

# ANNUAL SECURITY & FIRE SAFETY REPORT

2021



# WILLIAM CAREY UNIVERSITY

This report includes statistics for the previous three years concerning reported crimes that occurred on campus; in property owned and controlled by WCU; and on public property within, or immediately adjacent to and accessible from, the campus.

# WILLIAM CAREY UNIVERSITY

## ANNUAL SECURITY AND FIRE SAFETY REPORT

The university prepares the combined Annual Security and Fire Safety Report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act and the Higher Education Opportunity Act.

This report is prepared in cooperation with local law enforcement agencies surrounding our main campus and Tradition campus, the Office of Residence Life, Office of Student Support, Campus Security, and the Facilities Department.

### Campus Security

William Carey University is a private institution. With the exception of the residence halls, most buildings are open to students and other invited parties during the day and evening hours when classes are in session. Campus security officers provide regular patrol of university property, buildings, and parking facilities.

### Reporting a Crime

The university encourages prompt and accurate reporting of all crimes, suspected crimes, and any other emergencies on campus.

All reports are responded to quickly by the appropriate emergency personnel. When reporting a crime or other emergency, the following information should be provided:

- Nature of the crime or emergency
- Name, address, and phone number of the caller
- Location of the incident
- Description of the scene and suspects
- Description of any vehicles involved, especially license plate numbers

## WHOM TO CALL IN AN EMERGENCY

Hattiesburg Campus

Campus Security  
(601)318.6300

Tradition Campus

Campus Security  
(228)223.1807

Faculty, staff, students, and other constituents should contact Campus Security or the Office of Student Support with any information regarding behaviors or individuals on campus that might be viewed as a cause for concern.

Questions or  
Concerns about this  
report please call:

**Office of Student Support**

Valerie Bridgeforth,  
Vice President for  
Student Support

Office: (601) 318 - 6188

vbridgeforth@wmcarey.edu

# WILLIAM CAREY UNIVERSITY

## CRIME REPORT

<b>Crime Summary on Campus 2018-2020</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Forcible sex offenses	0	0	0
Rape	0	0	0
Fondling	0	2	0
Non-forcible sex offenses	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated assault	1	0	0
Burglary	4	2	1
Motor vehicle theft	0	0	0
Arson	0	0	0
<b>VAWA Offenses</b>			
Domestic Violence	0	0	0
Dating Violence	0	2	0
Stalking	2	2	0
<b>On-campus Violations: Alcohol (except DUI), Drugs and Weapons</b>			
Liquor law violations	0	0	0
Drug law violations	0	0	0
Illegal weapons possession	0	0	0
<b>Crimes reported in Student Housing</b>			
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Forcible sex offenses	0	0	0
Rape	0	0	0
Fondling	0	0	0
Non-forcible sex offenses	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated assault	1	0	0
Burglary	1	1	0
Motor vehicle theft	0	0	0
Arson	0	0	0

**VAWA Offenses**

Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	2	0	0

**Crimes reported on Public Property**

Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Forcible sex offenses	0	0	0
Rape	0	0	0
Fondling	0	0	0
Non-forcible sex offenses	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0

**VAWA Offenses**

Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

**On-campus Arrests**

Liquor law violations	0	0	0
Drug law violations	0	0	0
Illegal weapons possession	0	0	0

**Arrests in Student Housing**

Liquor law violations	0	0	0
Drug law violations	0	0	0
Illegal weapons possession	0	0	0

**Public Property Arrests**

Liquor law violations	0	0	0
Drug law violations	0	0	0
Illegal weapons possession	0	0	0

**Disciplinary Actions – On campus**

Liquor law violations	0	0	0
Drug law violations	0	0	0
Illegal weapons possession	0	0	0

**Disciplinary Actions – On campus Student Housing**

Liquor law violations	0	0	0
Drug law violations	0	0	0
Illegal weapons possession	0	0	0

**Disciplinary Actions – Public Property**

Liquor law violations	0	0	0
Drug law violations	0	0	0
Illegal weapons possession	0	0	0

**Hate Related Crime**

There were no reported hate crimes for 2018, 2019, or 2020.

**William Carey University – Tradition Campus****Crime Summary on Campus 2018 – 2020**

	2018	2019	2020
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Forcible sex offenses	0	0	0
Rape	0	0	0
Fondling	0	0	0
Non-forcible sex offenses	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0

**VAWA Offenses**

Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

**On-campus Violations: Alcohol (except DUI), Drugs and Weapons**

Liquor law violations	0	0	0
Drug law violations	0	0	0
Illegal weapons possession	0	0	0

**Crimes reported on Public Property**

Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Forcible sex offenses	0	0	0
Rape	0	0	0
Fondling	0	0	0
Non-forcible sex offenses	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	2	0	0
Motor vehicle theft	0	1	0
Arson	0	0	0

**VAWA Offenses reported on Public Property**

Domestic Violence	0	1	0
Dating Violence	0	0	0
Stalking	0	0	0

**Public Property Arrests**

Liquor law violations	0	0	0
Drug law violations	0	0	0
Illegal weapons possession	0	0	0

**Hate Related Crime**

There were no reported hate crimes for 2018, 2019, or 2020.

**Alcohol and other drugs**

William Carey University has a zero-tolerance policy for the possession or consumption of alcohol and other drugs. This is in accordance with the commitment to remain a drug-free campus. Possession shall be defined to include the presence of alcohol or illegal drugs in a student’s university residence or automobile. Whether a student has violated this policy’s prohibition against the use of alcohol or illegal drugs may be determined by circumstantial evidence such as the aroma or smell of alcohol or drugs, either in the room or on the student’s person, or conduct suggesting that the student is under the influence of such substances. Students in violation of this policy will face disciplinary action up to and including expulsion.

**Timely Warnings**

In the event that a situation that affects the safety of the campus community occurs, the campus will receive a timely warning alert distributed through campus email. All members of the William Carey University community, are automatically enrolled in this service and will receive emergency notifications regarding campus safety and/or security concerns, and class cancellations or campus closing notifications that are triggered by university administrators. In addition, you will receive automated tornado warnings issued by the National Weather Service.

## **Jurisdiction**

William Carey University Campus Security establishes and maintains communications with recognized civil and criminal law enforcement authorities of the City of Hattiesburg, and the County of Forrest. If they are needed, William Carey University will request assistance from the Hattiesburg Police Department and Forrest County Sheriff's Office when deemed necessary. Campus security officers are authorized to write traffic citations on campus, take reports, and conduct investigations and searches within the boundaries of William Carey University property.

## **Authority**

Security officials at the Hattiesburg campus are private law enforcement officers who are licensed by the Hattiesburg Police Department. These officers have the authority to apprehend and detain persons engaged in suspicious or criminal activity. William Carey University works with the Hattiesburg Police Department and Forrest County Sheriff's Office. All known or suspected violations of University policy or state and/or federal crime should be reported to Campus Security.

## **Sex Offender Registry**

In accordance with the Campus Sex Crimes Prevention Act of 2000, William Carey University is providing a link to the Mississippi Department of Public Safety Sex Offender Registry. The State of Mississippi requires convicted sex offenders to register their location and report if they are enrolled or employed at an institution of higher education. This registry allows the public to search by location for sex offenders. The registry may be located at: <http://state.sor.dps.ms.gov/>

## **Emergency Evacuation**

An all-building evacuation will occur on notification by security personnel or SaderWatch. A contact person for each building is indicated in the Quick Reference Emergency Plan. When notification occurs, please do the following:

- Leave by the nearest marked exit and alert others to do the same.
- Evacuation areas are outlined in the document mentioned above.
- Assist disabled persons leaving the building.
- Do not use elevators in the event of fire or tornado as there is the potential for individuals to become trapped.
- Once outside, proceed to the designated area at least 50 yards away from the affected building. Keep streets, fire lanes, hydrant areas, and walkways clear for emergency vehicles and personnel.

### **Campus Evacuation**

The Crisis Management Team leader or other designees through the authority of the president will announce the evacuation of all or part of the campus grounds. All persons are to vacate immediately the area in question and leave campus or relocate to another part of campus as directed.

# WILLIAM CAREY UNIVERSITY

## FIRE SAFETY REPORT

### Residential Facilities

	Total Fires	Cause of Fire	Deaths	Injuries	Property Damage
Bass Hall	0	N/A	N/A	N/A	N/A
Braswell Hall	0	N/A	N/A	N/A	N/A
Bryant Hall	0	N/A	N/A	N/A	N/A
Byrd Hall	0	N/A	N/A	N/A	N/A
Davis Hall	0	N/A	N/A	N/A	N/A
Futral Hall	0	N/A	N/A	N/A	N/A
Johnson Apts.	0	N/A	N/A	N/A	N/A
Penton Apts.	0	N/A	N/A	N/A	N/A
Polk Hall	0	N/A	N/A	N/A	N/A
Ross Hall	0	N/A	N/A	N/A	N/A

### Fire Statistics

There was one reported fire in our residential facilities for the 2020 year.

### Fire Safety Systems

Residence Hall	Central Monitored Alarm Smoke and Heat	Fire Sprinkler System	Fire Extinguishers
Bass Hall	Yes	No	Yes
Braswell Hall	Yes	Yes	Yes
Bryant Hall	Yes	No	Yes
Byrd Hall	Yes	Yes	Yes
Davis Hall	Yes	Yes	Yes
Futral Hall	Yes	Yes	Yes
Johnson Apts.	Yes	Yes	Yes
Penton Apts.	Yes	Yes	Yes
Polk Hall	Yes	No	Yes
Ross Hall	Yes	Yes	Yes
512 Tuscan	Yes	Yes	Yes

Residence Hall	Fire Pump	Stand-Alone Smoke Detectors	Number of Fire Drills Per Year
Bass Hall	No	No	2
Braswell Hall	No	No	2
Bryant Hall	No	No	2
Byrd Hall	No	No	2
Davis Hall	No	No	2
Futral Hall	No	No	2
Johnson Apts.	No	No	2
Penton Apts.	No	No	2
Polk Hall	No	No	2
Ross Hall	No	No	2

## Fire Safety and Education

The Office of Residence Life & Housing ensures that all residents are informed of fire procedures at the start of the fall trimester, usually at mandatory floor and hall meetings. All members of the housing staff are trained by the local fire department each year. During this training, the fire department fills a residence hall with theatrical smoke and lets the housing staff experience what can happen in a smoke-filled building.

Two fire drills are scheduled each year for each residence hall. Fire drills are conducted by the residence life staff. All fire/safety policies and rules are listed in detail in the student handbook.

### If You Hear a Fire Alarm

- Immediately evacuate the building via the shortest and safest route.
- Do not use elevators.
- If you notice smoke, use the alternative escape route.
- As you leave the building, knock on doors and yell "FIRE!"
- Do not hesitate or stray from your path as you leave.
- Do not stop or go back for belongings.
- Test doors with the back of your hand before opening them. If the door is warm or if you notice smoke, use an alternative escape route. Check paths for safety before proceeding and close doors behind you.
- Crawl low if you have to go through smoke.
- Go to a safe area or a pre-assigned exterior area for your building. If you suspect that someone is missing or trapped, contact the emergency personnel outside the building.
- If you are trapped during a fire emergency, close all doors between you and the fire. Stuff cracks around the doors to keep out smoke. Wait at a safe window and signal/call for help. If there is a phone in the room, call the fire department or 911 and tell them exactly where you are.
- Stop, drop, and roll if your clothing catches fire.

### If You Discover a Fire

- Leave the fire area and close the door to the area.
- Sound the fire alarm.
- Immediately evacuate the building via the shortest and safest route.
- Proper use of fire extinguishers within extinguisher limits and by trained individuals is optional but should not be attempted until the building alarm is activated and people are evacuated.
- Do not use elevators. A fire can disrupt the operation of elevators and trap occupants inside.
- If you notice smoke, use the alternate escape route.
- Test doors with the back of your hand before opening them. If the door is warm or if you notice smoke, use an alternative escape route. Check paths for safety before proceeding and close doors behind you.
- Crawl low if you have to go through smoke.
- Go to a safe area or a pre-assigned exterior area for your building.

- Find the nearest phone in a safe area, call 911, and campus security at (601) 318-6300.
- Await emergency response personnel at a safe location and direct them to the scene.
- If you suspect that someone is missing or trapped, contact the emergency personnel outside the building.
- If you are trapped during a fire emergency, close all doors between you and the fire. Stuff cracks around the doors to keep out smoke. Wait at a safe window and signal/call for help. If there is a phone in the room, call the fire department or 911 and tell them exactly where you are.
- Stop, drop, and roll if your clothing catches fire.

### **Once You Have Evacuated**

- Find the nearest phone in the safe area, call 911, and campus security at (601) 318-6300.
- If you suspect that someone is missing or trapped, contact fire-fighters on the scene or at the fire engine, police officers, or ambulance personnel.
- Await emergency response personnel at a safe location and direct them to the scene. Report the fire to the residence life office or the nearest available resident assistant. Do not re-enter the building until instructed to do so by the fire department.
- Follow directions of fire and police/security personnel.
- Report to the housing staff person taking roll.
- Never re-enter the building to save your personal belongings.
- Stay calm.

### **Persons to Be Notified in Case of Fire**

Per federal law, William Carey University is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities. Listed below are the non-emergency numbers to call to report fires that have already been extinguished in on-campus student housing. These are fires for which you are unsure whether the university may already be aware. If you find evidence of such a fire or if you hear about such a fire, please contact one of the following:

University Facilities	Bob Blevins, Director of Facilities	(601) 318 - 6155
Residence Life	Jared Ackley, Director of Housing	(601) 318 - 6102
Student Services	Valerie Bridgeforth, VP for Student Support	(601) 318 - 6188

### **Future Improvements**

All new construction will have fire alarms and fire sprinklers. All existing residence halls that do not have centrally monitored addressable fire alarms will have them installed during the upcoming year if resources are available.

## **Student Housing Policies and Procedures**

### **A. Smoking Policy**

William Carey University is a smoke-free campus. Smoking is not allowed on university property.

### **B. Fire and Safety Equipment**

The state fire code prohibits anyone from tampering with fire and safety equipment in the residence halls or any campus building. (Tampering includes: pulling false fire alarms, discharging fire extinguishers, removing exit signs, and interfering with smoke detectors). Any student found responsible will be assessed for the damages. The fine for malicious use of fire and safety equipment is \$500.

### **C. Space Heaters**

Individual space heaters are not permitted in the residence halls at any time. Due to the fire hazards, items of this type will be confiscated if they are found in the halls. Residents may bring small fans for use in their rooms.

### **D. Cooking Appliances**

Micro-fridges are provided in Byrd Hall, Braswell Hall, Futral, and Davis Hall. Small refrigerators and microwaves are allowed in all other residence halls. Cooking appliances such as toasters, ovens, indoor grills, and/or hot plates are not allowed in student rooms.

### **E. Electrical Requirements**

A power strip with a built-in circuit breaker should be used if more electrical outlets are needed. All appliances must be UL-approved.

### **F. Halogen Lamps**

Halogen lamps are prohibited in the residence halls.

### **G. Incenses/Candles**

Incense and candles are not permitted in the residence halls.

## **Missing Student**

The term "missing student" is defined as any WCU student residing in on-campus student housing who is reported missing. If someone has reason to believe that a WCU student who resides in on-campus housing is missing, he or she should contact the Office of Residence Life immediately. Reports of missing students should be made to the Director of Residence Life & Housing (601) 318-6102 and/or WCU campus security (601-318-6300). The Office of Residence Life will notify the Vice President for Student Support, Campus Security, and/or other appropriate law enforcement agencies upon receipt of a missing student report. Whenever a WCU student is believed to be missing, the University will generate a missing student report and initiate an investigation. If the

University determines that the circumstances of the missing student require a police investigation, the University will notify the local police and/or the sheriff's department. If the police determine that the student should be classified as a missing person, they will initiate their investigation. The University will support their investigation by providing whatever support is appropriate. Each year students who reside on-campus may designate contact information for the person to be notified in the event the student is determined to be missing. Student contact information will be kept confidential and only accessible to authorized university officials and law enforcement in the furtherance of a missing person investigation. Information may be amended or supplemented by contacting the Office of Residence Life. Within 24 hours of a student being deemed missing, the University will notify the contact person designated by the student. If the student is under 18 years of age and is not emancipated, the University will notify the student's custodial parent or guardian and other designated contact person within 24 hours after the student is deemed missing.

## **WILLIAM CAREY UNIVERSITY**

### **Title IX & Sexual Misconduct**

#### **POLICY STATEMENT**

It is the policy of William Carey University to comply with all federal and state laws. William Carey University is committed to providing a safe and non-discriminatory learning, living, and working environment for all members of the University community.

Title IX of the Education Amendments of 1972 prohibits sexual misconduct and discrimination based on sex in the University's programs and activities. This Policy is designed to ensure a safe and non-discriminatory educational and work environment and to meet legal requirements, including Title IX of the Education Amendments of 1972; relevant sections of the Clery Act of 1990; relevant sections of the Violence Against Women Reauthorization Act; Title VII of the Civil Rights Act of 1964. It does not preclude application or enforcement of other University or school policies. The University will respond to complaints or reports about prohibited conduct with measures designed to stop the behavior, eliminate any such discrimination, and prevent the recurrence of the prohibited conduct. The University has an obligation to investigate and address complaints or reports of sex discrimination and misconduct, including but not limited to, sexual violence, sexual harassment, sexual assault, stalking, dating/domestic violence, retaliation, and other related forms of sex discrimination or sexual misconduct, as identified in 34 CFR §106, whenever it becomes aware of such a complaint or report. In all such instances, there will be a presumption that the accused party is not responsible for the alleged conduct. This presumption may be overcome at the conclusion of a hearing or informal resolution process, where there is a sufficient basis, by a preponderance of the evidence, to support a finding that the accused violated this policy.

Students, staff, and faculty who believe they have been subjected to discrimination or sexual misconduct in violation of Title IX should follow the steps outlined in the University's Title IX procedures to report these concerns immediately to the Title IX Coordinator identified below. Title IX prohibits retaliation by any student and/or employee against anyone who reports an alleged Title IX violation.



Complaints of discrimination or sexual misconduct or inquiries, regarding the application of Title IX and other laws, regulations, and policies prohibiting discrimination and sexual misconduct may be directed to Jordan Hickson, Title IX Coordinator, 710 William Carey Parkway, Box 2, Hattiesburg, MS 39401, 601-318-6433; [jhickson@wmcarey.edu](mailto:jhickson@wmcarey.edu).

Inquiries may also be directed to the United States Department of Education's Office for Civil Rights, District of Columbia Office, U.S. Department of Education, 400 Maryland Avenue, S.W. Washington, DC 20202-1475. Telephone: (202)453-6020; Facsimile: (202)453-6021; Email: [OCR.DC@ed.gov](mailto:OCR.DC@ed.gov).

This Title IX policy governs the conduct of William Carey University students; faculty; staff; and third parties (i.e., non-members of the University community, such as vendors, alumni/ae, visitors, or local residents).

This Title IX policy applies to all University programs and activities. All campus community members are responsible for their actions and behavior, whether the conduct in question occurs on campus or in another location. Members of the campus community have a responsibility to adhere to University policies and local, state, and federal law. As a result, this policy applies both to on-campus and off-campus conduct. An instance of sexual misconduct must have been perpetrated against a person while in the United States to be considered within the jurisdiction of Title IX.

Third parties are both protected by and subject to this policy. A third party may report or file a complaint concerning a violation of this policy committed by a member of the University community. A third party may also be permanently barred from the University or subject to other restrictions for failing to comply with this policy. This policy applies to conduct that occurs on university property, and in certain circumstances, off university property (i.e., off-campus). This policy applies to conduct that occurs off-campus when the conduct is associated with a University-sponsored program or activity, such as travel, research, or internship programs; when it utilizes University-owned or provided technology resources; or when such conduct may have a nexus to campus, such as a continuing adverse effect or creation of a hostile environment on campus.

## **TITLE IX PROCEDURES**

Conduct covered by Title IX:

Title IX of the Education Amendments of 1972 prohibits any form of discrimination on the basis of sex in the University's programs and activities. Sex discrimination includes a variety of behaviors which can limit or negatively impact educational opportunities, including sexual harassment. Sexual harassment is conduct on the basis of sex that satisfies one or more of the following: 1.) An employee conditioning the provision of aid, benefit, or service on an individual's participation in unwelcome sexual conduct; 2.) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive as to deny a person equal access to the institution's education program or activity; or 3.) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v)1, "dating violence" as defined in 34 U.S.C. 12291(a)(10)2, "domestic violence" as defined in 34 U.S.C. 12291(a)(8)3, or "stalking" as defined in 34 U.S.C. 12291(a)(30)4.

All students, faculty, staff, and affiliates participating in University programs and activities in the United States are subject to this Title IX procedure.

Title IX Coordinator: Jordan Hickson Title IX Coordinator Tatum Court, 1st Floor, Business Office 710 William Carey Parkway Hattiesburg, MS 39401 Ph: 601-318-6433 Email: [jhickson@wmcarey.edu](mailto:jhickson@wmcarey.edu)

Any person may report Title IX prohibited conduct (regardless of whether the individual reporting is the person alleged to have experienced conduct) in person, by mail, telephone, or email, and may be made at any time.

I. Initial Assessment After receiving a report, the Title IX Coordinator will make an initial assessment of the reported information and respond to any immediate concerns raised by the report. As part of the initial assessment, the Title IX Coordinator will:

- a.) Assess whether the alleged behavior meets the conduct standards required by Title IX. Those alleged behaviors that fall outside Title IX will still be pursued in accordance with the University's Sexual Misconduct Policy and procedures found in the Student Handbook;
- b.) Assess the Complainant's safety and well-being and offer the University's support measures and assistance, regardless of whether the Complainant chooses to participate in the University grievance process. Supportive measures may be available to both the Complainant<sup>5</sup> and Respondent<sup>6</sup> and may include, but not be limited to, counseling, modifications of work or class schedules, campus escort services, no-contact orders between the parties, increased security, and monitoring of certain areas of the campus and other similar measures; and
- c.) Provide information regarding the steps necessary to file a formal complaint and explain the investigative and hearing process.

II. Title IX Process Upon completion of an Initial Assessment, a party may choose to proceed with a formal resolution by filing a complaint.

1 The term "sexual assault" means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. 20 U.S.C. 1092(f)(6)(A)(v).

2 The term "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 relationship shall be determined based on a 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. 34 U.S.C. 12291(a)(10).

3 The term "domestic violence" 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. 34 U.S.C. 12291(a)(8).

4 The term "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. 34 U.S.C. 12291(a)(30).

## A. Complaint

A formal complaint must be filed with the Title IX Coordinator in person, by mail, or by electronic mail using the contact information provided above. The complaint must be in writing and contain the Complainant's physical or digital signature. The complaint should include, at a minimum the identities of the parties, if known, a concise summary of the alleged misconduct at issue, the date, and location of the alleged misconduct.

Upon receipt of a formal complaint, the Title IX Coordinator will provide written notice to the parties including notice of the University's grievance process (including formal and informal processes), a notice of the allegations, including details such as the identities of the parties, the conduct alleged, and the date and location of the alleged incident/s, if known. Notice will include a statement that the Respondent is presumed not responsible and that a determination regarding responsibility will only be made at the conclusion of the grievance process. Notice will inform the parties that they may have an advisor of their choice, who may, but is not required to be, an attorney and that parties may inspect and review the evidence submitted in the course of the investigation. Advisors' roles in the Title IX process will be limited to receipt and review of all evidence and the investigative report and participating in the examination and cross-examination of parties and witnesses. Parties are put on notice of the University Code of Conduct prohibiting knowingly making a false statement or submitting false information to University personnel.

The institution will keep confidential the identity of any individual who has made a report or complaint of any form of prohibited sex discrimination, including any reporter, claimant, respondent, or witness, except as may be permitted by FERPA, required by law, or to carry out the Title IX regulations, including the conduct of any investigation, hearing, or proceeding arising thereunder.

In the course of an investigation, should additional allegations be investigated, additional notice will be provided to the parties. A formal complaint MUST be dismissed if: i.) The conduct alleged would not constitute sexual harassment as defined above; ii.) Even if proven, the conduct did not occur in the University's education program or activity<sup>7</sup>; or iii.) The conduct did not occur against a person in the United States.

However, such dismissal does not preclude action in accordance with the University's Sexual Misconduct policy.

A formal complaint may be dismissed, at any time during the investigation or hearing, if: i.) A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; ii.) The Respondent is no longer enrolled or employed by the University, or iii.) Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. Upon any dismissal, the University will send written notice of the dismissal and reasons therefore, simultaneously to the parties.

## B. Informal Resolution

After the filing of a formal Complaint and prior to reaching a determination of responsibility, the University may facilitate an informal resolution process that does not involve a full investigation and adjudication. The informal resolution process is only applicable to student versus student or employee versus employee matters. All student versus employee matters, or vice versa, must proceed via the formal resolution process. The process may be initiated by the Title IX Coordinator offering the parties the opportunity to become involved in an informal resolution process or either party may petition the Title IX Coordinator in writing to offer an informal resolution process to the other party. The Title IX Coordinator is the sole administrator who determines if an Informal Resolution is appropriate given the allegations. The Title IX Coordinator or the coordinator's trained designee will supervise the informal resolution process. The coordinator or designee will present the option of an Informal Resolution and proposed terms to each party independently and in writing. All related communication will go through the coordinator or designee. Participation in an Informal Resolution is voluntary for all parties and requires informed and written consent. If either party does not agree with the proposed terms or is uninterested in engaging in negotiations, the party may continue with the University's grievance process at any time before signing the Informal Resolution Agreement. Additionally, the coordinator or designee has the authority to end the resolution process if he/she believes that one or both parties are not operating in good faith. If this happens, the formal grievance process will resume. The Informal Resolution will not require the parties to confront each other or even be present in the same room. Either party may withdraw, without penalty, from the Informal Resolution process up until a written resolution agreement is signed by both parties. If either party withdraws from the Informal Resolution process, the formal grievance process will resume. The coordinator or designee and both parties must all agree to the outcome of the Informal Resolution. The coordinator or designee will write a binding Informal Resolution agreement based upon the parties' verbal agreement with the negotiated outcome. Both parties will be required to sign the agreement. If either party refuses to sign this agreement, the informal resolution will be considered failed and the grievance process will resume. A signed resolution agreement is binding on both parties. Once the informal process is complete and the agreement signed, it precludes the parties from then resuming a formal complaint arising from the same allegations. The informal resolution process shall proceed as expeditiously as possible. The process may be temporarily delayed or limited extensions of time may be granted for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reason for the action. Good cause may include, but is not limited to, considerations such as the absence of a party or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

5 Complainant is an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

6 Respondent is an individual who has been reported to be the alleged perpetrator of conduct that could constitute sexual harassment.

7 Education program or activity includes locations, events, or circumstances over which the University exercised substantial control over both the Respondent and the context in which the sexual harassment occurs, and also include any building owned or controlled by a student organization that is officially recognized by a postsecondary institution.

### C. Investigation

The formal resolution process continues with an investigation that will be handled by one of the University's designated Title IX investigators. The investigator must be impartial, free of any actual conflict of interest, and have specific and relevant training and experience. Investigators do not function as advisors for Complainants or Respondents.

In all instances, there is a presumption that the Respondent is not responsible for the alleged conduct. This presumption may be overcome only where the result of a University hearing is a conclusion that there is a sufficient basis, by a preponderance of the evidence, to support a finding that the Respondent violated the Title IX policy. A preponderance of the evidence means that it is more likely than not, based upon the totality of all the relevant evidence and reasonable inferences from the evidence, that the Respondent violated the Title IX policy.

An investigation will afford both the Complainant and Respondent a full and fair opportunity to be heard, to submit information and other evidence, both inculpatory<sup>8</sup> and exculpatory<sup>9</sup>, and to identify witnesses, both fact and expert. Credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.

The investigator, along with assistance from the Complainant, Respondent, and witnesses, is responsible for gathering relevant evidence to the extent reasonably possible. Parties will be asked to identify witnesses and provide other relevant information, such as documents, communications, text messages, social media postings, photographs, and other evidence. Both parties are encouraged to provide all relevant information as promptly as possible.

If appropriate, the parties are encouraged to provide necessary releases to allow the investigator to gather additional, relevant, information. In general, a person's medical and counseling records are confidential and not accessible to the investigator unless that person voluntarily chooses to share those records with the investigator.

The investigator will provide, to parties and witnesses, whose participation is invited or expected to be interviewed by the investigator, written notice of the date, time, location, participants, and purpose of the meeting, giving sufficient time for the party to prepare to participate. Advisors will not be allowed to speak for a party during the investigation or to be present during any investigative interview with either parties or witnesses to the matter.

Prior to the completion of the investigative report, the University will send to both the Complainant and Respondent and their advisors, if any, an electronic or hard copy, of any evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint. The parties will have ten (10) business days to review and submit a written response, which the investigator will consider

<sup>8</sup> Evidence that shows or tends to show respondent's responsibility.

<sup>9</sup> Evidence that shows or tends to show the respondent is not responsible.

prior to completion of the investigative report. All such evidence will also be available to both parties, and their advisor, at any hearing in order to provide each party equal opportunity to refer to such evidence during the hearing for the purposes of cross-examination.

The investigator will then prepare an investigative report that summarizes the relevant evidence and will provide the report to each party and the party's advisor, if any, in either electronic or a hard copy, at least ten (10) business days prior to any hearing, to allow for their review and written response. The investigation shall proceed as expeditiously as possible. The process may be temporarily delayed or limited extensions of time may be granted for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reason for the action. Good cause may include, but is not limited to, considerations such as the absence of a party, a party's advisor, or a witness, concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities.

#### D. Hearing

Following the investigation, a live hearing will be scheduled in which each party's advisor will be provided the opportunity to ask the opposing party and any witnesses all relevant questions and follow-up questions. Cross-examination must be conducted directly, orally, and in real-time by the party's advisor of choice and never by a party personally. At no time will an advisor be allowed to be disruptive or address a party or witness in an abusive or disrespectful manner.

If a party does not have an advisor present at the live hearing, the University must provide without fee to that party, an advisor, who is not required to be an attorney. The University will provide for the live hearing to occur with the parties located in separate rooms on campus with technology enabling the University's decisionmaker and parties and each party's advisor to simultaneously see and hear the party or witness answering questions. Prior to answering, the decision-maker will make a determination regarding the relevance of a question asked of any party or witness and will prohibit any questions and evidence about the Complainant's prior sexual behavior, unless such questions are offered to: (1) prove that someone other than the Respondent committed the conduct alleged, or (2) concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. Neither a party nor an advisor may challenge the relevance determination during the hearing.

#### **10 Consent**

Consent is defined as a clear, unambiguous, and voluntary agreement between the participants, communicated by clearly understandable words or actions, to engage in each form of sexual activity. The lack of informed, freely given consent to sexual contact constitutes sexual misconduct.

- Consent is a voluntary agreement to engage in sexual activity
- Someone who is incapacitated cannot consent
- Past consent does not imply future consent
- Silence or an absence of resistance does not imply consent
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another
- Consent can be withdrawn at any time
- Coercion, force, or threat of either invalidates consent

If a party or witness does not submit to cross-examination at the live hearing, then the decision-maker must not rely on any statement of that party or witness in reaching a determination regarding responsibility.

Audio or audiovisual recording or transcript will be made of hearings by the University and will be made available to the parties for inspection and review.

Following a hearing, the decision-maker must issue a written determination regarding responsibility simultaneously to the parties, which will include: i.) Identification of the allegation potentially constituting sexual harassment, ii.) A description of the procedural steps taken from the receipt of the formal complaint through the determination, iii.) Findings of fact supporting the determination, iv.) Conclusions regarding the application of the Title IX policy to the facts, v.) A statement of the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the Respondent, and whether there are additional remedies designed to restore equal access to the education program or activity to the Complainant, and vi.) The procedures and permissible bases for either party to appeal.

Upon a determination of responsibility, the decision-maker will issue remedies, which may include, but are not limited to, suspension, dismissal, or termination from the University. e. Appeal An appeal may be filed by either party regarding a determination of responsibility or from a dismissal of a formal complaint, only for the following circumstances: i.) Procedural irregularity that affected the outcome of the matter; ii.) New evidence is discovered, not reasonably available at the time of the original proceeding; or iii.) The Title IX coordinator, investigator, or decision-maker had an alleged bias or conflict of interest. Upon the filing of an appeal, the University must: i.) Notify the other party, ii.) Appoint a new decision-maker, iii.) Provide both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome, to be presented within five (5) business days of the notice of appeal, iv.) Issue a written decision describing the result of the appeal and the rationale for the result, and v.) Provide the written appeal decision simultaneously to both parties. The appeal process shall proceed as expeditiously as possible.

### III. Retaliation

Retaliation against any individual for the purpose of interfering with any right secured by Title IX or because the individual has participated in any manner of an investigation or hearing will not be tolerated.

### **CONFIDENTIALITY**

William Carey University is committed to creating an environment that encourages individuals to come forward if they have experienced or witnessed any form of sexual misconduct. To the extent permitted by law and the enforcement of this policy, the university will work to safeguard the identities and privacy of those who seek help or who report sexual misconduct. University employees cannot guarantee complete confidentiality. Information is disclosed only to those individuals who have an essential need to know in order to carry out their university responsibilities. The university will follow local, state, and federal laws regarding reporting sexual misconduct.

## **EDUCATION**

The university will make this policy readily available to all students and employees. Specifically, the university will educate students and employees during orientation sessions for students and new employees, annual faculty/staff meetings, and residence hall meetings. The university utilizes education, equal educational and employment opportunity training, and procedures to ensure the protection of student rights. University conduct officers and Title IX Coordinators will review federal policies and training annually.

### **Procedures for Reporting a Sexual Offense**

- The student should go to a safe place as soon as possible.
- The student should seek medical treatment immediately for assessment of injuries, determination of the risk of sexually transmitted diseases, and collection of evidence in case criminal prosecution is pursued.
- The student should not shower, bathe, or change clothes until after medical treatment is obtained.
- Contact any WCU employee who will contact the designated university official for that respective campus or location.
- The student will be provided with options regarding counseling and other resources for dealing with the situation.
- The Title IX Coordinator will ensure compliance with reports of sexual assault.

### **Procedures for Responding to Accusations of Sexual Offense**

The victim of an alleged sexual offense is entitled to and will receive the following:

1. A caring response to the complaint with emphasis on a concern for his/her well-being
2. A complete investigation of all allegations
3. Notification of the outcome of the investigation and, if applicable, the hearing
4. The opportunity to appeal an unsatisfactory decision

A student accused of a sexual offense is entitled to and will receive the following:

1. A clear description of all charges
2. Minimum 24-hour advance notification of a hearing
3. A fair hearing conducted without unnecessary delay after the investigation
4. Prompt notification of the final decision by the person or judicial council which hears the case
5. The opportunity to appeal an unsatisfactory decision

After the incident is reported, the WCU Vice President for Student Support will:

- If evidence confirms the allegations, the WCU Vice President for Student Support will then implement appropriate disciplinary action. Any person found responsible for violating the sexual misconduct policy

will likely receive a recommended sanction ranging from a warning to expulsion or termination, depending on the severity of the incident.

- The victim of a sexual offense will also be notified of any disciplinary action taken.

The university will make every effort to ensure the safety and well-being of the victim and the accused. Where necessary and if available the university will increase monitoring or security, change housing facilities, alter student work schedules, alter academic schedules, access academic support such as tutoring, and issue no-contact orders.

If the accused or the accuser has a complaint about the way in which the case was handled or about the outcome of the process, he/she may appeal the case to the President of the university.

## **RETALIATION**

William Carey University strictly prohibits any retaliation against any individual for reporting, providing information, exercising one's rights or responsibilities under this policy, or otherwise being involved in the process of responding to, investigating, or addressing allegations of sexual misconduct. Therefore, any retaliation, intimidation, threats, coercion, or discrimination against any such individual will be addressed in the most serious way by the university, and individuals who engage in such actions are subject to disciplinary action that may include suspension or dismissal from the university. Anyone who is aware of possible retaliation or has other concerns regarding the response to a complaint of sexual misconduct should report such concerns to the Title IX Coordinator who shall take appropriate actions to address such conduct in a prompt and equitable manner.

## **Options for assistance**

Students, faculty, or staff may seek assistance through the following resources:

<b>Title IX Coordinator</b>	<b>(601) 318-6433</b>
<b>VP for Student Support</b>	<b>(601) 318-6188</b>
<b>Campus Security</b>	<b>(601) 318-6300</b>
<b>Tradition Campus</b>	<b>(228) 702-1802</b>

**MARCH Christian Therapy** - Free sessions for students available through the Office of Student Support.

**Wesley Behavior Health Counseling Center** - Free sessions for students available through the Office of Student Support.

**Shafer Center for Crisis Intervention** (601) 264 -7777  
24 – hour local crisis center

**Gulf Coast Women's Center in Tradition** (228) 435-1968 or toll-free 1-800-800-1396