		
All other Schedule IV drugs	Any amount	<p><u>First Offense:</u> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p> <p><u>Second Offense:</u> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.</p>		
Flunitrazepam (Schedule IV)	Other than 1 gram or more	<p><u>Second Offense:</u> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.</p>		
All Schedule V drugs	Any amount	<p><u>First Offense:</u> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p><u>Second Offense:</u> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>		

**Drugs Of Abuse A DEA Resource Guide: 2020 Edition Federal Trafficking Penalties: Marijuana**

<u>Drug</u>	<u>Quantity</u>	<u>1st Offense</u>	<u>2nd Offense*</u>
Marijuana (Schedule I)	1,000 kg or more marijuana mixture; or 1,000 or more marijuana plants	Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than	Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not

		life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.	more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	100 kg to 999 kg marijuana mixture; or 100 to 999 marijuana plants	Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.	Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	More than 10 kgs hashish; 50 to 99 kg marijuana mixture More than 1 kg of hashish oil; 50 to 99 marijuana plants	Not less than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.	Not less than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Marijuana (Schedule I)	Less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight); 1 to 49 marijuana plants	Not less than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.	Not less than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.
Hashish (Schedule I)	10 kg or less		
Hashish Oil (Schedule I)	1 kg or less		

\*The minimum sentence for a violation, after two or more prior convictions for a felony drug offense have become final, is a mandatory term of life imprisonment without release and a fine up to \$20 million if an individual and \$75 million if other than an individual.

For more information, see [https://www.dea.gov/sites/default/files/2020-04/Drugs%20of%20Abuse%202020-Web%20Version-508%20compliant-4-24-20\\_0.pdf](https://www.dea.gov/sites/default/files/2020-04/Drugs%20of%20Abuse%202020-Web%20Version-508%20compliant-4-24-20_0.pdf).

**Reports to Law Enforcement Officials**

The University is required by state law to report to law enforcement officials when the University has probable cause to believe that a student is committing or has committed a felony or Class A misdemeanor under Tennessee law, upon the University's grounds or within any building under its supervision.

## HEALTH RISKS ASSOCIATED WITH DRUG OR ALCOHOL USE

### **Alcohol Use:**

The following information on health risks is from *What Works: Schools Without Drugs*, U.S. Department of Education (1992):

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver. Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

### **Drug Use:**

The following information on health risks is from *DRUGS OF ABUSE I A DEA Resource Guide: 2017 EDITION*, U.S. Department of Justice (2017):

Use of most forms of illicit drugs create a risk of the user developing physical dependence on the drug and withdrawal can take place when use is discontinued. The intensity and character of the physical symptoms experienced during withdrawal are directly related to the particular drug used, the total daily dose, the interval between doses, the duration of use, and the health and personality of the user. These symptoms usually appear shortly before the time of the next scheduled dose.

Use can also create psychological dependence. Long after the physical need for the drug has passed, the addict may continue to think and talk about using drugs and feel overwhelmed coping with daily activities. Relapse is common if there are no changes to the physical environment or the behavioral motivators that prompted the abuse in the first place.

#### Narcotics (examples: opium, oxycodone, methadone, morphine, heroin, and fentanyl)

- Possible effects: euphoria, drowsiness, respiratory depression, constricted pupils, slowed physical activity, flushing of the face and neck, constipation, nausea, vomiting, slowed breathing, inability to concentrate, and apathy.
- Symptoms of an overdose: constricted (pinpoint) pupils, slow and shallow breathing, clammy skin, confusion, convulsions, extreme drowsiness, coma, and possible death.

- Some of preparations of narcotics are so potent that a single dose can be lethal to an inexperienced user.
- The presence of a triad of symptoms such as coma, pinpoint pupils, and respiratory depression are strongly suggestive of opioid poisoning.
- Possible withdrawal symptoms: watery eyes, runny nose, yawning, loss of appetite, irritability, tremors, panic, cramps, nausea, restlessness, drug craving, severe depression, vomiting, increased heart rate and blood pressure, and chills alternating with flushing and excessive sweating.
- Fentanyl is a potent synthetic opioid drug approved by the Food and Drug Administration for use as an analgesic (pain relief) and anesthetic. It is approximately 100 times more potent than morphine and 50 times more potent than heroin as an analgesic.

Depressants (examples: barbiturates, benzodiazepines, GHB, Rohypnol, and Quaaludes)

- Possible effects: slurred speech, disorientation, drunken behavior, loss of motor coordination, weakness, headache, lightheadedness, blurred vision, dizziness, nausea, vomiting, low blood pressure, slowed breathing, amnesia (leaving no memory of events that occur while under the influence), reduced reaction time, and impaired mental functioning and judgment.
- Prolonged use of depressants can lead to physical dependence even at doses recommended for medical treatment.
- Symptoms of an overdose: shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, and possible death.
- Possible withdrawal symptoms: anxiety, insomnia, tremors, delirium, convulsions, and possible death.
  - Unlike barbiturates, large doses of benzodiazepines are rarely fatal, unless combined with other drugs or alcohol. But unlike the withdrawal syndrome seen with most other drugs of abuse, withdrawal from depressants can be life threatening.

Stimulants (examples: cocaine, meth, khat, amphetamines, crack, and "uppers")

- Possible effects: increased alertness or euphoria, an increased pulse rate and blood pressure, insomnia, and loss of appetite.
  - Chronic, high-dose use is frequently associated with agitation, hostility, panic, aggression, and suicidal or homicidal tendencies. Paranoia, sometimes accompanied by both auditory and visual hallucinations, may also occur.
  - Tolerance, in which more and more drug is needed to produce the usual effects, can develop rapidly, and psychological dependence occurs.
  - Abrupt cessation is commonly followed by depression, anxiety, drug craving, and extreme fatigue, known as a "crash."
  - Taking too large a dose at one time or taking large doses over an extended period of time may cause such physical side effects as: dizziness, tremors, headache, flushed skin, chest pain with palpitations, excessive sweating, vomiting, and abdominal cramps.
- Tolerance, in which more and more drug is needed to produce the usual effects, can develop rapidly, and psychological dependence occurs.

- In overdose, unless there is medical intervention, high fever, convulsions, and cardiovascular collapse may precede death.
- Because accidental death is partially due to the effects of stimulants on the body's cardiovascular and temperature regulating systems, physical exertion increases the hazards of stimulant use.
- Possible withdrawal symptoms: apathy, long periods of sleep, irritability, depression, and disorientation.

#### Hallucinogens (examples: LSD, ketamine, peyote & mescaline, shrooms and MDMA/ecstasy tablets)

- Possible effects: illusions and hallucinations, poor perception of time and distance, elevated heart rate, increased blood pressure, dilated pupils, and flashbacks of the drug experience weeks to months after use.
- Symptoms of an overdose: respiratory depression, coma, convulsions, seizures, and death due to respiratory arrest.
  - Deaths exclusively from acute overdose of LSD, magic mushrooms, and mescaline are extremely rare. Deaths generally occur due to suicide, accidents, and dangerous behavior, or due to the person inadvertently eating poisonous plant material.

#### Marijuana/Cannabis

- Possible effects: euphoria, increased appetite, relaxed inhibitions, problems with memory and learning, distorted perception, difficulty in thinking and problem-solving, loss of coordination, disoriented behavior, sedation, bloodshot eyes, increased heart rate, coughing from lung irritation, increased appetite, and decreased blood pressure.
  - The effect of marijuana on perception and coordination are responsible for serious impairments in learning, associative processes, and psychomotor behavior (driving abilities).
- Long term, regular use can lead to physical dependence and withdrawal following discontinuation, as well as psychic addiction or dependence.
- Symptoms of an overdose: fatigue, paranoia, and possible psychosis. No deaths from overdose of marijuana have been reported.
- Possible withdrawal symptoms: restlessness, irritability, sleep difficulties, and decreased appetite
  - Withdrawal from chronic use of high doses of marijuana causes physical signs including headache, shakiness, sweating, and stomach pains and nausea.
- Hashish and hashish oil are drugs made from the cannabis plant that are like marijuana, only stronger.

#### Steroids (examples: testosterone, nandrolone, stanozolol, methandienone, and boldenone)

- Possible effects: dramatic mood swings, increased feelings of hostility, impaired judgment, and increased levels of aggression
  - When users stop taking steroids, they may experience depression that may be severe enough to lead one to commit suicide.
  - Anabolic steroid use may also cause psychological dependence and addiction.

- In men: shrinkage of the testicles, reduced sperm count, enlargement of the male breast tissue, sterility, and an increased risk of prostate cancer.
- In men and women: high cholesterol levels (which may increase the risk of coronary artery disease, strokes, and heart attacks), acne and fluid retention.
- Oral preparations of anabolic steroids, in particular, can damage the liver.
- Users who inject steroids run the risk of contracting various infections due to non-sterile injection techniques, sharing of contaminated needles, and the use of steroid preparations manufactured in non-sterile environments.
- Symptoms of an overdose: Anabolic steroids are not associated with overdoses. The adverse effects a user would experience develop from the use of steroids over time.

### Inhalants

- Possible effects: damage to the parts of the brain that control thinking, moving, seeing, and hearing; a slowing down of the body's functioning; slight stimulation; feeling of less inhibition; loss of consciousness; intoxication; slurred speech; an inability to coordinate movements; euphoria; dizziness; drowsiness for several hours; and lingering headache.
  - Cognitive abnormalities can range from mild impairment to severe dementia
  - Possible long-term use effects: weight loss; muscle weakness; disorientation; inattentiveness; lack of coordination; irritability; depression; damage to the nervous system and other organs; spots or sores around the mouth; red or runny eyes or nose; chemical breath odor; drunk, dazed, or dizzy appearance; nausea; loss of appetite; anxiety; excitability; and irritability
  - Prolonged sniffing of the highly concentrated chemicals in solvents or aerosol sprays can induce irregular and rapid heart rhythms and lead to heart failure and death within minutes.
- Symptoms of an overdose:
  - With successive inhalations over several hours, users may suffer loss of consciousness and/or death.
  - "Sudden sniffing death" can result from a single session of inhalant use by an otherwise healthy young person and is particularly associated with the abuse of butane, propane, and chemicals in aerosols.
  - Inhalant abuse can also cause death by asphyxiation from repeated inhalations, which lead to high concentrations of inhaled fumes displacing the available oxygen in the lungs, suffocation by blocking air from entering the lungs when inhaling fumes from a plastic bag placed over the head and choking from swallowing vomit after inhaling substances.

### Designer Drugs: (examples: Bath Salts and K-2/Spice)

- Bath Salts:
  - Possible effects: euphoria; alertness; confusion; acute psychosis; agitation; combativeness; aggressive; violent; self-destructive behavior; rapid heartbeat; hypertension; hyperthermia; prolonged dilation of the pupil of the eye; breakdown of muscle fibers that leads to release of muscle fiber contents into bloodstream; teeth grinding; sweating; headaches; palpitations; seizures; as well as paranoia, hallucinations, and delusions.

- Symptoms of overdose: in addition to effects above, reports of death from individuals abusing drugs in this class indicate the seriousness of the risk users are taking when ingesting these products.
- K-2/Spice
  - Possible effects: acute psychotic episodes, dependence, and withdrawal; intense hallucinations; severe agitation; disorganized thoughts; paranoid delusions; violence; tachycardia (elevated heart rate); elevated blood pressure; unconsciousness; tremors; seizures; vomiting; hallucinations; agitation; anxiety; pallor; numbness; and tingling.
  - Symptoms of overdose: overdose deaths have been attributed to the abuse of synthetic cannabinoids, including death by heart attack. Acute kidney injury requiring hospitalization and dialysis in several patients reportedly having smoked synthetic cannabinoids has also been reported.

The following information is from *THE NATIONAL INSTITUTE ON DRUG ABUSE*, revised February 2019, located at <https://www.drugabuse.gov/publications/drugfacts/fentanyl>:

Additionally, many drugs are now being laced with Fentanyl, a potent opioid-analgesic, which is similar to morphine, but 50 to 100 times more potent. It can cause respiratory distress and death when taken in high doses or when combined with other substances, especially alcohol. Users are often unaware that a drug has been mixed with Fentanyl. Naloxone is a medicine that can be given to a person to reverse a fentanyl overdose, but multiple doses may be required. As with any suspicion of overdose, contact 911 immediately.

**Tobacco, Nicotine, and E-Cigarettes:**

The following information is from the USA Food and Drug Administration at <https://www.fda.gov/tobacco-products/health-information/nicotine-addictive-chemical-tobacco-products#references> and <https://www.fda.gov/tobacco-products/health-information/chemicals-tobacco-products-and-your-health>:

Nicotine is a highly addictive chemical compound present in the tobacco plant. Tobacco products, including cigarettes, cigars, smokeless tobacco, hookah tobacco, and most e-cigarettes, contain nicotine. Nicotine is what addicts and keeps people using tobacco products, but it is not what makes tobacco use so deadly. Tobacco and tobacco smoke contain thousands of chemicals. It is this mix of chemicals—not nicotine—that causes serious disease and death in tobacco users, including fatal lung diseases, like chronic obstructive pulmonary disease (COPD) and cancer.

While some chemicals are added to cigarettes during the manufacturing process, some chemicals in cigarettes—along with nicotine—are found in the tobacco plant itself. As the tobacco plant grows, it absorbs chemicals—like cadmium, lead, and nitrates—from the soil and fertilizer. Cadmium is a carcinogen and is also found in batteries, while lead is a chemical that was once used in house paint. Cadmium and lead are both toxic metals. When the plant is harvested for manufacturing, these chemicals are present in the tobacco leaves.

As the tobacco leaves are cured, dangerous chemicals can form. These chemicals, called tobacco-specific nitrosamines, (TSNAs), remain in the tobacco leaves after the curing process. During manufacturing, ammonia—a chemical found in household cleaning products—along with

other chemicals may be added to increase nicotine absorption. Sugar and flavor additives may also be added during this stage to mask the harshness of smoke. These additives form cancer-causing chemicals when they are burned.

Once a cigarette is lit, still more chemicals are formed in the burning process that were not present in the growing and manufacturing stages. These chemicals are then inhaled by smokers or those exposed to secondhand smoke. Lastly, dangerous chemicals that are detrimental to human health, wildlife, and water supplies can be released from cigarette butt waste into the environment.

In addition to nicotine, other tobacco products, like hookah, contain some of the same chemicals as cigarettes. Carbon monoxide, metals, and carcinogens can be found in hookah smoke, and hookah users are at risk for some of the same health effects as smokers as a result of these chemicals. Research shows that hookah smokers may absorb even more of the toxic chemicals found in cigarette smoke because of the length of hookah smoking sessions. A typical 1-hour hookah session can produce as much smoke as several packs of cigarettes.

Smokeless tobacco, although not combustible, contains a mix of 4,000 chemicals, including as many as 30 or more that are linked to cancer. These chemicals include heavy metals cadmium, lead, and nickel; as well as arsenic, a chemical used in insecticides; formaldehyde, which is used in embalming fluid; and N-Nitrosornicotine (NNN), among others. NNN is known to cause cancer in animals and has been linked to an increase in the risk of cancer among humans.

About 1,300 people in the U.S. are diagnosed with oral cancer each year because of smokeless tobacco use. Smokeless tobacco use also causes esophageal and pancreatic cancer.

As e-cigarettes have only recently come under FDA's regulatory authority, their effects on individual and population health are still being studied. Preliminary studies suggest switching completely to e-cigarettes could be less harmful than combustible cigarettes for adults who already have a nicotine addiction. Most e-cigarettes contain nicotine, the same highly addictive chemical in cigarettes that keeps people smoking even when they want to quit. Other chemicals found in cigarette smoke, like formaldehyde, acrolein, and acetaldehyde, are also found in some e-cigarette aerosols. These chemicals can cause irreversible lung damage at certain concentration. E-cigarettes can also contain flavorings such as diacetyl and acetoin. Diacetyl and acetoin are considered safe to eat but inhaling them can be harmful to the lungs. More research is needed to determine the levels at which these chemicals are present in e-cigarette aerosols.

## **DRUG AND ALCOHOL PROGRAMS**

### **Counseling and Treatment**

Referrals for counseling are available to students through **Bethel University's Office of Student Development (Office: 731-352-4225 or Email: [jacksonst@bethelu.edu](mailto:jacksonst@bethelu.edu))**. Bethel University's **Human Resources Department (Office: 731-352-4272 or Email: [dotsonc@bethelu.edu](mailto:dotsonc@bethelu.edu))** offers assistance to employees through appropriate referrals. Bethel University provides the following list as a good faith effort to give students, faculty, and staff information on local and regional drug and alcohol treatment programs, but the University does not guarantee its accuracy. Interested individuals are



encouraged to contact each agency for additional information regarding specific services and costs.

TN Licensed AD/MH Treatment Facilities		Tennessee REDLINE (1-800-889-9789)			
Facility	Telephone	Adult A&D Non Res	Adult A&D Res.	Mental Health Non Res	City
Alliance Healthcare	901-259-9125				Various (Memphis)
Allied Behavioral Health Solutions	615-292-3661				Nashville
Aspell Recovery Center	731-427-7238				Various (West TN)
Behavioral Health Group	844-535-7291				Various
Bradford Health Services	615-291-2956				Various
Buffalo Valley	931-645-9038				Various (West & Mid TN)
Camelot Care Center	615-678-6283				Various
Care of Savannah	731-925-8619				Savannah (men only)
Carey Counseling Center	800-611-7757				Various (West TN)
Centerstone	877-467-3123				Various (Mid TN)
Cherokee Health Systems	866-231-4477				Various (East TN)
Chosen Vessel Ministries	901-361-4763				Bartlett
Cocaine and Alcohol Awareness	901-367-7550				Memphis
Cumberland Heights	866-373-4117				Various (Mid & East TN)
First Step Recovery Center	901-522-1000				Memphis
Focus Treatment Centers	423-308-2560				Chattanooga
Frayser Family Counseling Center	901-353-5440				Memphis
Grace House	901-722-8460				Memphis (women only)
Harbor House	901-743-1836				Memphis (men only)
Healing Hearts	615-656-4999				Memphis

Health Connect America	615-567-6726				Various
Helen Ross McNabb Center	800-255-9711				Various (East TN)
Here's Hope Counseling Center	731-885-2911				Various (West TN)
Innovative Counseling and Consulting	901-276-0220				Memphis
JACO A	731-423-3653				Jackson
Journey Pure	865-247-5196				Norris
Lakeside Behavioral Health System	901-377-4754				Memphis
Lloyd C. Elam Mental Health	615-327-6255				Nashville
Make a Difference	901-283-5551				Memphis
Memphis Recovery Centers	901-272-7751				Memphis
Mental Health Cooperative	615-743-1654				Various (Mid & East TN)
Mental Health Resources	901-682-6136				Memphis
Meridian Behavioral Health Services	901-347-2850				Memphis
Nashville Cares	615-259-4866				Nashville
Pathways	800-587-3854				Various (West TN)
Professional Care Services	844-727-2778				Various (West TN)
Professional Health Services	731-660-8467				Jackson
Quinco Community Mental Health Center	731-658-6113				Various (West TN)
Renewal Place Intensive Outpatient	901-543-8586				Memphis (women only)
Samaritan Recovery Community	615-244-4802				Nashville
Serenity Recovery Center	901-521-1131				Memphis
Synergy Foundation, Inc.	901-332-2227				Memphis
Volunteer Behavioral Health Care System	877-567-6051				Various (Mid & East TN)

A&D=Alcohol and Drug

Res=Residential

Non Res=Non Residential

Tennessee Redline=statewide toll free 24/7 referral line

This list is not inclusive of all levels/types of services or providers in TN. This list was provided by Carey Counseling Center and last updated by Rachael Brooks in May 2021.

For further information, see the TDMASAS License Inquiry Report at

<https://mh.tn.gov/CTS4/Inquiry.aspx?RPT=TDMHSAS%20License%20Inquiry>.

## Prevention and Education

Bethel University's Title IX and Prevention Services Department and other departments and offices administer a variety of individual, group, and community programs designed to prevent and reduce alcohol and other drug use/abuse within the Bethel community. Some examples of these programs include the Alcohol Awareness Fair, Bystander Intervention Training, Signs of Overdose Training, eCHECKUP TO GO, Social Norms Campaign, and more. In addition, Bethel University is a member of CHASCo, the statewide Coalition for Healthy and Safe Campus Communities, and the Carroll County Prevention Coalition. For more information concerning current programs, interventions, and policies, contact Rachael Brooks at [brooksra@bethelu.edu](mailto:brooksra@bethelu.edu) or (731) 352-4246.

## On-Campus Resources/Information (in alphabetical order)

<b>Bethel University Dean of Student Development</b>	(731) 352-4095; <a href="mailto:loudens@bethelu.edu">loudens@bethelu.edu</a>
<b>Bethel University Office of the Chaplains</b>	(731) 352-4066 or (731) 352-6449 <a href="mailto:chaplain@bethelu.edu">chaplain@bethelu.edu</a> or <a href="mailto:burnsg@bethelu.edu">burnsg@bethelu.edu</a> <a href="https://www.bethelu.edu/student-life/christian-life/chaplains">https://www.bethelu.edu/student-life/christian-life/chaplains</a>
<b>Bethel University Safety and Security Department</b>	(731) 352-4222 or (731) 415-7599 <a href="mailto:busecurity@bethelu.edu">busecurity@bethelu.edu</a> ; <a href="https://www.bethelu.edu/current-students/safety-and-security">https://www.bethelu.edu/current-students/safety-and-security</a>
<b>Bethel University Title IX and Prevention Services Department</b>	(731) 352-4246 or <a href="mailto:brooksra@bethelu.edu">brooksra@bethelu.edu</a> <a href="https://www.bethelu.edu/about/title-ix-and-prevention-services">https://www.bethelu.edu/about/title-ix-and-prevention-services</a>

In accordance with Americans with Disabilities Act of 1990, no individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of the University. Further, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of the University or be subjected to discrimination by the University.

## DISSEMINATION

This policy is to be disseminated to all Bethel University's students and employees on an annual basis in compliance with the Drug Free Schools and Campuses Regulations [EDGAR Part 86].

**FREQUENCY OF REVIEW**

This policy is to be reviewed on an annual basis and included in the Biennial Review every two years.

**MONITORING/RESPONSIBLE PARTIES**

This policy is to be maintained and reviewed by the Title IX and Prevention Services Coordinator. This policy is to be enforced by the Dean of Student Development and other University administration.

**PUBLICATION**

This policy will be posted on the University website and sent by email to all Bethel students and employees.

**Date Updated and Published:**

**Review: Annually**

**Last Date Reviewed: August 26, 2022**

**Revision History:**

- July 2019
- June 2020
- July 2021
- August 2022

### **Federal Drug-Free Schools and Campuses Regulations [Edgar Part 86] Bethel University's Annual Policy Notification/Distribution**

As a requirement of these regulations, Bethel University is to disseminate and ensure receipt of the policy/information below to all students, faculty, and staff on an annual basis. This process is formally conducted by emailing this policy to each student, faculty, and staff member. Questions concerning this policy and/or alcohol and other drug programs, interventions and policies may be directed to Rachael Brooks at brooksra@bethelu.edu and (731) 352-4246.

This policy contains:

- **Bethel University Alcohol & Drug Policies and Sanctions for Students, Staff, and Faculty**
- **Student Medical Care Amnesty Policy for Alcohol and Other Drug Use Treatment**
- **Legal Sanctions, Health Risks, and Drug and Alcohol Programs**

### **ALCOHOL AND OTHER DRUG POLICIES**

As an academic community, Bethel University is committed to providing an environment in which learning and scholarship can flourish. The possession, distribution, or use of illegal drugs, or the abuse or misuse of drugs that are legally possessed, detrimentally affects the University environment, as well as the individual potential of our students, faculty, and staff.

It is a University policy that Bethel students and employees must obey the law. Therefore, a violation of alcohol or drug laws while admitted to the University, wherever that violation occurs, is a violation of the University's policy.

Further, it is a violation of the University's policy for a student to drink, possess, be impaired by, manufacture, or sell alcoholic beverages; to possess, use, sell, solicit for the sale, distribute, barter, manufacture, or be under the influence of illegal drugs, including paraphernalia supporting such use; or to abuse or misuse drugs that are legally possessed on campus or at any event sponsored by the University or by a University-approved student organization. Additionally, there is no smoking allowed in any building on campus, including residence hall rooms, bathrooms, hallways, or lobbies. THIS INCLUDES SMOKING OF ALL TOBACCO PRODUCTS, HEMP PRODUCTS, AND THE USE OF

**What is a Campus Security Authority?**

A Campus Security Authority (CSA) is a Clery Act-specific term meant to identify members of our campus community who have an obligation under federal law to report certain crimes that occur on university property and around our campus. Campus Security Authorities are a vital resource at our university and help ensure that our campus community is informed and that individuals have access to important resources and information.

Campus Security Authorities do not investigate crimes that are reported to them, or report crimes that they overhear students talking about in the hallway; that a student mentions during an in-class discussion; that a victim mentions during a speech; or that a CSA learns about in an indirect manner. It is also not the responsibility of a CSA to try and convince the victim of a crime to report to law enforcement if the victim chooses not to. A CSA may not promise to keep a report confidential or private. It must be reported. However, a CSA may submit a report leaving the victim's information anonymous if the victim asks to not be identified.

The responsibility of a CSA is simply to report information accurately and in a timely manner so that we can evaluate the report and advise our campus community of crimes that may pose a serious or ongoing threat.

**Who is a Campus Security Authority?**

- A campus police or campus security department.
- Any individual or individuals who have responsibility for campus security, but do not constitute a security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).
- Any individual or organization specified in an institution's campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.

**Examples of a CSA include, but is not limited to:**

- All members that are employed within the Campus Security department
- Director of Housing, Residence Hall Directors and Resident Assistants
- Hall monitors and front desk clerks that monitors/restricts access to a facility
- Dean of Student Development
- Academic Dean
- Athletics Director

- Coaches – includes all assistant coaches and graduate assistants
- Athletic Trainers
- Title IX Coordinator
- Directors of Greek Life and Student Activities
- Renaissance Directors (e.g. choir, theater, band)
- Faculty or Staff Advisors of an organized group (e.g. fraternity or sorority)
- Supervisors of Student Workers (e.g. workstudy, bookstore, Chick-Fil-A, etc.)
- Building Managers
- Human Resources
- Chief Academic and Compliance Officer
- Director of a Campus Health or Counseling Center
- Program Directors (e.g. Education, Physician Assistant, Nursing, etc.)
- Satellite Campus Coordinator

#### Who is not a Campus Security Authority?

- A Faculty member who does not have any responsibility for student and campus activity outside of the classroom
- Clerical support
- Cafeteria staff
- Housekeeping and Maintenance staff
- Exemptions as a CSA include professional counselors and pastoral counselors when performing their duties and acting as a professional or pastoral counselor

#### **What Must Be Reported Under the Clery Act?**

The criminal offenses that are required to be reported are:

- |                                     |                          |
|-------------------------------------|--------------------------|
| • Murder/Non-Negligent Manslaughter | • Motor Vehicle Theft    |
| • Negligent Manslaughter            | • Domestic Violence      |
| • Rape                              | • Dating Violence        |
| • Fondling                          | • Stalking               |
| • Statutory Rape                    | • Arson                  |
| • Incest                            | • Liquor Law Violations  |
| • Robbery                           | • Drug Abuse Violations  |
| • Aggravated Assault                | • Weapons Law Violations |
| • Burglary                          |                          |

Bethel is also required to report statistics for hate crimes. Hate crimes are those that are committed as a result of the perpetrator's bias against the victim. The categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin,

and disability. In addition to the Clery Act crimes listed above, hate crimes also include larceny-theft, intimidation, simple assault, and destruction/damage/vandalism of property.

We are required to report offenses that occur within our Clery Geography, which is defined as:

- **On Campus and Residence Facilities** – Buildings or property owned or controlled by the University, such as academic buildings, dormitories, office buildings, etc.
- **Non-Campus Property** – Buildings or property that the University has control over through a lease, agreement, or is owned or controlled by a university-recognized student organization, such as the Wildcat In-Line Hockey Rink, Lollar House, etc.
- **Public Property** – Public property such as streets and sidewalks that is immediately adjacent to campus property. This includes the McKenzie City Park, Bethel Court, University Drive, etc.

## I'm a CSA! How Do I Report a Crime?

- Submit your CSA Report online: [CSA Crime Report Form](#)
- You may report a crime directly to Campus Security at 731-415-7599.
- Any criminal offenses of sexual assault, dating violence, domestic violence, and stalking, in conjunction with your CSA Report, must also be reported to Title IX immediately. Survivors must be provided written information on their rights, resources, and other available options and the Title IX Coordinator will ensure this.
- Report Title IX offenses to the Title IX Coordinator:  
Rachael Brooks, J.D., M.S.W.  
731-352-4246  
[brooksra@bethelu.edu](mailto:brooksra@bethelu.edu)

In addition, if a serious crime that may cause an ongoing threat to the Bethel University community is reported to a CSA, that individual should immediately notify Campus Security. Bethel University has a responsibility to notify the campus community about any crimes that pose a serious or ongoing threat to the community, and as such, CSA's are obligated by law to report crimes immediately. But regardless, all crimes should be promptly reported to our department no matter how minor, so they may be included in our daily crime log. This form is to report an incident to the Campus Security Department for statistical purposes only. A CSA Report will not initiate an investigation by the department unless specifically requested by the victim.

## Training

There is an additional training module on the Bethel University Training and Development Courses portal dedicated to Campus Security Authorities. You may refer to [http://bethelsuccess.net/hr/CleryAct20/story\\_html5.html](http://bethelsuccess.net/hr/CleryAct20/story_html5.html) for further training.

If you are still unsure about your responsibilities as a Campus Security Authority and have additional questions, please contact Campus Security.

Chief Daniel Thomas  
731-352-4200  
[thomasd@bethelu.edu](mailto:thomasd@bethelu.edu)