

# Rhodes College Annual Security & Fire Safety Report 2018-2019



Rhodes College  
—1848—



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Rhodes College Campus Safety (Director of Campus Safety) has been designated as the department responsible for compiling and publishing the university's annual security report. The fire and crime information reflected in this report was collected from January 1, 2017 to December 31, 2017. The crime and fire numbers are submitted to the U.S. Department of Education by October 1, 2018. This report will be accessible on the Campus Safety webpage for the 2018-2019 school year. Hard copies are available at Campus Safety located in the Spann building unit #5.

It is the responsibility of Rhodes College to do everything possible to provide a safe and secure environment for our students, employees and campus visitors. This document is intended to serve as the annual security, fire safety report, VAWA as required by the Higher Education Opportunity Act and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. The purpose of the report is to provide information about security on campus, to include: campus crime statistics, fire statistics and safety information, policy information, safety tips, resource phone numbers and a brief overview of the many services/resources Rhodes College and the community provides.

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Information for this annual report is compiled from reports provided by, but not limited to, Campus Safety, Residence Life, other Campus Security Authorities and Local Law Enforcement.

Campus Security Authority (CSA) individuals with significant responsibility for campus and student activities, such as campus security, resident assistants, coaches, and club advisors, among others: <https://www.rhodes.edu/content/safety-campus>

If you have any questions about any part of this report, please contact Ike Sloas, Director of Campus Safety (901-843-3215).

## Rhodes College Vision Statement

Rhodes College aspires to graduate students with a life-long passion for learning, a compassion for others, and the ability to translate academic study and personal concern into effective leadership and action in their communities and the world. We will achieve our aspiration through four strategic imperatives:

### 1. Student Access

To attract and retain a talented, diverse student body and engage these students in a challenging, inclusive and culturally-broadening college experience.

### 2. Student Learning

To ensure our faculty and staff have the talent, the time and the resources to inspire and involve our students in meaningful study, research and service.

### 3. Student Engagement

To enhance student opportunities for learning in Memphis.

### 4. Student Inspiration

To provide a residential place of learning that inspires integrity and high achievement through its beauty, its emphasis on values, its Presbyterian history, and its heritage as a leader in the liberal arts and sciences.

### 5. Rhodes College's Commitment to Diversity

A diverse learning community is a necessary element of a residential liberal arts education. We, the members of the Rhodes College community, are committed to creating a community where diversity is valued and welcomed. To that end, Rhodes College does not discriminate on the basis of race, gender identity or expression, color, age, religion, disability, sexual orientation, and national or ethnic origin, and will not tolerate harassment or discrimination on those bases.

We are committed to providing an open learning environment. Freedom of thought, a healthy exchange of ideas, and an appreciation of diverse perspectives are fundamental characteristics of a community of scholars. To promote such an academic and social environment we expect integrity and honesty in our relationships with each other and openness to learning about and experiencing cultural diversity. We believe that these qualities are crucial to fostering social and intellectual maturity. Intellectual maturity also requires individual struggle with unfamiliar ideas. We recognize that our views and convictions will be challenged, and we expect this challenge to take place in a climate of tolerance and mutual respect.

*Adopted by the Rhodes Board of Trustees January 17, 2003*

## Campus Safety Mission Statement

To provide for the safety and security of all persons and property within the Rhodes community so as to enable the educational commitment of the College to go forward.

### The Role of Campus Safety

The Campus Safety Office is structured within the Rhodes' Division of Student Life, putting Campus Safety in close contact with all aspects of student life.

The primary mission of the Campus Safety Department is to preserve the safety and security of the campus community to enable the mission of the college to go forward. This mission includes comprehensive efforts aimed at protecting our community from threats to both person and property. Although the Campus Safety staff is considered a private security and safety force, they are responsible for holding community members accountable to all state and local laws, college policies and procedures and emergency responses. Campus Safety strives to provide support services that are consistent, welcoming and foster a safe Rhodes Community.



### Campus Enforcement Policy Statement

- Campus safety does not have authority to arrest
- Memphis Police Department has enforcement authority
- Accurate and prompt reporting
  - a) 24/7 staff that will respond and take reports
  - b) Daily crime logs are maintained by the Director of Campus Safety: <https://www.rhodes.edu/crime-and-fire-report>

### Monitoring & Reporting of Criminal Activity

- Cameras
- FOBS
- Emergency Phones
- 24/7 Security

Campus Safety has an ongoing working relationship with the Memphis Police Department, Shelby County Sheriff's Office and the local FBI office. Rhodes College is located within the MPD Crump Station Precinct which not only supports active street patrol units but offices general investigation detectives at 949 H.E. Crump Memphis TN.

## Off-Campus Conduct

The values of Rhodes College apply wherever Rhodes community members live, work or play. Students may be held accountable for conduct which constitutes a hazard to the health, safety, or well-being of members of the College community or which is detrimental to the College's interests whether such conduct occurs on campus, off campus, or at College-sponsored events. All complaints filed with Rhodes College regarding off-campus conduct will be investigated by the Office of Community Standards.

### Good Neighbor Policy

Rhodes College values all community members, including those outside our gates. The College strives to build positive, respectful, and civil relationships with our community neighbors to ensure positive, open streams of dialogue.

Complaints involving excessive noise and/or trash reported by community neighbors will result in an investigation led by the Office of Community Standards. The following are possible sanctions for community violations involving noise and/or trash:



- Warning
- Impact/Reflection Letters
- Mandatory Community Service
- Disciplinary Probation

## Rhodes College Student Handbook Alcohol & Social Event Policy

### Social & Alcohol Policy

In 2009, led by a group of students, the College adopted the following statement:

As a community we embrace the vision of a healthy and balanced social environment, grounded in trust and open communication among faculty, staff, and students. Such an environment fosters personal and community growth and embodies a sense of responsibility and accountability to self and others. This vision depends upon each member's commitment to achieve and maintain inclusiveness, consistency, continual education, and the growth of shared traditions. This is our duty to one another.

Rhodes supports behavior and social interactions that are:

- Legal
- Responsible
- Healthy
- Reflective of our community values

### Expectations & Procedures

#### *Responsible & Healthy Behavior*

- There is a time and place for alcohol consumption that is consistent with certain college activities and times of day. Behavior should demonstrate respect for the campus, its visitors, and its community.
- Reasonable and safe consumption happens when drinking is done in moderation and not toward a goal of inebriation. When drinking is the focus of an activity or gathering, consumption is less likely to be reasonable and safe. Drinking during or before certain high-risk activities or in conjunction with health conditions or medications is dangerous to both the student and his or her surrounding community.
- Public intoxication is not a community value or activity endorsed by

the social policy or alcohol policy of the College. Public intoxication is defined as a state of inebriation indicating impaired judgment, visible intoxication, or behavior that endangers or threatens the welfare of self and others. The public consumption and/or possession of alcohol in public areas, including on-campus buildings and outdoor venues is prohibited unless a college-sanctioned event. All student events involving alcohol must be registered in the Events Management System, and the student host of the event must have approval from the organization's advisor. Once approved, carrying alcohol from one on-campus venue to another is prohibited unless carried in a cup. No bottles, cans, kegs or other containers are allowed to be carried from one on-campus venue to another. This includes, but is not limited to: academic buildings, the library, parking lots, outdoor quads and spaces, athletic fields, roadways, and administrative buildings.

- Driving under the influence of alcohol and/or drugs is strictly prohibited both on and off campus.
- Public consumption and/or possession of alcohol in public areas, including on-campus buildings and outdoor venues is prohibited unless a college-sanctioned event.
- Good Samaritan Statement: The health and safety of students is a priority for the Rhodes community. Because of this, the College has adopted a Good Samaritan Statement, and students are expected to assist fellow community members by utilizing this service. Students are to contact Campus Safety or Residence Life staff when they believe an impaired/intoxicated student is in need of assistance. In case of a medical emergency, students should call 911. When a student or organization calls for assistance, neither the student/organization, nor the impaired student will be subject to an alcohol violation, unless the student involved demonstrates a repeated lack of care for him/herself and the campus community. This policy does not protect students from violations of other college policies, such as threatening/causing physical harm, sexual assault, harassment, damage to property, hazing, etc. This policy likewise does not prevent action by local and state authorities. Staff members will record names of intoxicated students to allow for appropriate follow-up, which may result in timely completion of alcohol education programs, assessment, or treatment, depending upon the level of concern for the student's health and safety.
- High-Risk drinking and associated paraphernalia (such as funnels), which encourage the abuse of alcohol, are strictly forbidden.
- In order to promote safer alcohol consumption and individual responsibility, common containers and mass sources – including kegs and stockpiles of beer or other alcohol – are not permitted.
- Shared Responsibility Statement: Students who are found to be present in an environment when illegal, unhealthy, irresponsible, or unreflective of community values drinking is occurring may be held responsible for a "Shared Responsibility-Alcohol" violation. This violation will likely result in a warning.

### ***Hosting Events & Parties***

All events planned and hosted by Rhodes College departments and registered organizations must use the Events Management System to:

- Reserve the location (indoor, outdoor, and off-campus) seven days prior to the event start date. If coordination with other departments listed below, arrangements are needed at least three days in advance.
  - Arrange catering through Aramark and request any of the following: set-up from Physical Plant (chairs, tables, stage, etc.), AV equipment from the Barret Media Center, Campus Safety if cash is collected or security is needed, and publicity through Communications.
  - In planning of events where alcohol is anticipated, the host will work with the advisor (if student group) or the VP for Finance and Business Affairs (faculty and staff) and Campus Safety to plan logistics and procedures related to compliance with the law, organizational rules and by-laws, and the well-being of guests.
  - Advertising for events must follow the Posting Signs Policy in the Student Handbook.
  - Clean-up of events on campus must be completed by 8 a.m. the following morning unless an earlier time is requested in advance.
- Regulatory and Contractual Compliance
- Aramark is Rhodes College's approved contract vendor for food and beverages. To consume alcohol in the Lair and/or Lair Patio, it must be purchased through Aramark.
  - In compliance with the National Collegiate Athletic Association, possession and consumption of alcohol is prohibited at National Collegiate Athletic Association athletic events.
  - No organization shall furnish alcoholic beverages to students on campus or at any College function.
  - Requests for exceptions to these procedures should be made to the Dean of Students for student groups or the VP for Finance and Business Affairs for other groups.

### ***Mailroom***

It is prohibited for any student, regardless of age, to have alcohol shipped to the mailroom at Rhodes College. The mailroom will inform the Office of Community Standards if/when shipments of alcohol are received. This is a violation of the Social and Alcohol Policy.

### ***Legal Behavior***

The following summary is provided to promote increased awareness of the Tennessee laws concerning alcoholic beverages. This summary is not intended to be a restatement of the law nor a summary of all of



the laws relating to alcoholic beverages. All members of the Rhodes community are responsible for compliance with the state laws governing the use of alcohol.

Regarding alcohol consumption, according to Tennessee law, it is illegal:

- For any person or group of legal drinking age to sell, furnish, or provide alcoholic beverages to any person under twenty-one years of age;
- For any person under the age of twenty-one to purchase, receive, or possess alcoholic beverages;
- For any person to make a false statement to the effect that he or she is twenty-one years of age or older for the purpose of obtaining alcoholic beverages;
- For any person or group to sell alcoholic beverages without a license;
- For any person or group of legal drinking age to sell or furnish any alcoholic beverages to any person who is known to be visibly intoxicated, or to any person who appears to habitually drink alcoholic beverages to excess, or to any person who appears to be a habitual user of narcotics or other habit-forming drugs.

Regarding alcohol & driving a motor vehicle, according to Tennessee law, it is illegal:

- To drive or be in physical control of a motor vehicle if a person is under twenty-one years of age and register .02 or more blood-alcohol content (BAC); for individuals who are twenty-one or over, the blood-alcohol test level is set at .08.
- To consume any alcoholic beverage or possess an open container of alcoholic beverage while operating a motor vehicle.

Partial summary of punishments for offenses related to alcohol and motor vehicles:

- The offense of driving while impaired (.02 or greater BAC) for a person under age twenty-one (21) is a Class A misdemeanor punishable by a driver's license suspension of one (1) year and by a fine of two-hundred fifty dollars (\$250). As additional punishment, the court may impose public service work.
- The offense of driving while the driver is in possession of an open container of alcohol, or of a beverage containing any amount of alcohol, is a Class C misdemeanor punishable by a fine to be established by the court.
- The first DUI offense (.08 or higher BAC) is punishable by 48 hours minimum jail time, one (1) year suspension of license, \$350 minimum fine, 11 months and 29 days probation, and participation in an alcohol treatment program.
- The second DUI offense (.08 or higher BAC) is punishable by 45 straight days minimum jail time, two (2) year suspension of license, \$600 minimum fine, 11 months and 29 days probation, and treatment.
- The third DUI offense (.08 or higher BAC) is punishable by 120 straight days minimum jail time, three (3) to ten (10) year suspension of license, \$1,100 minimum fine, 11 months and 29 days probation, and treatment.
- The fourth DUI offense (.08 or higher BAC) is punishable by 150 straight days minimum jail time, five (5) year suspension of license, \$3000 minimum fine, and 1 to 6 years probation or parole.

### **Violations & Sanctions**

In light of our Vision and policy we seek to establish an appropriate system for addressing violations of our community, remembering our commitment to fostering an atmosphere of personal and communal development.

- To emphasize learning versus punishment
- To promote development
- To emphasize success and support
- To support responsibility and judgment of individuals and groups.

Student violations of this policy are on a two-tiered system. "Level 1" Violations include, but are not limited to, the possession or consumption of alcohol if under the age of 21 or providing alcohol to underage students. "Level 2" Violations include, but are not limited to, alcohol intoxication or substance induced behavior that places a student at risk in terms of health and safety issues. The adjudicator determines the level of the violation.

#### ***Students in violation will:***

1. Dispose of all alcoholic beverages in his or her possession or the alcoholic beverages will be confiscated and disposed of by a College staff member;
2. Receive a written or oral warning that current or future policy violation(s) may result in more severe sanctions and/or administrative action at the discretion of the adjudicator.

#### **Level 1 Violation**

- 1st Violation - Alcohol Education, Letter of Warning, Other Sanctions
- 2nd Violation - Alcohol Education, Substance Evaluation, Letter of Warning, Parent/Guardian Notified, Disciplinary Probation, Other Sanctions
- 3rd Violation - Substance Evaluation, Parent/Guardian Notified, Deferred Suspension, Letter of Warning, Suspension, Other Sanctions
- 4th Violation - Suspension, Parent/Guardian Notified, Other Sanctions

#### **Level 2 Violation**

- 1st Violation - Alcohol Education, Parent/Guardian Notified, Substance Evaluation, Letter of Warning, Other Sanctions
- 2nd Violation - Alcohol Education, Parent/Guardian Notified, Substance Evaluation, Disciplinary Probation or Deferred Suspension, Letter of Warning, Other Sanctions
- 3rd Violation - Parent/Guardian Notified, Substance Evaluation, Suspension, Other Sanctions

**Alcohol Education** – designed to increase awareness of health, safety and legal issues surrounding alcohol misuse.

**Substance Evaluation** – evaluation for substance abuse issues.

**Parent Notified** – The parent/guardian will be notified via telephone.

**Other Sanctions** – see section on "Disciplinary Sanctions"

Failure to complete the required sanction(s) within six (6) weeks will result in: (1) the inability to register at enrollment clearance for the following semester until requirements are met; and (2) other sanctions may be applied.



**Special Note:** Any violation that includes drinking and driving on campus will likely result in a suspension of parking and driving privileges for the rest of the student's college career at Rhodes.

### **Violations by Employees**

All Rhodes College employees are responsible for compliance with the College Alcohol Policy. The following employee regulations represent the college's policy concerning alcohol:

1. While at work or at college-sponsored events, on or off campus, all employees are prohibited from being under the influence of alcohol to the point where, in the opinion of the college, judgment or performance is impaired.
2. Employees who exhibit chronic erratic or unusual behavior, incur excessive absences or incidents of tardiness, are involved in a work-related accident, or otherwise give the college reasonable cause to believe they are under the influence of alcohol will be subject to drug and alcohol testing and possible disciplinary action as stated in the college handbook.

Employees who organize or sponsor a student group, whether on or off campus, have the responsibility to enforce the College's Alcohol Policy. Failure to comply with these responsibilities will be considered a violation of the Alcohol Policy and violators will be subject to disciplinary action suited to the severity of the violation as stated in the College Handbook.

### **Alcohol Consumption in the Lynx Lair**

The procedures outlined below apply to all students, faculty, staff, alumni, visitors and guests of the College. At all times each member of the Rhodes community is responsible for his or her behavior and the conduct of his or her guests.

#### **Identification & Purchasing Procedures**

1. Students, faculty, staff, alumni, visitors and guests of the college who are of legal drinking age can present a valid driver's license for the purchase and consumption of alcohol. Each person may purchase only one alcoholic beverage at a time.
2. In accordance with the rules and regulations of the Alcohol Commission of the City of Memphis, the Memphis police shall be called promptly by ARAMARK employees to report a fight or disturbance at the Lynx Lair. Students and employees involved in an alcohol-related incident in the Lair will be subject to disciplinary action described in the Alcohol Policy.
3. ARAMARK reserves the right to refuse service to any persons.
4. No alcohol may be brought into the Lynx Lair.

#### **Reservations Procedures**

Persons or groups wishing to reserve the Lynx Lair for special events during alcohol service hours may do so as follows:

1. Contacting the Director of Student Involvement and the Facilities Coordinator and completing the campus facilities usage form.
2. Submitting a Special Event registration form to the Director of Student Involvement no later than seven days prior to the date of the event.
3. Complying with all regulations and responsibilities as listed in the above policy on alcohol apply during registered events in the Lynx Lair.

Student organizations may reserve the Lynx Lair for special events, however, because it is a place of business, a group may not restrict access to any member of the Rhodes community, visitors or guests during the event.

#### **Alcohol Awareness**

Rhodes is committed to providing students, faculty, and staff with factual information about alcohol as well as confidential referrals for professional assistance in the event that they are needed. An awareness of the negative effects of alcohol consumption may assist you in your efforts to make safe and responsible choices about alcohol. Educational programs will be organized and conducted annually to promote continued awareness and encourage an attitude of genuine concern and care for others. Information concerning responsible use, effective party planning, indications of abuse or addiction, and resources for assistance are available for you or someone you care about in the Counseling Center.

## **Rhodes College Student Handbook Policy on Drugs**

### **Drug Free Workplace**

Rhodes complies with the requirements of the Drug-Free Workplace Act of 1988. The College will not tolerate the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance or the misuse of medications or other legal drugs on the Rhodes campus. Such activity is a threat to the personal safety of the people who work and live on the campus, and a threat to the reputation and mission of the College. Such conduct:

1. Violates the law
2. Compromises the physical and mental health of those involved
3. Threatens the fabric of the community by introducing unlawful elements.

The students, faculty, and staff of Rhodes are responsible for knowing and complying with all applicable state and local laws that make it a crime to possess, sell, deliver or manufacture those drugs considered to be "controlled substances" by the state of Tennessee. Any member of the Rhodes community who violates the law is subject to both prosecution and punishment by civil authorities and to disciplinary proceedings by the College.

Students, faculty, or staff at Rhodes are subject to disciplinary action for the possession, manufacture, use, sale, or distribution (by either sale or gift) of any quantity of any prescription drug or controlled substance or for being under the influence of any prescription drug or controlled substance, except for the appropriate use of an over-the-counter medication or for the prescribed use of medication in accordance with the instructions of a licensed physician. Controlled substances include, but are not limited to, marijuana, cocaine, cocaine derivatives, heroin, amphetamines, barbiturates, LSD, PCP, and substances typically known as "designer drugs" such as "ecstasy" or "eve." Possession of paraphernalia associated with the use, possession or manufacture of a prescription drug or controlled substance is also prohibited. Students, faculty or staff also are subject to disciplinary action for the misuse or abuse of mind-altering substances (e.g., Amyl Nitrate, Ephedrine, etc.).

The penalties to be imposed by the College may range from probation to suspension or expulsion from one's place of residence, to expulsion from enrollment, or termination from employment. However, the following are minimum penalties.

## Student Penalties

The minimum penalty for a first-time drug paraphernalia violation is a requirement to participate in drug education and disciplinary probation for six months. Any student who violates the drug policy for drug paraphernalia for a second time will likely be deferred suspension or suspension from the College for at least one semester.

The minimum penalty for a first-time violation of the Drug Policy for misuse or abuse of legal drugs or the illegal use or possession of a prescription drug, or controlled substance be disciplinary probation for a full year and a requirement for participation in a drug abuse education and/or treatment program. Parental notification is also likely. Any student who violates the Drug Policy for misuse or abuse of legal or illegal use or possession of a prescription drug, or controlled substance for a second time will likely be suspended from the College for at least one year.

Shared Responsibility Statement: Students who are found to be present in an environment where drug use or drug paraphernalia is present will be held responsible for a “Shared Responsibility Drug” violation. This violation will likely result in a warning and drug education.

The penalty for sale, manufacture for sale, or distribution of a prescription drug, controlled or mind-altering substance, or drug paraphernalia is likely to be expulsion from the College.

## Employee Penalties

All Rhodes College employees are responsible for compliance with the College Drug Policy. The following employee regulations represent the college’s policy concerning illegal drugs:

1. While at work, all employees are prohibited from being under the influence of illegal drugs. Violations of this regulation will be subject to discipline, including termination.
2. The sale, possession, transfer or purchase of illegal drugs on college property or while performing college business is strictly prohibited. Any such actions will be reported to appropriate law enforcement officials and is cause for immediate termination.
3. Employees who exhibit chronic erratic or unusual behavior, incur excessive absences or incidents of tardiness, are involved in a work-related accident or otherwise give the college reasonable cause to believe they are under the influence of drugs will be subject to drug and alcohol testing.

**Appeals Process:** Employees will have the right to appeal any disciplinary action that is consistent with the appeals process as described in the college handbook.



## Employee Resources

### *Employee Assistance Program*

Rhodes employees can access CONCERN, an Employee Assistance Program. CONCERN provides counseling services to employees and members of their households at no cost. Counselors are licensed or certified seasoned professionals. CONCERN can help with problems such as:

- Marital and family relationships;
- Alcohol or drugs;
- Grief counseling;
- Gambling and financial problems;
- Elder care issues

CONCERN can also refer you to a specialist if you need help beyond the scope of their practice. This service is free and confidential. You may contact CONCERN 24/7 at (901) 458-4000.

### **Summary of State Law Concerning Drugs**

The following summary of the Tennessee Code Annotated is provided to promote increased awareness of the Tennessee laws concerning controlled substances. This summary is not intended to be a restatement of the law nor a summary of all of the laws relating to controlled substances. All members of the Rhodes community are responsible for compliance with laws concerning controlled substances.

It is a criminal offense to knowingly manufacture, deliver, sell, or possess with the intent to manufacture, deliver, or sell controlled substances. The State of Tennessee defines seven categories of controlled substances. Depending upon the type and quantity of substance, felony penalties include fines ranging from \$5,000 to \$500,000 and imprisonment for not less than one year to not more than 60 years.

For misdemeanor possession of a controlled substance, the penalty is imprisonment of not more than 11 months and 29 days and a \$2,500 fine.

The term “drug paraphernalia” means any equipment, products, and materials of any kind which are primarily used, intended for use, or designed for use by the person in possession of them, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing,



analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body, a controlled substance. (T.C.A. 22-42A-1)

The maximum penalty for unlicensed possession of drug paraphernalia is a Class A misdemeanor with imprisonment up to 11 months and 29 days in jail and a \$2,500 fine.

The maximum penalty for the unlicensed possession of drug paraphernalia with intent to sell, deliver, or manufacture a controlled substance is a Class E felony with imprisonment for not less than one year nor more than six years, or a fine of not more than \$5,000, or both.

### Health Risks

People who abuse alcohol or drugs risk damage to both their mental and physical health. The following information includes some health risks associated with misuse of alcohol and drugs.

- **Alcohol.** Alcohol consumption causes a number of changes in behavior and physiology. Even low doses significantly impair judgment, coordination, and abstract mental functioning. Statistics show that alcohol use is involved in a majority of violent behaviors on college campuses, including acquaintance rape, vandalism, fights, and incidents of drinking and driving. Continued abuse may lead to dependency, which often causes permanent damage to vital organs and deterioration of a healthy lifestyle.
- **Cannabis (Marijuana, Hashish).** The use of marijuana may impair or reduce short-term memory and comprehension, alter sense of time, and reduce coordination and energy level. Users often have a lowered immune system and an increased risk of lung cancer. The active ingredient in marijuana, THC, is stored in the fatty tissues of the brain and reproductive system for a minimum of 28 to 30 days.
- **Hallucinogens.** Lysergic acid (LSD), mescaline, and psilocybin cause illusions and hallucinations. The user may experience panic, confusion, suspicion, anxiety, and loss of control. Delayed effects, or flashbacks, can occur even when use has ceased. Phencyclidine (PCP) affects the section of the brain that controls the intellect and keeps instincts in check. Because the drug blocks pain receptors, violent PCP episodes may result in self-inflicted injuries.
- **Cocaine/Crack.** Cocaine users often have a stuffy, runny nose and may have a perforated nasal septum. The immediate effects of cocaine use include dilated pupils and elevated blood pressure, heart rate, respiratory rate, and body temperature, followed by depression. Crack, or freebase rock cocaine, is extremely addictive and can cause delirium, hallucinations, blurred vision, severe chest pain, muscle spasms, convulsions, and even death.
- **Amphetamines.** Amphetamines can cause a rapid or irregular heartbeat, tremors, loss of coordination, collapse, and death. Heavy users are prone to irrational acts.
- **Heroin.** Heroin is an opiate drug that causes the body to have diminished pain reactions. The use of heroin can result in coma or death due to a reduction in heart rate.

### Alcohol & Drug Education Program

**AlcoholEdu** - This interactive online program incorporates the latest evidence-based prevention methods to create a highly engaging user experience, inspiring students to reflect on and consider changing their drinking habits.

**Counseling Center** - The Rhodes College Counseling Center completes Alcohol and Drug Assessments for students. Students who may receive a "Good Samaritan", multiple alcohol violations, 1st time drug violations, or is transported to the hospital as a result of alcohol consumption may be sanctioned to an assessment with the Counseling Center. The assessment is a two meeting commitment with a counselor and the Director of Community Standards receives the results of the assessment. We also refer students to a local counselor in the Memphis community if they prefer to see an off-campus provider.

**Alcohol Class** - The Alcohol class is used as a sanctioning tool predominantly for students who violate the Alcohol policy for the first or second time. This class is one-time, one-hour and is facilitated by interns at the Counseling Center. It focuses on the following information: risk assessment, decisional balance, myths debunked, risk factors for alcoholism, options for reducing risk, signs of alcohol poisoning, and alcohol basics. We have a low recidivism rate of students getting a second alcohol violation after attending the alcohol class.

**Electronic Check Up To Go** - This program is a personalized, evidence-based, online prevention intervention for Alcohol. This program is designed to motivate individuals to reduce their consumption using personalized information about their own drinking and risk factors. The programs are designed with the most current and reliable research available by San Diego State University.

**Welcome Week Alcohol Seminar** - In 2017 the Director of Community Standards facilitated sessions to all first year students that reviewed the Social and Alcohol policy focusing on the tenets of the Alcohol policy: Legal, Healthy, Responsible, and Reflective of Campus Values.

**Campus Events** - The Rhodes Activities Board (RAB) sponsors and manages a variety of events that promote campus unity, encourage responsible social activity, and expose students to diverse cultural, intellectual, and social opportunities. RAB provides lectures, movie nights, concerts, carnivals, and more on a regular basis throughout the year.

**The Big Diehl** is a programming initiative from Student Life that aims to provide social opportunities for students in the Memphis and surrounding areas for little to no cost on the weekends. The Big Diehl is organized by a committee of students and staff who plan and organize about 10 different events



over the course of each semester. These events include: Ski Trips, Movie Nights, NBA Basketball Tickets, Trip to St. Louis, Paintball, etc. These events are encouraged for students as an alternative to parties where alcohol is present.

*The Little Diehl* is a programming initiative from the Division of Student Life to offer smaller programs on the weekends as alternatives to alcohol. These programs include monthly music concerts, comedians, etc. The programs do not compete with the Big Diehl, they complement the programs already happening on campus.

*The Social Regulations Council* has been doing some proactive programming since many of their cases revolve around alcohol consumption. They have done some passive programming and held a mocktail program in the Fall semester.

The college sponsors a variety of events during the *National Collegiate Alcohol Awareness Week* each year. The programs include both active and passive programs such as free care cabs for students on homecoming and Halloween weekends, alcohol quiz, arrive alive simulator, free desserts at midnight.

There are a number of *Passive and Active Programming Efforts* completed throughout the course of the year. These efforts are completed by Resident Assistants, other student organizations, as well as the office of Community Standards in collaboration with a variety of other offices on campus. A few examples of programs are: *MADD/Alcohol Facts* giveaway in the Dining Center; *It's on US* campaign; *Pancake Study Break* during finals week, etc.

*Community Conversations* – We begin the conversation about the standards of the Rhodes Community during our *Open Rhodes Orientation Program*. In this session, we discuss the Rhodes College Honor System which consists of the Honor Code, Social Regulations Code, and Commitment to Diversity. In addition, we discuss the Standards of the Rhodes Community. One of the messages we discuss is, “You can choose your actions, but you can't choose your consequences, so think about your actions in regards to all you choose as you begin your journey at Rhodes.” This seems to be a great way to begin the conversations with students around their choices. The Open Rhodes Assistants are also involved in conversations with the students in smaller groups.

*Alcohol Free Spaces* - The campus offers a number of lounges and spaces to hang out that are alcohol-free, recreation center, spaces in both academic buildings and residence halls, as well as our coffeehouse. The student and recreation centers offer late night hours, and the other spaces are all available 24 hours per day.

*Registering Events* - Any student group registering an event, will register their event on our online Events Management System. In addition to registering the event, if an event will have alcohol present a campus safety officer must be present to check ID's. In addition, other measures should be in place for a safe environment. Included in the Social and Alcohol policy, is that no “spontaneous events” where alcohol may be present are allowed.

*Stall Stories* – Every month a ‘Stall Story’ is created around Alcohol and Drug Education. The stall stories are placed in the back of the doors in the bathroom stalls in the residence halls. They focus on a variety of topics including: Alcohol and Academics, Alcohol and the Body, Drunk and Drugged Driving, Pre-Gaming, Drug Awareness, etc. These are created by the Student Employee for Alcohol and Drug Prevention.

*express.rhodes.edu* – Rhodes Express is an internal website for faculty, staff, and students of Rhodes College. On this site faculty, staff, and students of Rhodes College can access handbooks and report sexual misconduct.

*Social Norms* – Using the information from the CORE survey, social norms are used both in printed material, as well as giveaways (i.e. pens) for new and returning students.

*Care Cab* – If a student is off-campus and needs a ride back to campus, they can call Care Cab and they will send a taxi to wherever they are located in Memphis. When they get back to campus, they need no money, just be dropped off at the gate. The cost of the cab will be billed to their student account, so they can get home safely.

### **Rhodes Weapon Policy**

Rhodes College strictly prohibits possession of weapons of any type by students, employees or visitors on all College property, including but not limited to firearms, B-B guns, pellet guns, bows and arrows, hunting knives, explosives or any other object that could be used as a deadly weapon. (Weapons are defined in the Tennessee Code Annotated.) Violators (including those individuals with valid Tennessee gun carry permits) are subject to suspension, expulsion, termination, or any combination of appropriate sanctions. The sole exception to this policy is that Rhodes College complies with Tennessee Code Annotated § 39-17-1313. In accordance with the TCA § 39-17-1313, the holder of a valid handgun carry permit recognized in Tennessee may transport and store a firearm or firearm ammunition in the permit holder's motor vehicle if:

1. The permit holder's vehicle is parked in located where it is permitted to be; and
2. The firearm or ammunition being transported or stored in the vehicle:
  - Is kept from ordinary observation if the permit holder is in the vehicle;
  - Is kept from ordinary observation and locked within the trunk, glove box, or interior of the person's motor vehicle or a container securely affixed to the vehicle if the permit holder is not in the vehicle.

Any violation of this policy should be reported immediately to Campus Safety at 843-3880. Prohibition of such weapons extends to the property and/or vehicles controlled by an individual while on College property if that individual is not in compliance with TCA § 39-17-1313. Questions regarding this policy should be directed to the Director of Campus Safety or the Chief Human Resources Officer.

### **Reporting of Crimes**

Rhodes College encourages the prompt reporting of any incident that compromises the safety, health or rights of the campus community. The Campus Safety Department is the primary responder for campus emergencies. Rhodes College and Campus Safety work cooperatively with local law enforcement agencies when criminal activity is perpetrated by students beyond the jurisdiction of the college.

The Director of Campus Safety reviews the crime statistics reports to avoid duplicating statistics and for the proper classification of the offense. Statistics received from the Memphis Police Department are compared to the campus crime log to avoid duplication of reported offenses. The statistics reported herein have been obtained from the following sources:

- Rhodes College Campus Safety Department



- Memphis Police Department
- Faculty/Staff of Rhodes College

**Offenses within this report are listed under four location types, which are as follows:**

**On campus:** Any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and use by the institution in direct support of or in a manner related to the institution’s educational purposes, including residence halls and property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students and supports institutional purposes.

**On campus:** includes all crimes reported in residence halls.

**Noncampus Building:** Any building or property owned or controlled by a student organization recognized by the institution and any building or property owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students and is not within the same reasonably contiguous geographic area of the institution.

**Public Property:** All public property that is within the same reasonably contiguous geographic area of the institution such as a sidewalk, street, thoroughfare or parking area and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to, the institution’s educational purpose.

**Residence Hall:** All residence halls or other residential facilities for students on campus.

**Hate Crime Reporting**

It is the policy of Rhodes College to report as hate crimes any occurrence of criminal homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, and any other crime involving bodily injury reported to local law enforcement agencies or a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias. Additionally, the crimes of larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property will be reported in hate crime statistics. The FBI’s Uniform Crime Reporting Hate Crime Collection Guidelines will continue to be the source for definitions.

**Disciplinary Violations**

Any student found to have committed or to have attempted to commit the following behaviors is subject to disciplinary sanctions. A “student” includes all persons taking courses at Rhodes College, both full-time and part-time, pursuing undergraduate or graduate studies. Persons who are not officially enrolled for a particular term, but have a continuing relationship with Rhodes College. Many of these policies are described in further detail elsewhere in the handbook; this list is intended as notice that violation of the policies is likely to result in sanctions.

1. Acts of dishonesty, including but not limited to the following:

- Lying - in official matters.
- Cheating, plagiarism, or other forms of academic dishonesty. Forgery, alteration, or misuse of any College document, record, or instrument of identification.
- Stealing, attempted or actual theft of property or services of the College, of a member of the College community, or other personal or public property.

2. Interfering with College or College sponsored activities, including but not limited to, studying, teaching, research, college administration, or fire, police, or emergency services.

3. Endangering, threatening, or causing physical harm to any person, or unwanted physical contact or causing reasonable apprehension of such harm. This may include verbal abuse, intimidation, harassment, coercion, and/or other conduct which threatens or endangers the health or safety of any person.

**Confidential Drug & Alcohol Resources & Clinical Services**

Counseling Center and Health Services  
Moore Moore Health Services  
901-843-3128

Lakeside Behavioral Health System  
2911 Brunswick Rd, Memphis, TN 38133  
901-377-4733

Memphis Alcohol and Drug Council/NCA, Inc.  
1430 Poplar Ave., Memphis, TN 38104  
901-274-0056

Memphis Area Intergroup Association (Alcoholics Anonymous)  
1835 Union Avenue Suite 302, Memphis, TN 38104  
901-726-6750

Methodist Health Care/Lamar Campus/Addictions Services  
Methodist Central  
1265 Union Ave., Suite 105 Sherard, Memphis, TN 38104  
901-726-2996

Mid-Town Mental Health Center  
427 Linden, Memphis, TN 38126  
901-577-0200, ext. 370

Charter Parkwood Hospital  
8135 Goodman Rd., Olive Branch, MS 38654  
662-895-4900

Southeast Mental Health Center  
3810 Winchester, Memphis, TN 38118  
901-369-1400

Veterans Administration Medical Center – Alcohol and Drug Unit  
(for veterans and families only)  
1030 Jefferson Ave., Memphis, TN 38104  
901-532-8990, ext. 5706

**Other Helpful Numbers**

- Rhodes College Campus Safety.....901-843-3880
- Southern Poison Center.....800-222-1222
- Crisis Center Hotline.....901-274-7477
- Emergency Medical Services.....911
- Narcotics Anonymous.....901-276-5483
- Al-Anon/Al-Ateen.....901-323-0321
- Adult Children of Alcoholics (ACOA).....901-323-0321
- Alcohol and Drug Help Line.....901-452-0923
- Library Information Center (LINC).....901-415-2700

4. Conduct that is directed at a specific person that would cause a reasonable person to (1) fear for her, his, or others' safety, or (2) to suffer substantial emotional distress.
5. Interfering with the freedom of expression of others.
6. Attempted or actual damage to property of the College or property of a member of the College community or other personal or public property, on or off campus.
7. Hazing, which is an action taken or situation created to produce mental or physical discomfort, embarrassment, harassment or ridicule, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization. The express or implied consent of the victim will not be a defense. No organization member shall condone hazing. Any student or student organization found in violation of hazing may be subject to suspension or expulsion from the College.
8. Failure to comply with directions of College officials, including campus safety officers, in performance of their duties.
9. Unauthorized possession, duplication or use of keys to any College premises or unauthorized entry to or use of College premises.
10. Possession of weapons of any type by students or visitors and/or vehicles controlled by an individual while on College property, including those individuals with valid Tennessee gun carry permits is prohibited. This includes, but is not limited to firearms, B-B guns, pellet guns, bows and arrows, hunting knives, explosives or any other object that could be used as a weapon.
11. Student hosts are responsible for guest behavior, including behavior occurring in their residence hall rooms, behavior at student organization events, and behavior by off-campus guests.
12. Violation of college alcohol or other drug policies.
13. Violation of the standards of the Rhodes Community.
14. Violation of college Sex/Gender Discrimination and Sexual Misconduct Policy.
15. Violation of any college regulation or policy.
16. Violating the terms of any disciplinary sanction imposed in accordance with the Handbook.
17. Violation of any federal, state or local law

## Regulations & Appeals

All policies will be enforced by the Director of Community Standards or designee, as authorized by the Dean of Students.

The Director of Community Standards determines the appropriate student judicial body to review an incident report, or whether the report should instead be reviewed administratively (after consultation with the appropriate student judicial body as appropriate). Cases referred to Social Regulations Council or Honor Council will be adjudicated according to those groups' constitutions.

When a report is reviewed administratively, the staff member will request a meeting with the student, share the report, and ask for a response from the student. The adjudicating staff may also undertake additional investigation as necessary. The adjudicating staff reserves the ability to utilize interim actions during an investigation when an incident causes concern about the safety and well-being of the community. Interim actions may include, but are not limited to no contact orders, interim suspension, and temporary removal from campus or housing. To determine if behavior is "in violation" of policy, administrative hearing officers will consider if a violation is "more likely than not" to have occurred, using preponderance of information as a standard of proof. When a determination has been made, the student will be notified of the decision and sanction (if relevant). The disciplinary record, i.e. previous judicial action, of a student found "in violation" of a policy or policies will bear on the severity of a sanction.

A decision reached by an administrative hearing officer may be appealed by the Accused Student within four days of the decision. Appeals should be in writing and directed to the Director of Community Standards or the appeal officer named in the sanctioning letter. The appeal letter shall specify the basis for the appeal. An appeal will be considered based on the supporting documents, unless the appeals officer decides that interviews are warranted, for one or more of the following purposes: to determine whether the hearing was conducted fairly; to determine whether the decision reached was based on a preponderance of the information; to determine whether the sanctions imposed were appropriate for the violations; or to consider new and relevant information, sufficient to alter a decision, but only where such information was not known or available to the appellant at the time of the original hearing. The appeal officer may either sustain the original decision and/or sanction or render a new decision and/or sanction. An appeal may not result in a more severe sanction for the Accused Student.

Students have the opportunity to apply for a variety of activities at Rhodes, during which the student represents the College and/or is placed in a leadership position. Because of the nature of these opportunities, applications for these positions may include consideration of the applicant's disciplinary record.

Rhodes College will report to institutions or agencies outside the college only those disciplinary violations that result in disciplinary probation, deferred suspension, suspension, or expulsion from the college. Information is reported only after a signed release is received from the student/alumni. Disciplinary records are maintained for 7 years post-graduation or separation from the College.







## Disciplinary Sanctions

The following sanctions may be imposed upon any student found to have violated College policies:

1. **Warning:** After a judicial conference or hearing, the hearing officer or body may believe the appropriate lesson has been learned and conclude the matter with a formal letter of warning.
2. **Disciplinary Probation:** A written notification for violation of specified regulations. Probation is designated for a specified period of time and includes the probability of more severe disciplinary sanctions, including suspension or expulsion, if the student is found to violate any institutional regulation(s) during the probationary period. Students can be placed on disciplinary or housing probation. You are considered not in good social standing with the College. Good Standing may be required for participation in certain campus activities. In addition, students not in good standing may have their conduct reviewed for leadership or employment positions on campus.
3. **Deferred Suspension:** You cannot represent the institution on or off campus in any capacity. Examples include, but are not limited to: competition in varsity athletics, international programs or activities, executive board member of any student organization, PA, RA, Diplomat, Mock Trial, or Rhodes Ambassador.
4. **Loss of Privileges:** Denial of specified privileges for a designated period of time.
5. **Fines:** Previously established and published fines may be imposed.
6. **Restitution:** Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
7. **Discretionary Sanctions:** Work assignments, service to the college, education, referral to counseling, required behavioral assessment, or other related discretionary assignments.
8. **Residence Hall Suspension:** Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
9. **Residence Hall Expulsion:** Permanent separation of the student from the residence halls.
10. **College Suspension:** Separation of the student from Rhodes College for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
11. **College Expulsion:** Permanent separation of the student from Rhodes College.

*More than one of the sanctions listed above may be imposed for any single violation.*

## Crime Prevention

Crime prevention is defined as the anticipation, recognition, and appraisal of a crime risk and the initiation of some action to remove or reduce that risk. Below are recommendations that can reduce the risk of being victimized:

- Lock your door whenever you leave your room for any length of time.
- Always lock your vehicle doors.
- Never prop open a residence hall door or a fence gate.
- Do not leave valuables or cash in plain view.
- Do not loan your room key or fob to anyone.
- Do not put your name or address on your room key.
- Take all valuables with you when you leave school for extended periods, such as breaks.
- Itemize your possessions on file, recording the description and serial number. Keep a copy of a file in a safe place.
- Never let unauthorized persons into your room, residence hall or secure areas. Always ask for identification and report any suspicious activity to Campus Safety.
- Avoid working or studying alone in a campus building. If working late, contact Campus Safety for an escort.

## Crime Prevention Programs

Rhodes College offers a variety of crime prevention programs.

Prevention emails-on going, self-defense classes-on going, active shooter trainings-on going, residence hall prevention classes-on going, annual-Open Rhodes booth proving information on crime prevention, annual session on crime prevention for international students, town hall meetings on crime prevention as needed.

## Crime Reporting

Rhodes College strongly encourages any victim of or a witness to a crime that occurs within the jurisdiction of Rhodes College regardless of its nature to report the incident immediately to Campus Safety to ensure that prompt and appropriate action can be taken. Crimes occurring off campus should be reported to the local law enforcement agency having proper jurisdiction. If you are unsure of the proper jurisdiction, contact Campus Safety and they will assist you in contacting the proper agency.

### Things to remember when reporting a crime

- Obtain a description of the perpetrator: Attempt to obtain the sex, age, race, hair color, clothing and distinguishable features. Also attempt to obtain the vehicle information, such as a plate number, color, type of vehicle and direction of travel.
- Preserve the crime scene: Do not touch any items involved in the incident. Close off the area of the incident and do not allow anyone into the crime scene until the police arrive.
- Sexual assault: If you are the victim of a sexual assault, report it immediately. Preserve the physical evidence. Do not bathe, douche, use the toilet or change clothing. If you have been raped, you should seek medical treatment immediately regardless of whether you report the matter to the police. (Further information is found under Sexual Assault and Rape on pgs. 17-31)
- Telephone harassment: Obscene or threatening telephone calls should be reported immediately. Other harassing phone calls should be reported if they persist. If you receive such a call, remain calm and hang up. Do not talk or try to discover who the caller is. If calling persists, keep a log of the times calls were received, what was said and a description of the callers voice.
- Bomb threats: If you know of a bomb threat, report it immediately to Campus Safety at ext. 3880. Notify your supervisor, department head then wait for instructions.
- Indecent exposure: Exposing one's self is a crime in Tennessee. If you observe someone doing this, contact Campus Safety. If off campus, contact the local law enforcement agency having proper jurisdiction.

### Who you can report a crime to on campus:

Campus Safety is the preferred department to report a crime to. However, in addition to Campus Safety, you may report a crime to any of the following staff members:

- Vice President of Student Life, Dean of Students – Dr. Russ Wigginton – 901-843-3997
- Director of Residential Life – Aretha Milligan – 901-843-3241
- Any Residential or Student Life Staff Members – 901-843-3241
- Any Counselor – 901-843-3128
- Executive Director of Athletics – Portia Hoeg – 901-843-3017
- Provost, Vice President for Academic Affairs – Dr. Milton Moreland – 901-843-3795
- Memphis Police Department – 901-526-COPS (2677)

### Anonymous/Confidential Reporting

- (1) An anonymous report means that the identity of the person making the report isn't known to any campus official.
- (2) A confidential report is one where the identity of the reporter is not made known to personnel beyond the official receiving the report.

Individuals can confidentially discuss incidents, misconduct or crimes with one of the following College "confidential resources" staff:

- Student Counseling Center staff - Moore-Moore Student Counseling Center - 901-843-3128;

**OR**

- Any member of the Student Health Services staff located at the Moore-Moore Student Health Center - 901-843-3895;

Anonymous reports can be made via the Title IX reports link at: [https://cm.maxient.com/reportingform.php?RhodesCollege&layout\\_id=50](https://cm.maxient.com/reportingform.php?RhodesCollege&layout_id=50)

If Rhodes College receives crime information it believes was provided in good faith, it will be documented as a crime report to be included in the ASR.

### Off Campus:

- Memphis Police Department or Campus Safety under certain circumstances.
- Rhodes College does not have any off campus student organizations.

## Security & Building Access Control

Students may need access to certain academic and administrative buildings in pursuit of their studies after these buildings have been locked at the end of the day and on weekends. At the same time, the College has the responsibility to ensure that students utilizing these facilities work and study in a safe secure environment.

Accordingly, students will use the following building access control systems:

1. When students need to have access to a certain academic office or administrative space, they must ask the appropriate departmental representative to certify that they are authorized to enter the room during a specified time. This authorization must be sent to Campus Safety where it will be retained on file.
2. Most academic buildings and administrative buildings, including classrooms, are accessible to students after hours by FOB. Individual offices and restricted spaces are secured and should not be entered unless previous authorization has been obtained as outlined above.
3. Access to students' rooms for anyone other than the registered occupant must always have the authorization of the Residence Life or Student Life Administrative Staff. This includes parents, family members, and friends of the registered occupant.





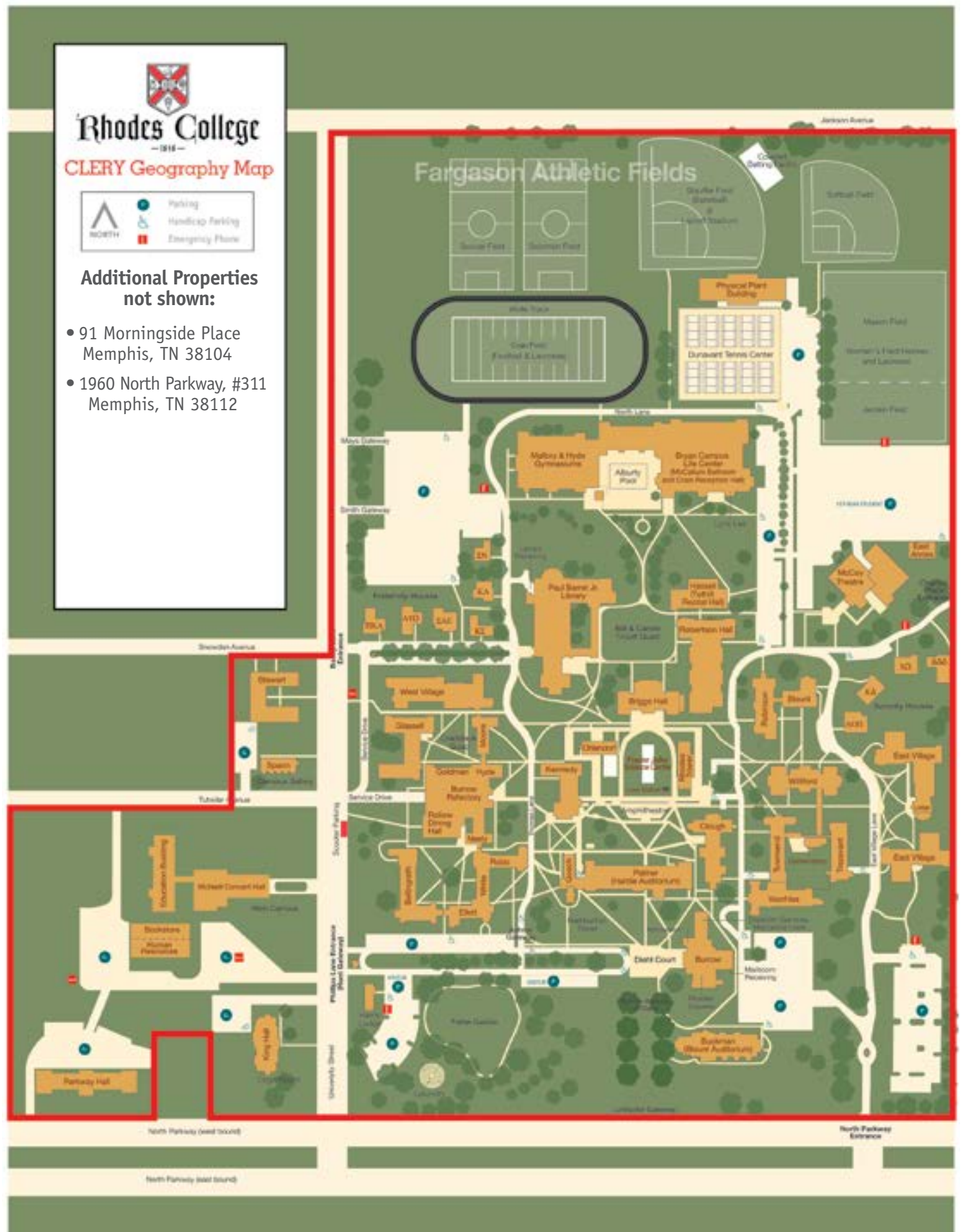
# Rhodes College

— 1816 —

## CLERY Geography Map


### Additional Properties not shown:

- 91 Morningside Place  
Memphis, TN 38104
- 1960 North Parkway, #311  
Memphis, TN 38112



4. Replacement of keys and FOBs that are either lost or damaged is done by accessing the work order system on [express.rhodes.edu](http://express.rhodes.edu) and completing the order form.

### **Building Access Repairs**

Should a building access protection device (lock, Fob or door) need maintenance call Campus Safety at Ext. 3880 or enter a work order request via the Physical Plant 24hr online work order system.

### **Guests & Visitors**

Rhodes has always welcomed guests and visitors to the campus. However, we also recognize that there are certain identification, safety and security problems attendant with this practice. Therefore, it is essential that guidelines be established to insure the well being of the college community. While it is impossible to cover every variable, the following general policies apply with respect to visitors to the campus.

Visitors to the campus are generally prospective students and parents, alumni, and those who have business with academic or administrative departments. Once the identity and purpose of these persons are confirmed they should always be made to feel welcome and accorded the same amenities that faculty, staff and students are allowed.

Guests are expected to remain under the auspices of the host student and the host student bears the responsibility for the guest's behavior and compliance with campus policy. Rhodes accessible keys should never be loaned to guests. Guests are not allowed during exams. When it appears that guests have been completely abandoned by a host, they will be asked to leave the campus. Host responsibilities for a guest should not be transferred from one student to another.

Students expecting a visitor, who is not staying overnight, may call the Campus Safety Welcome Centers (Bailey - #3894; Phillips - #3883) or have the guest sign in at either Welcome Center. If you're unable to connect to a Welcome Center, you may call the Campus Safety Control Center at #3880.



### **Safety & Emergency Communications**

The Clery Act, enacted by the Congress and signed into law by the President in 1990 as the Crime Awareness and Campus Security Act of 1990, requires all institutions of higher education to make timely warning reports to the campus community on certain crimes that represent a continuing threat to students and employees and that were reported to officials with significant responsibility for student and campus activities, campus police or local police. These reports according to the legislation will be disseminated in a manner that will aid in the prevention of similar occurrences.

When a crime occurs that poses a threat to the campus community, a timely warning will be issued. There are two types of threats; those that pose an imminent threat to our college and require immediate action, and those that allow for community members to make informed choices in their day-to-day activities.

#### **Informative Safety Alerts – Timely Warning**

When information becomes available that does not rise to the level of an imminent threat, but it is an on-going crime problem or may pose a threat to Rhodes College or our community, the following steps should be taken;

The Director of Campus Safety consults with the Associate Dean or Dean of Students to determine if a report represents such a threat. If it is determined that an alert should be sent the Director of Campus Safety will draft the message, if needed utilizing the assistance of the Director of Communications. Prior to sending the message two members of staff will review the content, one of which must be from the President's staff.

#### **The department issues/posts Timely Warning for incidents of:**

- Criminal Homicide
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger Rhodes College community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Crime Alert, but will be assessed on a case by case basis)
- Sexual Assault (considered on a case by case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the Campus Safety)
- Major incidents of arson
- Other crimes as determined necessary by the Director of Campus Safety, or his or her designee in his or her absence

#### **A timely warning notice will typically include the following, unless issuing any of this information would risk compromising law enforcement efforts:**

- Date and time or timeframe of the incident
- A brief description of the incident
- Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips)
- Suspect description(s) when deemed appropriate and if there is sufficient detail
- Campus or Public Safety agency contact information
- Other information as deemed appropriate by the Director of Campus Safety or his/her designee

#### **Campus Safety does not issue timely warnings for the above listed crimes if:**

1. The subject(s) and the threat of imminent danger for members of the Rhodes College community has been mitigated by the apprehension.

2. If a report was not filed with Campus Safety or if Campus Safety was not notified of the crime in a manner that would allow the department to post a “timely” warning for the community. A general guideline will include a report that is filed more than five days after the date of the alleged incident may not allow Campus Safety to post a “timely” warning to the community. This type of situation will be evaluated on a case by case basis.

This information will generally be distributed by email. It should be verifiable information that has value in regards to content and timing. Campus Safety also maintains a daily crime log which is normally updated each business day and contains all crimes reported to Campus Safety.

### **Imminent Threats**

When the college experiences an immediate threat to life or a significant safety hazard, the Director of Campus Safety or his/her designee will alert faculty, staff and students as soon as possible, by the most appropriate means possible. This notice will most likely contain a short mandate depending upon the situation and information available, and should include a reason for the mandate.

The Director or his/her designee should continue to communicate updates in this fashion until such time that the imminent threat no longer exists, has been minimized or communications responsibilities have been transferred to law enforcement or another authority.

Rhodes College is equipped with several tools to communicate emergency situations. These include, but are not limited to email, RhodesAlert (Mass texting & calling) and an addressable outdoor warning system.

Rhodes College uses a variety of sources to confirm there is an immediate threat to campus that requires immediate communication with the campus. Information is often processed based on incoming data from reporting parties, witnesses, Faculty/Staff, local media, local police and any others useful source.

Rhodes College can separate emergency notification by students, staff or faculty in the emergency texting system.

### **Rhodes College has various systems that in place for communicating information quickly to the campus community:**

- Rhodes College email system
- Rhodes College mass texting system
- Outdoor warning system
- Rhodes College mass voicemail system
- Verbal communication using staff
- Calling trees (by department)
- Rhodes College website

The Communications office will post updates during a critical incident on the Rhodes College website at [www.rhodes.edu](http://www.rhodes.edu). Some or all of these methods of communication may be activated in the event of an immediate threat to the Rhodes College community. Rhodes College tests its warning system(s) at least once annually.

## **Crime Prevention Formats**

- Daily Crime Logs that list crimes and locations, <https://www.rhodes.edu/crime-and-fire-report>
- Regular e-mails are sent by the Director of Campus Safety.
- Residence Life offers a variety of prevention and special programs.
- Local neighborhood crime logs are available by subscribing to Cyberwatch on the Memphis Police Department website.

## **Campus Sex Crimes Prevention Act (CSCPA)**

The federal Campus Sex Crime Prevention Act (CSCPA-Section 1601 of Public Law 106-386) amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act. In addition to the Wetterling Act, CSCPA also amended the Clery Act, an annual crime reporting law and the Family Educational Rights and Privacy Act of 1974 (FERPA) to allow disclosure of this information regarding students.

As provided in the Wetterling Act, any person required to register under a state sex offender registration program must notify the state regarding each institution of higher education in that state at which he or she is employed or is enrolled and must alert the state of any changes in enrollment or employment status.

Sex offender registration information is to be transmitted from each state to the law enforcement agency where the registered sex offender resides. In Tennessee, the sex offender list is maintained at the county level. You can locate the Tennessee Sex Offender Registry Map of the Tennessee Bureau of Investigation at <https://www.tn.gov/tbi/general-information/redirect-tennessee-sex-offender-registry-search/sex-offender-registry-search.html> or the Shelby County Sheriff's Department at <http://www.shelby-sheriff.org>. If you have any questions concerning the sex offender registry, contact Campus Safety and we can assist you with your needs.

Rhodes College has started teaching Green Dot campus wide. Green Dot strategy is a comprehensive approach to violence prevention that capitalizes on the power of peer and cultural influence across all levels of the socio-ecological model. Informed by social change theory, the model targets all community members as potential bystanders, and seeks to engage them, through awareness, education, and skills-practice, in proactive behaviors that establish intolerance of violence as the norm, as well as reactive interventions in high-risk situations – resulting in the ultimate reduction of violence.

## **Sexual Misconduct**

### **I. Opening Statement & Purpose**

Rhodes is committed to ensuring a safe learning environment that supports the dignity of all members of the Rhodes community. Rhodes does not discriminate on the basis of sex or gender in any of its education or employment programs and activities. To that end, this policy prohibits specific forms of behavior that violate Title IX of the Education Amendments of 1972 and which are antithetical to the educational mission of Rhodes.

Rhodes will not tolerate sexual misconduct, which is prohibited, and which includes, but is not limited to, domestic violence, dating violence, sexual assault, sexual exploitation, sexual harassment, and stalking. Rhodes further strongly encourages members of the Rhodes community to report instances of sexual misconduct



immediately. These policies and procedures are intended to ensure that all parties involved receive appropriate support and fair treatment, and that allegations of sexual misconduct are handled in a prompt, thorough and equitable manner.

All relevant terms are defined in Section XX at the end of this policy.

Maintaining an atmosphere of free inquiry is crucial to the teaching and research mission of the College. This policy is not intended to inhibit or prohibit educational content or discussions inside or outside of the classroom that include controversial or sensitive subject matters protected by academic freedom. Academic freedom extends to topics that are pedagogically appropriate and germane to the subject matter of courses or that touch on academic exploration of matters of public concern.

Rhodes will review, evaluate, and make any revisions or amendments to this policy on an ongoing and as-needed basis.

## II. Scope of Policy

**A. Scope.** This policy applies to all Rhodes community members, including students, faculty, administrators, staff, and any individuals regularly or temporarily employed, studying, living, visiting, conducting business or having any official capacity with the College or on College property (“Rhodes Community”) related to any alleged incident of sex/gender discrimination or sexual misconduct that could impact any student’s educational opportunities at Rhodes.

This policy and its supplemental procedural guidance are intended to protect and guide individuals who have been affected by sex/gender discrimination and sexual misconduct, whether as a Claimant, a Respondent, or as a witness, and to provide fair and equitable procedures for investigation and resolution of Reports and Claims. It does not apply to sexual harassment or discrimination under Title VII between employees or between an employee and a non-student, as those situations are governed by the Employee Handbook.

**B. Overview of policy and certain key definitions.** Rhodes will investigate all reports it receives of sex/gender discrimination and sexual misconduct (“Reports”), and Rhodes is authorized to take certain actions to address or remedy sex/gender discrimination and sexual misconduct after receiving a Report, during an investigation, and after an investigation even if the matter does not proceed to a Formal Resolution Hearing.

Anyone can report incidents of sex/gender discrimination and sexual misconduct to Rhodes under the procedure described in Section VIII of this policy. For example, a “Reporter” can be any individual who reports to Rhodes that they are a victim or survivor of sex/gender discrimination or sexual misconduct or that they have been affected by sex/gender discrimination or sexual misconduct (sometimes referred to as a “First-Party Reporter”) or that they have knowledge of sex/gender discrimination or sexual misconduct happening to or affecting someone else (sometimes referred to as a “Third-Party Reporter”).

A Report will become a “Claim” if a First-Party Reporter files a written document with the Title IX Coordinator describing an incident of sex/gender discrimination or sexual misconduct and indicating that they want the College to take further steps beyond the investigation, such as holding a Formal Resolution Hearing to resolve the alleged issue. Any Report can become a “Claim” if Rhodes determines that, in order to meet its Title IX obligations to provide a safe and nondiscriminatory environment for the broader Rhodes Community, it must take further steps beyond the investigation, such as holding a Formal Resolution Hearing.

A “Claimant” refers to an individual who has been subjected to an incident of sex/gender discrimination or sexual misconduct (i.e., a First-Party Reporter or a victim or person who has otherwise been affected by sex/gender discrimination or sexual misconduct) that proceeds to a Claim. A Claimant has certain rights under this policy, as discussed below. A Reporter who reports witnessing sex/gender discrimination or sexual misconduct happening to or affecting *someone else* (i.e., a Third-Party Reporter) can file a Report and request that it be treated as a Claim, but that does not make them a Claimant.

A “Respondent” refers to an individual who has been accused of prohibited conduct under this policy. A Respondent has certain rights under this policy, as discussed below.

A “third party” refers to any other participant in the process, including a witness to the incident or an individual who makes a report on behalf of someone else.

As used throughout this policy, references to the “Title IX Coordinator” shall include any Deputy Title IX Coordinator and any other person expressly designated by the Title IX Coordinator to act on their behalf.

Additional definitions are contained in Section XIII at the end of this policy.

**C. Jurisdiction and Authority of the Title IX Coordinator.** All Rhodes College community members are required to follow College policies and local, state, and federal law. This policy applies to all members of the Rhodes community and applies to conduct occurring on Rhodes College property; at College-sanctioned events or programs that take place off campus, including, for example, study abroad and internship programs; or at events or programs hosted by College-recognized organizations that take place off campus. This policy may apply regardless of the location of the incident if it is likely to have a substantial adverse effect on, or poses a threat of danger to, the educational opportunities provided by Rhodes College.

The College encourages anyone who has witnessed or experienced an incident of sexual misconduct or sex/gender discrimination to report it regardless of where the incident occurred, or who committed it. Even if the College does not have jurisdiction over the Respondent, the College may take prompt action to provide for the safety and well-being of any affected person and the broader College community.

Rhodes, through the Title IX Coordinator, has jurisdiction over and the authority to receive, investigate, hear and resolve Reports and/or Claims brought by or against any member of the Rhodes Community that invoke Title IX. The Title IX Coordinator is ultimately authorized to enact procedures that include specific instructions for reporting, investigating and resolving Title IX Claims and Reports, including those that are received during the non-academic year or that extend into the non-academic year. Formal Resolution Hearings that occur during the non-academic year may be conducted via video conference and/or teleconference, as needed.

The College retains the right to utilize different processes for cases in which a student is a party if an employee or faculty member is also a party to the case.

**D. Application of policy.** This policy, as amended, shall apply to all Reports received after August 1, 2018, regardless of the date of the alleged incident. It shall not apply to Reports received prior to August 1, 2018, as the prior iteration of this policy shall apply to those cases.

## III. Title IX & Nondiscrimination

Title IX is a comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity. Title IX prohibits use of federal money to support sex discrimination in education programs and provides individuals effective protection against such practices. Title IX applies, with a few specific exceptions, to all aspects of federally funded education programs and activities. In addition to traditional education institutions such as colleges, universities, and elementary and secondary schools, Title IX also applies to any education or training program operated by a recipient of federal financial assistance.

Consistent with Title IX, as well as Title VII of the Civil Rights Act of 1964 and any related federal, state, and local laws, Rhodes prohibits all unlawful discrimination, harassment and retaliation on the basis of sex, gender, gender identity, gender expression, or sexual orientation in any employment decision, education program or educational activity. This policy applies to all members of the Rhodes Community as defined above.

As part of its commitment to maintaining a community free of discrimination, and in compliance with Title IX's mandate, Rhodes College will address allegations of sexual misconduct or harassment in a timely and effective way, provide resources as needed for affected persons (Reporters, Claimants, Respondents and third parties within the Rhodes Community), and not tolerate retaliation against any person who reports sex/gender discrimination or sexual misconduct.

Any individual designated by Rhodes to have the authority to address or duty to report alleged sex/gender-based discrimination, sexual harassment and/or retaliation (known as a "Mandatory Reporter") and who fails to report such conduct may be subjected to sanctions by the College.

General inquiries about the application of Title IX should be directed to the College's Title IX Coordinator via TitleIX@Rhodes.edu. Further information about Rhodes' Title IX Coordinator can be found on Rhodes' website <http://sites.Rhodes.edu/TitleNine>.

Inquiries about the application of Title IX also can be directed to the U.S. Department of Education's Office for Civil Rights.

#### **IV. Retaliation, Misuse of Confidential Information, & False Accusations**

Rhodes College expressly prohibits retaliation against anyone who: 1) in good faith, reports what they believe is discrimination or sexual misconduct, 2) participates in any investigation or proceeding under this policy, or 3) opposes conduct that they believe to violate this policy. Retaliation includes intimidation, harassment, threats, or other adverse action or speech against the person who reported the misconduct, the parties, and their witnesses. Consistent with FERPA's prohibition on re-disclosure of confidential information, parties, witnesses, advisors and supporters are prohibited from using or disclosing other people's confidential information, learned as a result of participation in any investigation or proceeding under this policy, outside of such forums without express consent or for any improper purpose. Rhodes will not only take steps to prevent retaliation, but it will also take strong corrective action if it occurs.

Anyone who believes they have been the victim of retaliation should immediately report it to the Title IX Coordinator, who shall treat it as a Report. Any individual found to have retaliated against another individual will be in violation of this policy and will be subject to disciplinary action, up to and potentially including termination for employees and expulsion for students.

Anyone who knowingly makes a false accusation of unlawful discrimination, harassment, or retaliation of any form will be subject to an investigation for a potential violation of this policy and may be subject to disciplinary action, up to and potentially including termination for employees and expulsion for students.

#### **V. Time Considerations for Reporting & Filing Claims of Sex/Gender Discrimination & Sexual Misconduct**

There is no time limit for reporting incidents of Sex/Gender Discrimination or Sexual Misconduct under this policy, although Rhodes encourages reports to be made as soon as possible. Any individual who has been subjected to, or who knows of or has witnessed, an incident of Sex/Gender Discrimination or Sexual Misconduct is encouraged to report the incident or file a Claim immediately in order to maximize the College's ability to obtain information and conduct an adequate, thorough, prompt, and impartial investigation into the incident. A delayed Report of alleged Sex/Gender Discrimination or Sexual Misconduct may result in the loss of relevant information, evidence, and reliable witness testimony, and may impair the College's ability to fully investigate the incident. If an individual wishes to file a claim with the U.S. Department of Education's Office for Civil Rights, they must do so within 180 days of the incident based on the time limits for adjudication set by that agency.

#### **VI. Amnesty for Violations of the College's Alcohol & Illegal Drug Use Policies to Individuals Who Report Incidents of Sexual Misconduct**

Rhodes strongly encourages individuals who have been involved in, or who know of, or have witnessed, incidents of Sex/Gender Discrimination or Sexual Misconduct to report such incidents as soon as possible. The College recognizes that students involved (e.g. as witnesses, bystanders, third parties, or Claimants) who have violated the College's drug and alcohol policy may be hesitant to report out of fear of sanction. Therefore, in order to encourage reporting in all situations, anyone who reports or experiences Sex/Gender Discrimination or Sexual Misconduct may be granted amnesty for any violation of the College's drug and alcohol policy that occurred in connection with the reported incident. Rhodes intends to grant such amnesty for all but the most egregious violations of the College's drug and alcohol policy; however, individuals may be provided with resources on drug and alcohol counseling and/or education, as appropriate.

Honor code and other code or policy violations discovered during a Title IX process may be referred to the appropriate College office(s).

#### **VII. Available Resources & Recommended Immediate Steps Following An Incident of Sex/Gender Discrimination and/or Sexual Misconduct**

For a forensic exam and rape kit collection, as well as additional off-campus medical services, contact the Shelby County Rape Crisis Center at (901) 222-4350.

The College is acutely aware that an individual who has been subjected to, or who knows of or who has witnessed a sex offense may experience physical, mental and emotional trauma as a result of the incident. A victim of sexual violence (e.g., sexual assault, dating violence, domestic violence, stalking) is encouraged to follow these procedures immediately following the occurrence, when possible:

- A. Get to a safe place immediately and call someone you trust.
- B. If sexual contact and/or penetration occurred, do not wash, shower, bathe, use the toilet or change clothing. Preserve any evidence as would be necessary to prove the offense, or in obtaining a judicial protective order, restraining order, and/or no-contact order. Examples of such evidence include:

- Clothing worn during the incident, including but not limited to undergarments;
- Sheets, bedding, and condoms, if used;
- A list of witnesses with contact information;
- Text messages, emails, call history, and digital media posts; and
- Pictures of any injuries.

C. You are encouraged to call the appropriate law enforcement agency. To contact the Memphis Police Department Sex Crimes Squad, call (901) 636-3330. Rhodes College Campus Safety, (901) 843-3880, can assist any student with reporting a crime to the Memphis Police Department.

D. Get medical attention. Campus Safety will assist you in calling Emergency Medical Services (911) if you ask them to. The College also encourages you to go, or have someone else take you, directly to a medical facility or medical provider of your choice. In Memphis, the Shelby County Rape Crisis Center is

Law Enforcement	Local Hospitals
Emergency Assistance: 911	Methodist University Hospital 1265 Union Avenue 901-516-7000
Memphis Police Department Sex Crimes Squad: 901-636-3330	Baptist Memorial Hospital 6019 Walnut Grove Road 901-226-5000
Rhodes College Campus Safety: 901-843-3880	St. Francis Hospital 5959 Park Avenue 901-765-1000

the only location where trained Sexual Assault Nurse Examiners are authorized to perform a forensic examination and collect evidence for use in a criminal proceeding. To contact the Shelby County Rape Crisis Center please call (901) 222-4350.

E. The College will assist an individual who has been subjected to, who knows of, or who has witnessed an incident of Sexual Misconduct in obtaining the services of counseling professionals, if requested. The College encourages you to seek support services. For on-campus student counseling services, contact the Counseling Center at (901) 843-3128. For off-campus counseling and advocacy services, contact the Shelby County Rape Crisis Center at (901) 222-4350. The College will provide as much assistance as possible but cannot assume financial responsibility for such services.

F. All members of the campus community are encouraged to seek resources and support related to sex/gender discrimination and sexual misconduct proceedings, including Respondents, witnesses and bystanders. For more information, see Rhodes' Title IX website at <http://sites.Rhodes.edu/TitleNine>.

### **VIII. Options & Procedures for Reporting or Disclosing Title IX Incidents of Sex/Gender Discrimination or Sexual Misconduct**

**A. Options for Reporting to Rhodes Under This Policy.** Anyone can report an incident of sex/gender discrimination or sexual misconduct to Rhodes (a "Report"). A Report can be made by any individual who is a victim or survivor of sex/gender discrimination or sexual misconduct, who has been affected by sex/gender discrimination or sexual misconduct, or who has knowledge of sex/gender discrimination or sexual misconduct happening to or affecting someone else. A Report may be made anonymously (see Section X). The College strongly encourages all individuals to report incidents of sexual misconduct and sex/gender discrimination even if the individual does not intend to pursue a Claim. No person should assume that an incident has already been reported by someone else or that the College already knows about a particular situation.

Rhodes will investigate all Reports and may implement remedial steps as needed, but that does not mean every Report will become a Claim or that the College will pursue a formal resolution.

In order to make a Report to Rhodes, a reporting individual may do one or more of the following:

1. Report the incident to the Title IX Coordinator via email to [TitleIX@rhodes.edu](mailto:TitleIX@rhodes.edu), by calling 901-843-3606, or by submitting an online Report form available on Rhodes Express, at <http://sites.Rhodes.edu/TitleNine>, or <http://bit.ly/rhodestixreport>. Reporters are encouraged, but not required, to direct their Reports to the Title IX Coordinator.

Notifying the Title IX Coordinator of any incident of alleged Sex/Gender Discrimination or Sexual Misconduct will trigger an investigation into the alleged incident.

2. Report the incident to any Resident Assistant, Peer Advocate, faculty or staff member. However, the Counseling Center and Health Services staff are considered "confidential resources" staff.

It is important to know that, with the exception of the "confidential resources" staff listed below in Section VIII.B., all Rhodes faculty and staff are Mandatory Reporters and are required by the College to report any knowledge they receive of possible violations of this policy to the Title IX Coordinator. Mandatory Reporters must relay all known information about any reported policy violation, including but not limited to: the names of involved individuals, the nature of the incident, and the time and location of the incident. (See Section X for information about confidential and anonymous reporting.)

All Resident Assistants and members of the Peer Advocate Center are also Mandatory Reporters and are required to report any knowledge of possible violations of the policy to the Title IX Coordinator. No other students are obligated to report knowledge they may have of sexual misconduct, including student employees of Rhodes who are considered students and not staff for purposes of this policy and are not Mandatory Reporters.

Once the Title IX Coordinator learns of any incident of alleged sex/gender discrimination or sexual misconduct from a Mandatory Reporter, they will initiate an investigation into the alleged incident. Following an investigation, the Title IX Coordinator has authority to resolve a Report, including the implementation of any remedial measures, and close the case.

3. After making a Report, an individual may choose to end involvement in the process, may choose to be involved or not be involved in the College's investigation and any related proceedings, or may choose to file or request a formal Claim and pursue Formal Resolution or, if applicable, an Informal Resolution Conference involving the Respondent.

**B. Options Utilizing Confidential Resources.** Rather than making a Report, individuals can confidentially discuss incidents of sex/gender discrimination and sexual misconduct with one of the following College "confidential resources" staff:

- Any member of the Student Health Services staff located at the Moore-Moore Student Health Center - (901) 843-3895
- Student Counseling Center staff - Moore-Moore Student Health Center - (901) 843-3128
- Rhodes Chaplain- Burrow Hall, Room 102- (901) 843-3822

Disclosures made to these confidential resources will be held in strict confidence, and will not constitute a Report to Rhodes under this policy. These confidential resources may assist individuals with reporting incidents or filing Claims if, and only if, they are requested to do so by the individual who has reported the sexual misconduct.

Specific and personally identifiable information given to one of these confidential resources will not be disclosed to the Title IX Coordinator without consent. However, in order to assist the College in collecting data and identifying patterns or systemic problems related to sexual violence on and off campus, the "confidential resources" staff will convey general information about the incident (i.e. nature, time and location of incident) to the Title IX Coordinator. In such cases, the College will protect confidentiality and avoid disclosing personally identifiable information about individuals involved in the incident.

See Section X regarding making confidential and anonymous Reports to Rhodes.

**C. Options for Notifying Off-Campus Law Enforcement Authorities.** Individuals can notify off-campus law enforcement authorities about any incident of alleged sex/gender discrimination and sexual misconduct, including by dialing (911), calling the Memphis Police Department Sex Crimes Squad at (901) 636-3330, and/or calling the Shelby County Rape Crisis Center at (901) 222-4350. Individuals can also contact other law enforcement agencies, depending on the location of the incident. Notifying off-campus law enforcement authorities will not constitute a Report to Rhodes under this policy, but it may or may not result in such authorities reporting relevant information back to Rhodes which Rhodes will investigate.

Individuals can request assistance from Rhodes faculty and staff in notifying appropriate law enforcement authorities, which the College will provide. Requesting such assistance from a Mandatory Reporter will constitute a Report as described above.



**D. Option to Not Report.** Individuals can choose not to notify Rhodes or any law enforcement authorities about an alleged incident of sex/gender discrimination or sexual misconduct.

### **IX. Procedures for Filing a Claim of Sex/Gender Discrimination or Sexual Misconduct**

If an individual wishes to pursue an incident of Title IX sexual misconduct or sex/gender discrimination beyond simply reporting it, they may file a Claim. The filing of a Claim means that the individual is asking the College to take further steps beyond the investigation, such as holding a Formal Resolution Hearing to resolve the alleged issue. Any Claimant (i.e., a victim or survivor or someone who has otherwise been directly affected by sex/gender discrimination or sexual misconduct) may file a Claim, and Rhodes will treat it as such. Any Third-Party Reporter may request that Rhodes treat their Report as a Claim, but that would not make the Third-Party Reporter into a Claimant.

In order to meet its Title IX obligations to provide a safe and nondiscriminatory environment for the broader Rhodes Community, the College may also convert any Report into a Claim if the College determines that it must take further steps to protect the Rhodes Community.

**A. Filing a Claim.** Anyone seeking to file a Claim of individual or institutional Sex/Gender Discrimination or Sexual Misconduct may do so with the Title IX Coordinator. Claims must be in writing and include all information that the filer believes to be relevant (e.g., time, location and nature of incident, names of individuals involved in or witnesses to the incident, names of other persons affected by the incident, etc.). Alternatively, an individual can also file a Claim by meeting with the Title IX Coordinator and providing a verbal description of the Sex/Gender Discrimination or Sexual Misconduct, which the Title IX Coordinator will use to draft a written document that the individual will review, verify and sign to constitute a Claim.

**B. Action Following the Filing of a Claim.** Rhodes will investigate all Claims of Sex/Gender Discrimination or Sexual Misconduct. Upon the completion of an investigation, the Claim will typically proceed to a Formal Resolution Hearing before a Sexual Misconduct Hearing Board to determine whether the Respondent is responsible or not responsible for having violated this policy except in those circumstances described below. In some instances, an Informal Resolution Conference may be an option for resolving a Claim.

**C. The Title IX Coordinator shall have discretion to resolve a Claim without a Formal Resolution Hearing in the following circumstances:**

- (1) if Rhodes lacks jurisdiction;
- (2) if a case involves a Rhodes employee (faculty, staff member or contract services employee), the Title IX Coordinator shall coordinate with the Chief Human Resources Officer about appropriate processes and/or resolution;
- (3) if the allegations could not constitute a policy violation under any alleged circumstances;
- (4) if the Claim is eligible for the Informal Resolution process;
- (5) if the Claim was requested by a Third-Party Reporter who reported witnessing sex/gender discrimination or sexual misconduct happening to or affecting someone else, the Title IX Coordinator shall have discretion to resolve the Claim or to provide modified hearing procedures, particularly to account for the alleged victim's wishes (e.g., if they do not wish to pursue the Claim as a first-party Claimant);
- (6) if the Claimant and Respondent both consent to an alternative resolution, with such consent obtained independently from each person by the Title IX Coordinator to avoid a risk of coercion;
- (7) for matters that do not involve Rhodes employees (faculty, staff member or contract services employee), if either Claimant or Respondent, or both, are not Rhodes students, or cease to be Rhodes students prior to final resolution of the Claim (i.e., student withdrawal), the Title IX Coordinator shall have discretion to resolve the Claim or to provide modified hearing procedures;
- (8) or, if the Respondent admits responsibility for a violation, the Title IX Coordinator shall have discretion to resolve the Claim or to provide modified hearing procedures to help the Hearing Board decide appropriate sanctions.

In all circumstances, the Title IX Coordinator shall have authority to impose remedial measures and make accommodations consistent with Section XI below and take other measures consistent the Rhodes Student Handbook; and for employee matters, the Chief Human Resources Officer or the Vice President of Academic Affairs/Dean of the Faculty shall have authority to take action consistent with the Rhodes College Handbook.

**D. A person may withdraw a Claim.** If a Claim is withdrawn, Rhodes will treat the withdrawn claim as a Report and proceed with an investigation.

### **X. Confidentiality & Anonymous Reporting or Filing**

As discussed above in Section VIII.B., individuals can confidentially discuss incidents of sex/gender discrimination and sexual misconduct with the College "confidential resources" staff. However, if an individual affected by sex/gender discrimination or sexual misconduct wants to make a Report to Rhodes about an incident but wants to request anonymity or confidentiality, or if a Third-Party Reporter makes a Report about an incident involving them, the provisions below may be applicable.

Any individual can make an anonymous Report of a violation of the College's Sex/Gender Discrimination and Sexual Misconduct Policy. An individual may report the incident without disclosing their name, identifying a Claimant or a Respondent, or requesting any action. The College will attempt to investigate all such Reports, but depending on the extent of information available about the incident or the individuals involved, the College's ability to respond to an anonymous Report may be limited. The anonymous reporting form can be found on the College's website (<http://sites.Rhodes.edu/TitleNine>). The Title IX Coordinator will receive the anonymous Report and will determine any appropriate steps, including individual or community remedies as appropriate.

Additionally, a Reporter can make a Report disclosing their name but requesting confidentiality. An affected person who is the subject of a Third-Party Report can also request confidentiality. The College recognizes that, in some instances, an individual who has been subjected to, or who knows of or has witnessed, an incident of Sex/Gender Discrimination or Sexual Misconduct may request that their name not be disclosed or that no investigation or disciplinary action be pursued to address the alleged misconduct. In such instances, the Title IX Coordinator will respect the request for confidentiality; however, that request must be weighed against the College's obligation to provide a safe, non-discriminatory environment for all students, considering many factors, including:

### **CAMPUS RESOURCES**

**Dr. Milton Moreland**  
Provost and Vice President  
for Academic Affairs  
300 Halliburton Tower  
901-843-3795

**Dr. Russ Wigginton**  
Vice-President of Student  
Life and Dean of Students  
200 Palmer Hall  
901-843-3997

**Dr. Alicia Golston**  
Associate Dean for  
Student Experience  
Burrow 405  
901-843-3885

**Dr. Pam Detrie**  
Director of Student  
Counseling  
Moore - Moore  
Counseling Center  
901-843-3128

**Claire Shapiro**  
Chief Human  
Resources Officer  
West Campus HR  
901-843-3750

**Ike Sloas**  
Director of Campus Safety  
Spann Hall  
901-843-3880

- The seriousness of the alleged misconduct;
- Whether there have been other reports of Sex/Gender Discrimination or Sexual Misconduct against the Respondent known by the College;
- Whether the Respondent has allegedly threatened further misconduct or violence;
- Whether the misconduct was committed by multiple perpetrators;
- Whether the alleged misconduct involved use of a weapon;
- The age of the individual subjected to the alleged misconduct;
- Whether the College possesses other means to obtain relevant evidence of the alleged misconduct;
- Whether the report reveals a pattern of misconduct at a particular location or by a particular individual or group of individuals; and
- The accused individual's right to receive information about the allegations if the information is maintained by the College as an "education record" under the Family Educational Rights and Privacy Act (FERPA), if applicable.

In all cases of alleged gender/sex discrimination or misconduct, Title IX allows Rhodes to investigate and take reasonable corrective action. Further, Title IX permits Rhodes to deny or modify requests for confidentiality if the Title IX Coordinator determines, subject to the factors listed above, that the College must do so in order to meet the College's Title IX obligations to provide a safe and nondiscriminatory environment for the broader Rhodes Community. These instances will be evaluated on a case-by-case basis. Please note that the College's ability to investigate and respond fully to an incident may be limited because of requests for confidentiality or to not proceed with disciplinary action.

Pursuant to the Clery Act, as amended by the Violence Against Women Act, Rhodes is required to provide equal access to the Claimant and Respondent to any information related to allegations of sexual assault, dating violence, domestic violence or stalking that will be used during formal or informal disciplinary meetings or hearings.

In an instance where Rhodes determines it must deny or modify a request for confidentiality, the Title IX Coordinator will inform the requesting individual prior to making the disclosure to anyone beyond necessary school officials. Any such disclosure will be limited to only individuals with a need to know such information. Consistent with FERPA's prohibition on re-disclosure of confidential information, any recipient is prohibited from using or disclosing other people's confidential information, learned as a result of participation in any investigation or proceeding under this policy, outside of such forums without express consent or for any improper purpose. In all instances, members of the Rhodes Community should understand that Title IX prohibits retaliation against anyone reporting a potential Title IX incident, and that College officials will not only take steps to prevent retaliation but also take strong responsive action if it occurs.

## **XI. Interim & Remedial Measures**

In cases of reported alleged Sex/Gender Discrimination or Sexual Misconduct involving students, the College may implement interim and remedial measures before the final outcome of an investigation or hearing to the extent the College determines such measures are necessary. The Title IX Coordinator shall have responsibility for determining such interim and remedial measures. Some of these remedial measures also may continue in effect after an investigation is closed or as post-hearing sanctions or accommodations. Examples of interim and remedial measures that the College may consider and elect to implement include, but are not limited to:

- implementing a "no contact" order to govern, and attempt to avoid, interaction between affected individuals;
- providing a campus safety escort to ensure a Claimant can move safely between buildings, classes, dining halls, and activities on campus;
- ensuring that the Claimant and the Respondent do not attend the same classes, seminars, functions, meetings, etc.;
- offering to provide or facilitate the provision of medical, counseling and mental health services, but not necessarily covering the cost of such services;
- providing education regarding gender discrimination, sexual misconduct, alcohol and drug use, incapacitation and consent, etc.;
- reviewing any academic challenges or any disciplinary actions taken against the Claimant to see if there is a causal connection between the events that may have impacted the Claimant;
- changing on-campus living arrangements, when reasonable;
- providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; and
- limiting the access of the individual accused of the misconduct to certain College facilities until the matter is resolved, including the possibility of an interim suspension if warranted.

The College may also, upon request, arrange for the re-taking, changing or withdrawing from classes, and in such instances, Rhodes will make every reasonable effort to mitigate any academic or financial penalty for providing such arrangements.

Interim and remedial measures shall be balanced based on the facts collected, seriousness of the allegations, and the potential safety risks posed to the Rhodes Community (i.e., an interim suspension will be rare early in the investigation process, but may be more common late in the process when an investigation finds some evidence to potentially corroborate a serious allegation).

If a Claimant or Respondent withdraws from Rhodes after a Report or Claim is filed but before the matter is resolved, the Title IX Coordinator shall have discretion on how to proceed with the investigation, its resolution, and any interim or remedial measures. The Title IX Coordinator shall have discretion to hold a Respondent's transcript if they withdraw while a Report or Claim is pending, and to not release it to another school until the matter is resolved with or without the Respondent's participation.

The College may also consider and take interim and remedial measures that affect the broader Rhodes Community and which are aimed to eliminate occurrences of Sex/Gender Discrimination or Sexual Misconduct and to promote academic and employment environments free of such conduct.

## **XII. Investigation & Resolution Processes for Cases in Which Both Parties are Students**

This Section describes Rhodes' investigation and resolution processes for cases in which both parties are students. For more details, please refer to the Procedural Guidance accompanying this policy.

**A. Investigation.** The College will investigate all Reports of sex/gender discrimination and sexual misconduct regardless of whether the Report becomes a Claim. The process typically will begin with intake meetings conducted by the Title IX Coordinator. The investigation phase may include interviewing the Claimant/First-Party Reporter, the Respondent, and any witnesses; reviewing law enforcement investigation documents if applicable; reviewing relevant student files; and gathering and examining other relevant documents and evidence.

For Reports, the Title IX Coordinator or his/her designee will conduct an initial investigation. If that initial investigation demonstrates that the case may implicate the College's Title IX obligations to provide a safe and nondiscriminatory environment for the broader Rhodes Community, the Title IX Coordinator will treat the

Report as a Claim and follow the Claim processes outlined herein and in the accompanying Procedural Guidance. If the Title IX Coordinator determines that the Report does not implicate such community safety considerations, then after the Title IX Coordinator's investigation, implementation of any interim or remedial measures, and finalization of any investigation memo, the Title IX Coordinator will be authorized to close the matter.

For Claims, the Title IX Coordinator will appoint an investigator ("Investigator") to handle the investigation. Following the investigation, the Investigator will draft an investigation report succinctly describing all collected information. The report will be delivered to the Title IX Coordinator, who will analyze the report to ensure that the investigation was prompt, fair, impartial, thorough, and consistent with this policy. The Investigator will not make any recommendation as to whether a policy violation has occurred or potential sanctions. Depending on how the Claim proceeds, the investigation report and other materials related to the investigation may be presented at a Formal Resolution Hearing and/or may be presented at an Informal Resolution Conference.

The College will make reasonable efforts to balance and protect the rights of the parties during any investigation commenced under this policy. Rhodes will respect the privacy of the parties and any witnesses in a manner consistent with the College's obligations to investigate the alleged incident, and take appropriate interim and/or corrective action. The Title IX Coordinator will keep the parties reasonably informed of the status of the investigation.

Both Claimants and Respondents may utilize Advisors and Supporters throughout the investigation process, including to accompany them to any hearing, conference, or related disciplinary proceeding.

**B. Informal Resolution Conference.** For Claims with a student Respondent that do not involve allegations of Sexual Violence (i.e., sexual harassment of a non-physical nature) or at the discretion of the Title IX Coordinator, the parties may opt to pursue an Informal Resolution Conference as an alternative to a Formal Resolution Hearing. An Informal Resolution Conference is a remedies-based, non-judicial approach designed to eliminate a potentially hostile working or academic environment. This process aims to assure fairness, to facilitate communication, and to maintain an equitable balance of power between the parties. The College will not compel face-to-face confrontation between the parties or participation in any particular form of informal resolution. Depending on the form of informal resolution used, it may be possible to maintain anonymity.

The Title IX Coordinator will make an initial decision about whether a case qualifies for an Informal Resolution Conference, and if both parties then agree to pursue that path, the College will halt any investigation or scheduled Formal Resolution Hearing so that the parties can explore the possibility of informal resolution. Participation in an Informal Resolution Conference is voluntary, and either party can request to end the conference at any time and return the investigation or proceeding to its pre-conference status. Agreements reached in an Informal Resolution Conference are final and not subject to appeal.

**C. Formal Resolution Hearing.** A Formal Resolution Hearing is the College's formal disciplinary proceeding through which a Sexual Misconduct Hearing Board evaluates evidence related to a Claim to determine whether a student Respondent is responsible or not responsible for a violation of this policy, based on the criteria of "a preponderance of evidence." If the Respondent is found in violation of the policy, the Respondent may be subjected to disciplinary action.

The parties will be provided notice of the date, time and location of the hearing. At least ten (10) business days prior to a hearing, both parties and the Sexual Misconduct Hearing Board will be provided access to a hearing packet containing the investigation report and other information pertinent to the hearing. The hearing may consist of testimony by the parties, witnesses and the Investigator, and may include the presentation of other evidence. The Sexual Misconduct Hearing Board will be allowed to question each witness who appears, and the parties will be allowed to ask questions through the Sexual Misconduct Hearing Board. The parties will be provided notice of the outcome of the Board's deliberations, including the determination of whether the Respondent was found responsible or not responsible for the alleged violation(s) and applicable sanction(s). Decisions made in a Formal Resolution Hearing may be appealed. The Title IX Coordinator will be authorized to stay sanctions pending appeal and/or make further accommodations that are consistent with the Sexual Misconduct Hearing Board's decision.

**D. Appeals.** Either Claimant or Respondent may appeal any Sexual Misconduct Hearing Board decision. Appeals can only be raised on one or more of the following grounds: (1) to determine whether there was a material deviation from the procedural protections provided; (2) to consider new facts or information sufficient to alter the decision that were not known or knowable to the appealing party before or during the time of the hearing; (3) to determine whether the decision reached was based on a preponderance of evidence; or (4) to determine whether the sanctions were disproportionate to the findings. The appeal will be reviewed and determined by an Appeals Board, based on the grounds contained in the appeal statement. Appeals decisions are final and not subject to further review.

### **XIII. Definitions**

Please also refer to Section II.B. for more information about certain key definitions.

**Advisor:** Refers to an attorney or a non-attorney advisor who can provide assistance to the Claimant or the Respondent during Formal Resolution Hearings, Informal Resolution Conferences, and any other stage of the processes covered by this policy. The College will provide a list of faculty and staff who have received training to serve as Advisors.

**Affirmative Consent:** Means an affirmative, conscious decision by each participant to engage in mutually agreed-upon sexual activity. All five of the following elements are essential in order to have affirmative consent. If one or more of the following is absent, there is no affirmative consent.

**A. Consists of Mutually Understandable Communication:** Communication regarding consent consists of mutually understandable words and/or actions that indicate an unambiguous willingness to engage in sexual activity. In the absence of clear communication or outward demonstration, there is no consent. Consent may not be inferred from silence, passivity, lack of resistance or lack of active response. An individual who does not physically resist or verbally refuse sexual activity is not necessarily giving consent. Relying solely upon non-verbal communication can lead to a false conclusion as to whether consent was sought or given. Verbal communication is the best way to ensure all individuals are willing and consenting to the sexual activity.

**B. Informed and Reciprocal:** All parties must demonstrate a clear and mutual understanding of the nature and scope of the act to which they are consenting and a willingness to do the same thing, at the same time, in the same way.

**C. Freely and Actively Given:** Consent cannot be obtained through the use of force, coercion, threats, intimidation or pressuring, or by taking advantage of the incapacitation of another individual.

**D. Not Unlimited:** Consent to one form of sexual contact does not constitute consent to all forms of sexual contact, nor does consent to sexual activity with one person constitute consent to activity with any other person. Each participant in a sexual encounter must consent to each form of sexual contact with each participant. Even in the context of a current or previous intimate relationship, each party must consent to each instance of sexual contact each time. The consent must be based on mutually understandable communication that clearly indicates a willingness to engage in sexual activity. The mere fact that there has been prior intimacy or sexual activity does not, by itself, imply consent to future acts.



**E. Not Indefinite:** Consent may be withdrawn by any party at any time. Recognizing the dynamic nature of sexual activity, individuals choosing to engage in sexual activity must evaluate consent in an ongoing manner and communicate clearly throughout all stages of sexual activity. Withdrawal of consent can be an expressed “no” or can be based on an outward demonstration that conveys that an individual is hesitant, confused, uncertain or is no longer a mutual participant. Once consent is withdrawn, the sexual activity must cease immediately and all parties must obtain mutually expressed or clearly stated consent before continuing further sexual activity.

Because of the commitment to maintaining an environment that supports Rhodes’ educational mission, the College prohibits romantic, sexual, and exploitative relationships between college employees and students. (See Rhodes College Handbook-Fraternization Policy For Faculty and Staff)

Under Tennessee law, people under the age of eighteen (18) may not be able to legally consent under certain circumstances.

**Appeals Board:** Refers to a group of trained College faculty and staff members that hears and decides appeals of findings and sanctions imposed by the Sexual Misconduct Hearing Board (defined below). The Appeals Board will consist of three members (one of whom will be designated as the board’s chairperson), selected from a pool of trained faculty and staff. This three-member board is authorized to affirm, alter, or reverse the original findings and/or sanctions recommended by the Sexual Misconduct Hearing Board. Once issued, the Appeals Board’s decision is final.

**Claim:** Refers to a formal written complaint filed with the Title IX Coordinator alleging any action, policy, procedure or practice that would be prohibited by Title IX, such as Sex/Gender Discrimination or Sexual Misconduct, and indicating that they want the College to take further steps beyond an investigation. A Claim may be filed by a Claimant or may be requested by another individual who knows of or witnessed an incident of Sex/Gender Discrimination or Sexual Misconduct but who did not suffer such misconduct themselves. A Report can also become a Claim if Rhodes determines that, in order to meet its Title IX obligations to provide a safe and nondiscriminatory environment for the broader Rhodes Community, it must take further steps such as holding a Formal Resolution Hearing.

**Claimant:** Refers to an individual who has been subjected to an incident of Sex/Gender Discrimination or Sexual Misconduct that proceeds to a Claim.

Please also refer to Section II.B. for more information about certain key definitions.

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**Claimant:** Refers to an individual who has been subjected to an incident of Sex/Gender Discrimination or Sexual Misconduct that proceeds to a Claim.

**Clery Act:** Refers to the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act, 20 U.S.C. Section 1092(f); 34 C.F.R., Part 668.46. It requires colleges and universities, both public and private, participating in federal student aid programs to disclose campus safety information, and imposes certain basic requirements for handling incidents of sexual violence and emergency situations.

**Coercion:** Means the use of pressure to compel another individual to initiate or continue activity against their will, including psychological or emotional pressure, physical or emotional threats, intimidation, manipulation, or blackmail. Coercion is defined under Tennessee law to include a threat of kidnapping, extortion, force or violence to be performed immediately or in the future. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include, but are not limited to threatening to "out" someone based on sexual orientation, gender identity, or gender expression; threatening to harm oneself if the other party does not engage in the sexual activity; and threatening to expose someone's prior sexual activity to another person and/or through digital media.

**Consent:** See Affirmative Consent above.

**Dating Violence:** See Sexual Misconduct below, Subsection A.

**Domestic Violence or Domestic Assault:** See Sexual Misconduct below, Subsection B.

**Formal Resolution:** Refers to the College's formal disciplinary proceeding through which the Sexual Misconduct Hearing Board evaluates evidence related to a Claim to determine whether a Respondent is in violation of this policy, based on the criteria of a preponderance of evidence.

**Incapacitation:** Means the lack of the ability to make rational, reasonable judgments as a result of alcohol consumption, other drug use, sleep, the taking of any so-called "date-rape" drug, unconsciousness, or blackout. An individual unable to make informed judgments is physically helpless. An incapacitated person cannot make rational, reasonable decisions because that person lacks the ability to fully understand the who, what, where, or how of their sexual interaction. Incapacitation is a state beyond drunkenness or intoxication, in which alcohol, drugs, or other factors render one unable to make fully informed judgments or have an awareness of consequences. Evaluating incapacitation also requires an assessment of whether a Respondent knew or should have known of the other individual's incapacitated state. While incapacitation may be caused by drugs or alcohol, it also includes the state of being asleep, during which time a person is unable to provide affirmative consent.

**Informal Resolution Conference:** Is intended to allow the Claimant and the Respondent to provide information about the alleged incident(s) of discrimination or harassment, and to reach a mutually agreeable resolution. This process aims to assure fairness, to facilitate communication, and to maintain an equitable balance of power between the parties.

**Investigator:** Refers to an official(s) designated by the Title IX Coordinator to conduct an investigation of alleged Sex/Gender Discrimination or Sexual Misconduct, and who acts as a witness in the event of a Formal Resolution Hearing. The Investigator will be a trained individual who objectively collects and examines the facts and circumstances of potential violations of this policy and documents them for review. The Investigator will be neutral and will hold no biases in the investigation.

**Mandatory Reporter:** Refers to an individual who is obligated to report any knowledge they may have of Sex/Gender Discrimination and Sexual Misconduct. Rhodes College defines all faculty and staff as mandatory reporters except certain "confidential resources" staff. (See Section VIII above.) The only students who are designated as Mandatory Reporters are Resident Assistants and members of the Peer Advocate Center.

**Non-Consensual Sexual Contact:** See Sexual Misconduct below, Subsection C.

**Non-Consensual Sexual Penetration:** See Sexual Misconduct below, Subsection D.

**Preponderance of Evidence:** Refers to the standard by which it is determined at a hearing whether or not a violation of this policy has occurred, and means that an act of sex discrimination is "more likely than not" to have occurred. This standard applies for all claims of sex discrimination, including sexual harassment and sexual violence.

**Report:** Refers to any communication that puts a Rhodes Mandatory Reporter on notice of an allegation that sex/gender discrimination or sexual misconduct occurred or may have occurred. Rhodes will investigate all Reports it receives of sex/gender discrimination and sexual misconduct. After making a Report, an individual may choose to end their involvement in the process, may choose to be involved or not be involved in the College's investigation and related proceedings, or may choose to file a formal Claim and pursue Formal Resolution or an Informal Resolution Conference. The College strongly encourages all individuals to report incidents of sexual misconduct and sex/gender discrimination even if the individual does not intend to pursue a Claim.

**Reporter:** Refers to an individual who notifies a Rhodes Mandatory Reporter of an alleged violation of the Sex/Gender Discrimination and Sexual Misconduct policy. A Reporter can be any individual who reports to Rhodes that they are a victim or survivor of sex/gender discrimination or sexual misconduct; that they have been affected by sex/gender discrimination or sexual misconduct, or that they have knowledge of sex/gender discrimination and sexual misconduct happening to or affecting someone else.

**Respondent:** Refers to an individual against whom a Claim has been filed or Report has been made and whose conduct is alleged to have violated this policy.

**Sex/Gender Discrimination:** Refers to the unequal treatment of an individual based on their sex or gender in any employment decision, education program or educational activity receiving Federal financial assistance. Such programs or activities include, but are not limited to, admission, hiring and recruitment, financial aid, academic programs, student treatment and services, counseling and guidance, discipline, classroom assignment, grading, vocational education, recreation, physical education, athletics, housing and employment. The prohibition on sex discrimination also covers unlawful discrimination based on gender identity, sexual orientation, pregnancy, termination of pregnancy, childbirth or related conditions. Also prohibited as sex discrimination is any act which is based on parental, family, or marital status and which is applied differently based on sex.

**Sexual Assault:** See Sexual Misconduct below, Subsection E.

**Sexual Exploitation:** See Sexual Misconduct below, Subsection F.

**Sexual Harassment:** See Sexual Misconduct below, Subsection G.

**Sexual Misconduct:** Is a broad term that encompasses sexually-motivated misconduct as described in this policy, including conduct of an unwelcome and/or criminal nature, whether such conduct occurs between strangers, acquaintances, or intimate partners. For the purposes of this policy, the following terms are collectively referred to as "Sexual Misconduct" and will be defined in detail below: Dating Violence, Domestic Violence, Nonconsensual Sexual Contact, Nonconsensual Sexual Penetration, Sexual Assault, Sexual Exploitation, Sexual Harassment, Sexual Violence, and Stalking.

**A. Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim. The existence of such a relationship will be determined based on a consideration of the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship. 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. 34 C.F.R. § 668.46.

**B. Domestic Violence or “Domestic Assault”:** Under Tennessee law, a person commits domestic assault when they intentionally, knowingly or recklessly cause bodily injury, a reasonable fear of imminent bodily injury, or physical contact that would be regarded as extremely offensive or provocative to a reasonable person in the following categories:

Adults or minors who are current or former spouses;

Adults or minors who live together or who have lived together (Rhodes will not apply this definition to college roommates in a dispute that does not involve an allegation of sex or gender discrimination);

Adults or minors who are dating or who have dated or who have or had a sexual relationship, but does not include fraternization between two individuals in a business or social context;

Adults or minors related by blood or adoption;

Adults or minors who are related or were formerly related by marriage; or

Adult or minor children of a person in a relationship that is described in one of the categories listed above.

**C. Non-Consensual Sexual Contact:** “Sexual contact” is defined under Tennessee law as the intentional touching of another person’s intimate parts, or the intentional touching of the clothing covering the immediate area of the other person’s intimate parts, if that intentional touching can be reasonably construed as being for the purpose of sexual arousal or gratification. Such contact is deemed non-consensual if done without the other person’s affirmative consent (see definition above).

**D. Non-Consensual Sexual Penetration:** “Sexual penetration” is defined under Tennessee law as sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person’s body or of any object into the genital or anal openings of any other person’s body. Such contact is deemed non-consensual if done without the other person’s affirmative consent (see definition above).

**E. Sexual Assault:** Is defined as any type of sexual conduct, activity or behavior that occurs without the explicit consent of the recipient of the unwanted sexual conduct, activity or behavior, and includes forced sexual intercourse, sodomy, child molestation, incest, fondling, rape, attempted rape, statutory rape, sexual battery and aggravated sexual battery.

**F. Sexual Exploitation:** Occurs when a person takes non-consensual or abusive sexual advantage of another for their own advantage or benefit, or the benefit of anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to:

Non-consensual video or audio-taping of sexual activity or other private activity, even if that activity occurs in a public or semi-public place;

Non-consensual dissemination of video, photographs, or audio of sexual activity or other private activity, including dissemination by a third party or a person not involved in the original conduct;

Exceeding the boundaries of consent (such as, permitting others to hide in a closet and observe consensual sexual activity, videotaping of a person using a bathroom or engaging in other private activities);

Engaging in voyeurism, exposing one’s breasts, buttocks, or genitals in a non-consensual circumstance or inducing another to expose their breasts, buttocks, or genitals without affirmative consent;

Prostituting another person;

Engaging in consensual sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease or infection (STD or STI,) and without informing the other person of such disease or infection; and Sexually-based stalking and/or bullying.

**G. Sexual Harassment:** Conduct that is sexual in nature, is unwelcome and interferes with a Rhodes College community member’s ability to perform a job, participate in activities, and/or participate fully in the college’s education programs. It is a form of misconduct that is demeaning to others and undermines the integrity of the employment relationship and/or learning environment. It includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal, written, or electronic communication of a sexual nature when: (1) Submission to that conduct or communication is made a term or condition, explicitly or implicitly, of obtaining employment or education; (2) Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual’s employment or education; or (3) That conduct or communication has the purpose or effect of substantially interfering with an individual’s employment or education, or of creating an intimidating, hostile, or offensive employment or educational environment. Sexual harassment may be a one-time event or it may be part of a persistent and pervasive pattern.

Sexual harassment is unlawful and prohibited regardless of whether it is between or among members of the same sex or opposite sex. Sexual harassment may also consist of inappropriate gender-based comments and gender stereotyping. Examples of conduct constituting sexual harassment and which could create a hostile environment include, but are not limited to:

Engaging in unlawful conduct based on one’s gender, sexual orientation, gender identity or expression, including, but not limited to, acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex/gender or sex/gender-stereotyping, even if the acts do not involve conduct of a sexual nature;

Making unwelcome sexual advances, propositions or other sexual or gender-based comments, such as sexual or gender-oriented gestures, sounds, remarks, jokes or comments about an individual’s gender, sex, sexuality or sexual experiences;

Requesting sexual favors, or engaging in other verbal or physical conduct of a sexual nature;

Verbal abuse of a sexual nature, graphic verbal commentaries about an individual’s body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes, drawings, pictures or invitations, or through digital media ;

Conditioning any aspect of an individual’s employment or academic participation on their response to sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature;

Creating an intimidating, hostile or offensive working or academic environment through digital media or by sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature; and

Conduct that is criminal in nature, such as rape, sexual assault, domestic violence, dating violence, sexually motivated stalking and other forms of sexual violence.

**H. Sexual Violence:** Consists of physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent (e.g., due to the



student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including, but not limited to, rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

I. Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or to suffer substantial emotional distress. Under Tennessee law, stalking means a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested. The phrase "course of conduct" means a pattern of direct or indirect conduct composed of a series of two (2) or more separate non-continuous acts evidencing a continuity of purpose, 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 to or about a person, or interferes with a person's property.

Types of stalking could include, but are not limited to:

Following the targeted person;

Approaching or confronting that person in a public place or on private property;

Persistent and unwelcome attempts to contact the person by phone, electronic communication (including via the internet and cellphones), or regular mail, either anonymously or non-anonymously;

Vandalizing the person's property or leaving unwanted items for the person;

Persistently appearing at the person's classroom, residence, or workplace without that person's permission or other lawful purpose;

Cyber-stalking, in which a person follows, observes, monitors, or surveils another person through the use of electronic media such as the Internet, digital media networks, blogs, cell phones, texts or other similar devices; and

Using visual or audio recording devices or hidden or remote cameras used without the subject's consent.

**Sexual Misconduct Hearing Board:** Refers to the three-member decision-making body, composed of trained College faculty and staff that considers cases brought under this policy. Each particular Hearing Board is constituted, as needed, from the available pool of faculty and staff who are trained to serve as Advisors and Board members. One of the three Board members will be designated as the chairperson. The Hearing Board hears the facts and circumstances of an alleged policy violation as presented by the Investigator, a Claimant, a Respondent and/or witnesses at a Formal Resolution Hearing. This body is responsible for determining if a policy violation has occurred and whether/what sanctions are appropriate.

**Sexual Violence:** See Sexual Misconduct above, Subsection H.

**Stalking:** See Sexual Misconduct above, Subsection I.

**Supporter:** Refers to any person, regardless of their association with the college, who a Reporter, Claimant, or Respondent may want to support them through a portion of or the entire process. A Supporter is not required, but is encouraged to help the party with emotional and personal support. When present during interviews, hearings, and appeals, the Supporter cannot take an active role. A supporter can be a friend, family member, or any trusted person who can provide needed care to a party.

**Title IX:** Refers to a comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity. Title IX prohibits the use of federal money to support sex discrimination in education programs and provides individual citizens effective protection against those practices. Title IX applies, with a few specific exceptions, to all aspects of federally funded education programs or activities. In addition to traditional educational institutions such as colleges, universities, and elementary and secondary schools, Title IX also applies to any education or training program operated by a recipient of federal financial assistance.

#### **XIV. Procedures for Investigating Reports & Claims**

This section applies when both parties are students. The College has discretion to apply these provisions when one or both parties are neither students nor a faculty, staff member or contract services employee (e.g., when one party is a former student or is not enrolled at or employed by Rhodes). If the Respondent is a faculty member, staff member or contract services employee, the Title IX Coordinator will refer the case to the Vice President for Academic Affairs/Dean of the Faculty and/ or the Chief Human Resources Officer for investigation, and it will be adjudicated under the employee discipline policies for faculty and staff and as described in the Rhodes College Handbook.

##### **A. General Provisions.**

1. Rhodes will investigate all reports and Claims of Sex/Gender Discrimination and Sexual Misconduct.
2. The Associate Dean of Students and/or Title IX Coordinator will facilitate the investigative process from an administrative and logistical standpoint. It is anticipated that Title IX Coordinator will be the interface with the Claimant and Respondent through the investigation and resolution of a report or Claim from start to finish.
3. Most investigations into incidents of alleged Sex/Gender Discrimination and Sexual Misconduct will be completed within sixty (60) calendar days, excluding any appeal(s). The amount of time needed to investigate a report or Claim will depend in part on the nature of the allegation(s) and the evidence to be investigated (e.g., the number and/or availability of witnesses involved).
4. Rhodes will make reasonable efforts to balance and protect the rights of the parties during any investigation commenced under this policy. Rhodes will respect the privacy of the parties and any witnesses in a manner consistent with the College's obligations to investigate the alleged incident, take appropriate interim and/or corrective action, and comply with any discovery or disclosure obligations required by law.
5. Pursuing a report or Claim under this policy does not affect a Claimant's ability to pursue a criminal action against the individual accused of the misconduct through the criminal justice system. An individual who has been subjected to Sex/Gender Discrimination or Sexual Misconduct may choose to file a report or Claim under this policy, pursue remedies through the criminal justice system, or both. To the extent allowed by law, Rhodes will cooperate with any other ongoing College or criminal investigations of the incident.
6. Rhodes will keep the parties reasonably informed of the status of the investigation. If it is determined that more time is needed for the investigation, Rhodes will communicate the additional estimated amount of time needed to complete the investigation.
7. Any reoccurrences of conduct found to have violated this policy or any other related concerns should be reported to the Title IX Coordinator.

## **B. Allegations of Sex/Gender Discrimination or Sexual Misconduct:**

1. Promptly following the filing of a Claim or the receipt of a report by the Title IX Coordinator, the Title IX Coordinator will schedule separate, individual meetings with the Claimant and the Respondent to:

Provide the parties with a general explanation of the College's procedures for handling reports and Claims of incidents of Sex/Gender Discrimination and Sexual Misconduct, the College's prohibition against retaliation, and the investigative process;

- Discuss and/or provide written information regarding forms of available support including, if applicable, campus Advisors and on- and off-campus resources;
- Discuss and/or provide written information regarding immediate interventions and potential interim measures;
- Discuss and/or provide written information regarding options and available assistance in changing any accommodations that may be appropriate and reasonably available concerning the individuals' academic, living, transportation and working situations;
- Where applicable, provide information about their rights and the College's responsibilities regarding criminal and civil court proceedings, including protective orders, restraining orders, and no-contact orders;
- Determine if the Claimant wishes to notify law enforcement authorities, wishes to be assisted in notifying law enforcement authorities, or does not wish to notify law enforcement authorities; and
- Provide information about how the College will evaluate requests for and protect confidentiality.

The Title IX Coordinator may also schedule a meeting with a third-party Reporter to discuss some of the above information, as appropriate.

2. If a Claim has been filed, a Respondent should submit a response within five (5) business days after the meeting with the Title IX Coordinator. The response should be in writing and may admit or deny the allegations and include any facts, evidence or witnesses that can disprove or provide context relevant to the allegations. The written response can also indicate acceptance or rejection of any penalties or remedies, or outline an alternative proposal for redress. Alternatively, a Respondent can also be deemed to provide a written response by meeting with the Title IX Coordinator and providing a verbal description of the items listed above, which the Title IX Coordinator will use to draft a written document that the Respondent will review, verify and sign to constitute their written response. If no response has been received by the Title IX Coordinator from the Respondent within the allotted time, the Title IX Coordinator will send a Notice Of Nonresponse to the Respondent. If no response has been received by the Title IX Coordinator from the Respondent within three (3) business days after issuance of the Notice Of Nonresponse, the Respondent may be deemed to waive participation in the investigation, which in turn may limit the Respondent's right to present evidence in a Formal Resolution Hearing, as explained in Section XVI. At that point, it will be up to the Respondent to initiate participation in any investigation or hearing. In any event, where the Respondent is a student, the Respondent has the right to remain silent during the investigation and resolution process, without an automatic adverse inference resulting. If the Respondent chooses to remain silent, the investigation may ultimately still proceed and policy violation charges may still result, which may be resolved against the Respondent.

3. A Claim investigation will be conducted by an Investigator and may include conducting substantive interviews of the Claimant, the Respondent, and any witnesses; reviewing law enforcement investigation documents, if applicable; reviewing relevant student files; and gathering and examining other relevant documents or evidence. The results of an investigation of a Claim will be presented to the Title IX Coordinator, who will ensure the investigation was prompt, fair, impartial, thorough, and consistent with this policy. The Investigator will then issue a written report to the parties. The parties shall have three (3) business days to respond or object to the report in writing. If warranted based on the party submission(s), the investigator shall conduct further investigation and update the report as necessary. Depending on how the Claim proceeds, the investigation report(s) and the parties' responses may be presented at a Formal Resolution Hearing and/or may be presented at an Informal Resolution Conference. The investigation file should contain all information gathered during the investigation that is potentially relevant to the alleged misconduct; the investigator should not filter or exclude information unless it is clearly irrelevant or not pertinent to the facts at issue, such as impermissible character evidence.

4. If no Claim was filed, and a report of Sex/Gender Discrimination or Sexual Misconduct is causing the investigation to be initiated, the Title IX Coordinator will be authorized to conduct an initial investigation and to determine whether an Investigator is needed to conduct the equivalent of a Claim investigation because the incident potentially implicates the College's Title IX obligations to provide a safe and nondiscriminatory environment for the Rhodes Community. If it does, then the Title IX Coordinator will treat the report as a Claim and initiate a full investigation and then a Formal Resolution Hearing. If the Title IX Coordinator determines that the report does not implicate the College's Title IX obligations, they will be authorized to close the matter. In either instance, the Title IX Coordinator has discretion to keep limited remedial measures in effect.

## **XV. Informal Resolution Conference – For Students**

In cases not involving allegations of Sexual Misconduct (i.e., sexual harassment of a non-physical nature), and as an alternative to a Formal Resolution Hearing, the parties may opt to pursue an Informal Resolution Conference. An Informal Resolution Conference is a remedies-based, non-judicial approach designed to eliminate a potentially hostile working or academic environment. This process aims to assure fairness, to facilitate communication, and to maintain an equitable balance of power between the parties.

The decision to pursue an Informal Resolution Conference may be made when the College has sufficient information about the nature and scope of the reported conduct, activity or behavior as a result of its investigation. In all cases, the College reserves the right to determine following an investigation whether the College must proceed to a Formal Resolution Hearing in order to meet the College's Title IX obligations. Participation in an Informal Resolution Conference is voluntary, and a person making a report of Sex/Gender Discrimination can request to end the conference at any time and return the investigation or proceeding to its pre-conference status. Depending on the form of informal resolution used, it may be possible to maintain anonymity.

With consent of both the Claimant and the Respondent, the Title IX Coordinator handling the case will assign an appropriate member from the Sexual Misconduct and Advisor Response Team (SMART) to act as the facilitator. The facilitator is not an advocate for either the Claimant or the Respondent. The role of the facilitator is to aid in the resolution of problems in a non-adversarial manner.

For cases selected by the College to be resolved through an Informal Resolution Conference:

- A. The parties will receive simultaneous written notice of the decision to initiate an Informal Resolution Conference.
- B. The parties will have equal opportunity to respond to the evidence presented and to call appropriate and relevant factual witnesses.
- C. The parties may be accompanied by an Advisor and/or a Supporter of their choosing, subject to the restrictions contained in the section of this policy governing the selection and use of Advisors and Supporters.

The College will not compel face-to-face confrontation between the parties or participation in any particular form of informal resolution.

The Informal Resolution Conference ends when a resolution has been reached or when the Claimant or the Respondent has decided to end the process. Agreements reached in an Informal Resolution Conference are final and not subject to appeal.

## **XVI. Formal Resolution Hearing – For Students**

This section applies when both parties are students. It does not apply when one or more of the parties is an employee (faculty, staff member or contract services employee), as employees are subject to the disciplinary processes described in the Rhodes College Handbook. The College has discretion to apply these provisions when one or both parties are neither students nor employees (e.g., when one party is a former student or is not enrolled at or employed by Rhodes).

### **A. General Provisions**

1. A Formal Resolution Hearing is the College's formal disciplinary proceeding through which the Sexual Misconduct Hearing Board evaluates evidence related to a Claim to determine whether a Respondent is responsible or not responsible for a violation of this policy, based on the criteria of "a preponderance of evidence". If the Respondent is found in violation of this policy, the Respondent may be subjected to disciplinary action.
2. At least ten business days prior to a hearing, both parties and the Sexual Misconduct Hearing Board will be provided access to a hearing packet containing the investigation report and other information pertinent to the hearing. The packet must not be copied and must be returned at the end of the proceeding because it typically will contain other parties' confidential and FERPA-protected information. Additionally, receipt of the hearing packet is conditioned on each recipient's agreement not to re-disclose or use other people's confidential information, learned as a result of the investigation or proceeding, outside of such forums without express consent or for any improper purpose.
3. It is each party's responsibility to call their own witnesses. The parties must give at least three days' notice prior to the hearing of who their attendees and witnesses will be and the witnesses' expected sequence, so the other party can be prepared. The parties will not be strictly bound to their lists, but they should be submitted in good faith.  
The Title IX Coordinator, in consultation with the Chair of the Hearing Board, shall have discretion to exclude purely-character witnesses or other witnesses based on investigation results that show their expected testimony is not relevant to the facts at issue in the hearing. The parties may object to such a determination, but the Title IX Coordinator shall have ultimate discretion on this issue. The default position shall be to permit all witnesses desired by the parties in case they have relevant testimony, but that their testimony may be truncated at the hearing if it proves to not be relevant to the facts at issue.  
When necessary for the pursuit of truth, the Hearing Board shall have discretion to ask the Title IX Coordinator to request additional witnesses after receipt of the parties' witness lists. Typically, however, the parties shall be in charge of choosing and supplying their own witnesses.
4. All hearings under this section will be recorded and closed to the public. The admission of any person to the hearing will be at the discretion of the Sexual Misconduct Hearing Board's chairperson; however, the Claimant and the Respondent will have the same opportunities to have others present. Rhodes may limit the number of people in attendance at hearings, conferences and related disciplinary proceedings but will not interfere with parties' choices of specific attendees.
5. Legal rules of evidence or criminal or civil procedure will not apply.
6. A Claimant does not need to be present at the hearing as a prerequisite to proceed with the hearing. If the Claimant chooses to be present at such hearing, they will not be required to be present for the entire hearing. The Respondent may also choose not to be present for the entire hearing. When requested, the Board's chairperson will make arrangements so that the Claimant and the Respondent do not have to be present in the same room at the same time, but each party shall have the right to hear and see all witnesses' testimony via electronic means, such as videoconference or skype.  
That said, the hearing is the opportunity for the Claimant and the Respondent to provide their facts and evidence to the Sexual Misconduct Hearing Board, and a Claimant or Respondent who fails to appear after having received proper notice of a hearing will be deemed to have waived any right to personally present any evidence during the hearing and any subsequent appeal. Others may present evidence related to their case, such as the Investigator or fact witnesses, only during the Formal Resolution Hearing.
7. In all cases, the Sexual Misconduct Hearing Board must consider evidence presented by the Claimant, the Respondent, the Investigator and/or others and determine by a preponderance of the evidence whether a violation of this policy occurred, i.e., whether it is more likely than not that a Respondent violated this policy.
8. Decisions made in a Formal Resolution Hearing may be appealed as described in the Appeal Section of this policy.

### **B. The Formal Resolution Hearing & Determinations of Responsibility**

1. At the Formal Resolution Hearing, the Investigator may give a statement containing a summary of their factual findings, and each party will have the option to provide an introduction and an opening statement, summarizing their position.
2. Each party will be permitted to call their own witnesses. Witnesses will be asked to affirm adherence to the Honor Code. Prospective witnesses, other than the Claimant and the Respondent, may be excluded from the hearing during the statements of the Investigator and other witnesses. The Board will not consider information from character witnesses or character testimony.
3. The Board, the Claimant and the Respondent will have an opportunity to question witnesses who appear at the hearing. Questions by the Claimant and the Respondent should be directed to the Board Chair, who will facilitate the questioning of all witnesses, including the investigator. Typically, the Board will ask its own questions first, then the questions of the party whose witness it is, then the questions of the other party. The Board Chair will be responsible for ensuring the questioning is fair and complies with the terms of this policy, but will not otherwise substantively limit the scope of the parties' questions unless they seek to elicit solely character evidence, irrelevant information, unduly cumulative evidence, or have the effect of impermissibly badgering or harassing the witness. Questions about the parties' sexual history with anyone other than each other are expressly prohibited during the hearing phase, but if the Respondent is found in violation of the policy, Respondent's past sexual misconduct may be subject to inquiry in connection with determining potential sanctions.
4. The Board may, in its discretion, exclude or grant lesser weight to last-minute information or evidence introduced at the hearing that was not previously presented for investigation by the Investigator.
5. At the conclusion of the hearing, the Investigator may give a closing statement and each party will have an opportunity to provide a closing statement at their option.
6. All parties, the witnesses and the public will be excluded during Board deliberations, which will not be recorded or transcribed.

### **C. Notices of Outcome**

1. Within three (3) business days following the completion of the hearing, the Title IX Coordinator will simultaneously provide the Claimant and the Respondent a written notice of the outcome of the hearing, the applicable sanctions (if any), and the appeals procedure. This Outcome Letter will be provided to the Claimant



and Respondent by personal delivery or email (with automated return receipt). The Claimant and Respondent will be deemed to have received the Outcome Letter on the date of delivery.

2. To ensure that the recommended sanctions are enforced and/or corrective action is taken, in cases where the Respondent is a student, the Outcome Letter will also be provided to the Associate Dean of Students.

## **XVII. Sanctions – For Students**

**A. Criteria for Determining Sanctions.** When determining sanctions for an individual found in violation of this policy, the following criteria will be considered, among other factors:

1. The nature, circumstances, and severity of the violation(s);
2. The College's responsibility to ensure the effectiveness of these behavioral standards for the Rhodes community;
3. The impact of the violation(s) on the Claimant and the community; protection of the College community and the risk that a Respondent may create a hostile and intimidating environment;
4. The requests of the Claimant;
5. The level of cooperation and/or honesty of the Respondent, or lack thereof, during the disciplinary processes;
6. Any official college report including, but not limited to, disciplinary records, criminal records if known, or other official information, the relevance of which will be determined by the Hearing Board, may be used in determining the sanction.
7. Whether other judicial measures have been taken to protect the Claimant or discipline the Respondent (e.g., civil protection orders);
8. The housing and course enrollment pattern of the Claimant, giving due regard to the principle that the student found responsible for misconduct under this policy should bear the burden of accommodating the Claimant and not the reverse;
9. If determinable and relevant to the underlying policy violation, the presence of bias on account of race, ethnicity, color, religion, political views, sex, age, sexual orientation, gender identity or expression, national origin, disability, citizenship status, or military/veteran status as a motivation in the Sexual Misconduct.

After taking into account the above considerations, the Hearing Board will determine the sanctions for a Respondent found in violation of the Sexual Misconduct Policy. If a Respondent is found in violation of the policy but is not sanctioned with expulsion, the Hearing Board should strongly consider requiring sexual assault education or related assessments.

If a student is determined, by a preponderance of the evidence, to have committed rape as defined below in accordance with Tennessee law, they shall be expelled and shall receive a lifetime ban from campus. If a student is determined, by a preponderance of the evidence, to have committed non-consensual sexual penetration, the recommended sanction is expulsion, but the Hearing Board is free to consider mitigating factors and lesser sanctions. However, the sanction shall be expulsion for a Respondent determined to have committed non-consensual sexual penetration where the Respondent has previously been found in violation of the Sexual Misconduct Policy for non-consensual sexual penetration or the Respondent is determined to have used physical force or threat, or deliberately incapacitated the Claimant, to conduct the violation.

**A. Sanctions.** The following sanctions may be imposed upon any student found to have violated College policies:

1. **Warning:** After a hearing, the Board may believe the appropriate lesson has been learned and conclude the matter with a formal letter of warning.
2. **Loss of Privileges:** Denial of specified privileges for a designated period of time.
3. **Continued Sexual Assault Education:** Attending or participating in a required number, determined by the Hearing Board, of educational and/or awareness programs at Rhodes College relating to the Sexual Misconduct, and providing evidence of engaging in the program.
4. **Fines:** Previously established and published fines may be imposed.
5. **Restitution:** Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
6. **Discretionary Sanctions:** Work assignments, service to the College or community, education, referral to counseling, required behavioral assessment, or other related discretionary assignments.
7. **Residence Hall Suspension:** Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
8. **Residence Hall Expulsion:** Permanent separation of the student from the residence halls.
9. **Disciplinary Probation:** A written notification for violation of specified regulations. Probation is designated for a specified period of time and includes the probability of more severe disciplinary sanctions, including suspension or expulsion, if the student is found to violate any institutional regulation(s) during the probationary period. Students can be placed on disciplinary or housing probation.
  - a. **Level 1 Disciplinary Probation:** A student is not considered in good social standing with the College. Good Standing may be required for participation in certain campus activities. In addition, students not in good social standing may have their conduct reviewed for leadership or employment positions on campus.
  - b. **Level 2 Disciplinary Probation without Representation:** A student may not represent the institution on or off campus in any capacity. Examples include, but are not limited to: competition in varsity athletics, international programs or activities, executive board member of a student organization, PA, RA, Diplomat, Mock Trial, or Rhodes Ambassador.
10. **College Suspension:** Separation of the student from Rhodes College for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
11. **College Expulsion:** Permanent separation of the student from Rhodes College.

## **XVIII. Student Appeals**

**A. Timing of & Grounds for Appeal.** In cases involving students, within five (5) business days of receipt of the Outcome Letter, the Claimant, Respondent or both may submit a written appeal to the Title IX Coordinator handling their case based **only** on one or more of the following grounds:

1. To determine whether there was a material deviation from the procedural protections provided;
2. To consider new facts or information sufficient to alter the decision that were not known or knowable to the appealing party during the time of the hearing;
3. To determine whether the decision reached was based on a preponderance of evidence; or

4. To determine whether the sanctions were disproportionate to the findings.

The Title IX Coordinator will notify the parties of the filing of the appeal within two (2) business days of receiving all necessary information for processing the appeal.

**B. Form & Content of Appeal.** Appeals must be made in writing, include the name of the appealing party, and bear evidence that it was submitted by the appealing party. The appeal statement must contain a sufficient description supporting the grounds for appeal. If the grounds for appeal is to consider new facts sufficient to alter the decision that were not known or knowable to the appealing party during the time of the investigation, then the written appeal must include such information. The Title IX Coordinator retains discretion to verify and/or waive minor procedural variations in the timing and content of the appeal submission.

The non-appealing party shall receive a copy of the appeal. The non-appealing party may submit a written statement within ten (10) business days of receipt of the Outcome Letter that may seek to affirm the initial decision and/or respond to the appeal statement.

**C. Stay of Recommended Corrective Action & Imposition of Interim Measures Pending Appeal.** The Title IX Coordinator shall have discretion to impose or withhold any applicable sanctions prior to the appeal deadline and prior to the resolution of any appeal. If a Hearing Board determines a Respondent to be in violation of this policy and issues sanctions, but the Title IX Coordinator determines sanctions should be withheld pending the appeal, the Title IX Coordinator shall impose accommodations or other interim measures consistent with the Hearing Board's determination and that minimize the burden on the Claimant. The Title IX Coordinator may also continue to take interim measures as provided in this policy.

**D. Conducting the Appeal.** The appeal will be heard and determined by the Appeals Board. The Board is comprised of three members (one of whom will be designated as the Board chairperson), selected from the pool of faculty and staff who are trained to serve on the Sexual Misconduct and Advisor Response Team (SMART). The Appeals Board will consider all information related to the Formal Resolution Hearing, and any written statements received in relation to the appeal, but no other information. The Appeals Board chairperson is authorized to convene an Appeal Hearing (subject to the same procedural safeguards as a Formal Resolution Hearing), or the Appeal Board may determine the appeal based on the existing record. If an appeal hearing takes place, the Claimant and Respondent will not be present at the same time, but both will be given the opportunity to give statements to the Appeal Board.

E. The Appeals Board shall determine whether the Hearing Board made an error on the grounds contained in the appeal statement.

**F. Results on Appeal.** The Title IX Coordinator will notify both the Claimant and the Respondent within three (3) business days of the decision on appeal in addition to the Associate Dean of Students. The decision on appeal may:

1. Affirm a finding of responsibility and the sanction(s);
2. Affirm a finding of responsibility and increase or reduce, but not eliminate, the sanction(s);
3. Affirm a finding of non-responsibility;
4. Reverse a finding of responsibility and the sanction(s);
5. Reverse a finding of non-responsibility and impose sanction(s); or
6. Remand the case to the Title IX Coordinator to coordinate further investigation and determination. In such cases, the procedural provisions of this policy will apply.

Following the decision on appeal, the Title IX Coordinator shall have discretion to extend accommodations consistent with providing support to either or both parties. Such measures shall be consistent with the results of the appeal.

**G. Finality of Decisions on Appeal.** Decisions on appeal are final and conclusive.

To ensure that sanctions upheld or imposed on appeal are enforced and/or corrective action is taken, notice of the sanctions will be provided to the Associate Dean of Students in cases where the Respondent is a student.

## **XIX. Sanctions-For Faculty & Staff**

**A. For Respondents Classified as Rhodes Faculty Employees:** The Respondent will be subject to the investigation authority of the Vice President for Academic Affairs/Dean of the Faculty and the Chief Human Resources Officer under the applicable policies and procedures outlined in the Rhodes College Handbook. Nothing in the Rhodes College Handbook will prevent the Vice President of Academic Affairs/Dean of the Faculty or Chief Human Resources Officer from conducting or commissioning a prompt, fair and thorough investigation into allegations against the Respondent of a violation of this policy, including but not limited to Sex/Gender Discrimination and Sexual Misconduct, or from taking interim measures during an ongoing investigation, sanctions and appeal process. In all cases involving a potential violation of this policy, a preponderance of evidence standard will be applied in determining whether the Respondent is responsible for the alleged violation.

**B. For Respondents Classified as Rhodes Staff or Contract Employees.** The Respondent will be subject to the investigation authority of the Chief Human Resources Officer under the procedures outlined in the "Employee Discipline and Termination Policy" as set forth in the Rhodes College Handbook. Per the Rhodes College Handbook, sanctions may include one or a combination of the following disciplinary actions:

1. Verbal Counseling;
2. Written Warning;
3. Suspension Without Pay;
4. Disciplinary Discharge;
5. Immediate Termination;
6. Other Sanctions: Other sanctions may be imposed instead of, or in addition to, those specified in subsections (1) through (5) listed above.

Nothing in the Rhodes College Handbook will prevent the Chief Human Resources Officer from conducting or commissioning a prompt, fair and thorough investigation into allegations against a Respondent classified as Rhodes staff or contract employee of a violation of this policy, including, but not limited to Sex/Gender Discrimination or Sexual Misconduct, or from taking interim measures during an ongoing investigation. In all cases involving a potential violation of this policy, a preponderance of evidence standard will be applied in determining whether the Respondent is responsible for the alleged violation.

**Advisor:** Refers to an attorney or a non-attorney advisor who can provide assistance to the Claimant or the Respondent during Formal Resolution Hearings, Informal Resolution Conferences, and any other stage of the processes covered by this policy. The College will provide a list of faculty and staff who have received training to serve as Advisors. Students may choose an Advisor from the Sexual Misconduct and Advisor Response Team (SMART) roster or from any other source of their choosing.

**Affirmative Consent:** Means an affirmative, conscious decision by each participant to engage in mutually agreed-upon sexual activity. All five of the following elements are essential in order to have affirmative consent. If one or more of the following is absent, there is no affirmative consent.

A. *Consists of Mutually Understandable Communication*: Communication regarding consent consists of mutually understandable words and/or actions that indicate an unambiguous willingness to engage in sexual activity. In the absence of clear communication or outward demonstration, there is no consent. Consent may not be inferred from silence, passivity, lack of resistance or lack of active response. An individual who does not physically resist or verbally refuse sexual activity is not necessarily giving consent. Relying solely upon non-verbal communication can lead to a false conclusion as to whether consent was sought or given. Verbal communication is the best way to ensure all individuals are willing and consenting to the sexual activity.

B. *Informed and Reciprocal*: All parties must demonstrate a clear and mutual understanding of the nature and scope of the act to which they are consenting and a willingness to do the same thing, at the same time, in the same way.

C. *Freely and Actively Given*: Consent cannot be obtained through the use of force, coercion, threats, intimidation or pressuring, or by taking advantage of the incapacitation of another individual.

D. *Not Unlimited*: Consent to one form of sexual contact does not constitute consent to all forms of sexual contact, nor does consent to sexual activity with one person constitute consent to activity with any other person. Each participant in a sexual encounter must consent to each form of sexual contact with each participant. Even in the context of a current or previous intimate relationship, each party must consent to each instance of sexual contact each time. The consent must be based on mutually understandable communication that clearly indicates a willingness to engage in sexual activity. The mere fact that there has been prior intimacy or sexual activity does not, by itself, imply consent to future acts.

E. *Not Indefinite*: Consent may be withdrawn by any party at any time. Recognizing the dynamic nature of sexual activity, individuals choosing to engage in sexual activity must evaluate consent in an ongoing manner and communicate clearly throughout all stages of sexual activity. Withdrawal of consent can be an expressed “no” or can be based on an outward demonstration that conveys that an individual is hesitant, confused, uncertain or is no longer a mutual participant. Once consent is withdrawn, the sexual activity must cease immediately and all parties must obtain mutually expressed or clearly stated consent before continuing further sexual activity.

Because of the commitment to maintaining an environment that supports Rhodes’ educational mission, the College prohibits romantic, sexual, and exploitative relationships between college employees and students. (See Rhodes College Handbook-Fraternization Policy For Faculty and Staff)

Under Tennessee law, the age of consent varies depending on the age of the partner. Statutory rape occurs if the victim is at least thirteen (13) but less than eighteen (18) years of age, and the defendant is at least four (4) years older than the victim. Statutory rape also occurs if the victim is less than thirteen (13) years of age.

**Appeals Board**: Refers to a group of trained College faculty and staff members that hears and decides appeals of findings and sanctions imposed by the Sexual Misconduct Hearing Board (defined below). The Appeals Board will consist of three members (one of whom will be designated as the board’s chairperson), selected from the pool of faculty and staff who are trained to serve on the Sexual Misconduct and Advisor Response Team (SMART). This three-member board is authorized to affirm, alter, or reverse the original findings and/or sanctions recommended by the Sexual Misconduct Hearing Board. Once issued, the Appeals Board’s decision is final.

**Claim**: Refers to a formal written complaint filed with the Title IX Coordinator or the Title IX Coordinator’s designee alleging any action, policy, procedure or practice that would be prohibited by Title IX, such as Sex/Gender Discrimination or Sexual Misconduct, and indicating that they want the College to take further steps beyond the investigation. A Claim may be filed by a Claimant and may be requested by another individual who knows of or witnessed an incident of Sex/Gender Discrimination or Sexual Misconduct but who did not suffer such misconduct themselves. A report can also become a Claim if Rhodes determines that, in order to meet its Title IX obligations to provide a safe and nondiscriminatory environment for the broader Rhodes Community, it must take further steps beyond the investigation, such as holding a Formal Resolution Hearing.

**Claimant**: Refers to an individual who has been subjected to an incident of Sex/Gender Discrimination or Sexual Misconduct that proceeds to a Claim.

**Clery Act**: Refers to the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act, 20 U.S.C. Section 1092(f); 34 C.F.R., Part 668.46. It requires colleges and universities, both public and private, participating in federal student aid programs to disclose campus safety information, and imposes certain basic requirements for handling incidents of sexual violence and emergency situations.

**Coercion**: Means the use of pressure to compel another individual to initiate or continue activity against their will, including psychological or emotional pressure, physical or emotional threats, intimidation, manipulation, or blackmail. Coercion is defined under Tennessee law to include a threat of kidnapping, extortion, force or violence to be performed immediately or in the future. A person’s words or conduct are sufficient to constitute coercion if they wrongfully impair another individual’s freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include, but are not limited to threatening to “out” someone based on sexual orientation, gender identity, or gender expression; threatening to harm oneself if the other party does not engage in the sexual activity; and threatening to expose someone’s prior sexual activity to another person and/or through digital media.

**Consent**: See *Affirmative Consent* above.

**Dating Violence**: See *Sexual Misconduct* below, Subsection A.

**Domestic Violence or Domestic Assault**: See *Sexual Misconduct* below, Subsection B.

**Formal Resolution**: Refers to the College’s formal disciplinary proceeding through which the Sexual Misconduct Hearing Board evaluates evidence related to a Claim to determine whether a Respondent is in violation of this policy, based on the criteria of a preponderance of evidence.

**Incapacitation**: Means the lack of the ability to make rational, reasonable judgments as a result of alcohol consumption, other drug use, sleep, the taking of any so-called “date-rape” drug, unconsciousness, or blackout. An individual unable to make informed judgments is physically helpless. An incapacitated person cannot make rational, reasonable decisions because that person lacks the ability to fully understand the who, what, where, or how of their sexual interaction. Incapacitation is a state beyond drunkenness or intoxication, in which alcohol, drugs, or other factors render one unable to make fully informed judgments or have an awareness of consequences. Evaluating incapacitation also requires an assessment of whether a Respondent knew or should have known of the other individual’s incapacitated state. While incapacitation may be caused by drugs or alcohol, it also includes the state of being asleep, during which time a person is unable to provide affirmative consent.

**Informal Resolution Conference**: Is intended to allow the Claimant and the Respondent to provide information about the alleged incident(s) of discrimination or harassment, and to reach a mutually agreeable resolution. This process aims to assure fairness, to facilitate communication, and to maintain an equitable balance of power between the parties.

**Investigator**: Refers to an official(s) designated by the Title IX Coordinator to conduct an investigation of alleged Sex/Gender Discrimination or Sexual Misconduct, and who acts as a witness in the event of a Formal Resolution Hearing. The Investigator will be a trained individual who objectively collects and examines the facts and circumstances of potential violations of this policy and documents them for review. The Investigator will be neutral and will hold no biases in the investigation.

**Mandatory Reporter**: Refers to an individual who is obligated to report any knowledge they may have of Sex/Gender Discrimination and Sexual Misconduct.



Rhodes College defines all faculty and staff as mandatory reporters except certain “confidential resources” staff. (See Section XIII above.) The only students who are designated as Mandatory Reporters are Resident Assistants and members of the Peer Advocate Center.

**Non-Consensual Sexual Contact:** See *Sexual Misconduct* below, Subsection C.

**Non-Consensual Sexual Penetration:** See *Sexual Misconduct* below, Subsection D.

**Preponderance of Evidence:** Refers to the standard by which it is determined at a hearing whether or not a violation of this policy has occurred, and means that an act of sex discrimination is “more likely than not” to have occurred. This standard applies for all claims of sex discrimination, including sexual harassment and sexual violence.

**Rape:** See *Sexual Misconduct* below, Subsection E.

**Report:** Refers to any communication that puts a Rhodes Mandatory Reporter on notice of an allegation that sex/gender discrimination or sexual misconduct occurred or may have occurred. Rhodes will investigate all reports it receives of sex/gender discrimination and sexual misconduct. After making a report, an individual may choose to end their involvement in the process there, may choose to be involved or not be involved in the College’s investigation and related proceedings, or may choose to file a formal Claim and pursue Formal Resolution or an Informal Resolution Conference. The College strongly encourages all individuals to report incidents of sexual misconduct and sex/gender discrimination even if the individual does not intend to pursue a Claim.

**Reporter:** Refers to an individual who notifies a Rhodes Mandatory Reporter of an alleged violation of the Sex/Gender Discrimination and Sexual Misconduct policy. A Reporter can be any individual who reports to Rhodes that they are a victim or survivor of sex/gender discrimination or sexual misconduct; that they have been affected by sex/gender discrimination or sexual misconduct, or that they have knowledge of sex/gender discrimination and sexual misconduct happening to or affecting someone else.

**Respondent:** Refers to an individual against whom a Claim has been filed or report has been made and whose conduct is alleged to have violated this policy.

**Sex/Gender Discrimination:** Refers to the unequal treatment of an individual based on their sex or gender in any employment decision, education program or educational activity receiving Federal financial assistance. Such programs or activities include, but are not limited to, admission, hiring and recruitment, financial aid, academic programs, student treatment and services, counseling and guidance, discipline, classroom assignment, grading, vocational education, recreation, physical education, athletics, housing and employment. The prohibition on sex discrimination also covers unlawful discrimination based on gender identity, sexual orientation, pregnancy, termination of pregnancy, childbirth or related conditions. Also prohibited as sex discrimination is any act which is based on parental, family, or marital status and which is applied differently based on sex.

**Sexual Assault:** See *Sexual Misconduct* below, Subsection F.

**Sexual Exploitation:** See *Sexual Misconduct* below, Subsection G.

**Sexual Harassment:** See *Sexual Misconduct* below, Subsection H.

**Sexual Misconduct:** Is a broad term that encompasses sexually-motivated misconduct as described in this policy, including conduct of an unwelcome and/or criminal nature, whether such conduct occurs between strangers, acquaintances, or intimate partners. For the purposes of this policy, the following terms are collectively referred to as “Sexual Misconduct” and will be defined in detail below: Dating Violence, Domestic Violence, Nonconsensual Sexual Contact, Nonconsensual Sexual Penetration, Rape, Sexual Assault, Sexual Exploitation, Sexual Harassment, Sexual Violence, and Stalking.

**A. Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim. The existence of such a relationship will be determined based on a consideration of the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship. 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. 34 C.F.R. § 668.46. There is no definition of “dating violence” under Tennessee law.

**B. Domestic Violence or “Domestic Assault”:** Under Tennessee law, a person commits domestic assault when they intentionally, knowingly or recklessly causes bodily injury, a reasonable fear of imminent bodily injury or physical contact that would be regarded as extremely offensive or provocative to persons falling within the following categories:

- Adults or minors who are current or former spouses;
- Adults or minors who live together or who have lived together;
- Adults or minors who are dating or who have dated or who have or had a sexual relationship, but does not include fraternization between two individuals in a business or social context;
- Adults or minors related by blood or adoption;
- Adults or minors who are related or were formerly related by marriage; or
- Adult or minor children of a person in a relationship that is described in one of the categories listed above.

**C. Non-Consensual Sexual Contact:** “Sexual contact” is defined under Tennessee law as the intentional touching of another person’s intimate parts, or the intentional touching of the clothing covering the immediate area of the other person’s intimate parts, if that intentional touching can be reasonably construed as being for the purpose of sexual arousal or gratification. Such contact is deemed non-consensual if done without the other person’s affirmative consent (see definition above).

**D. Non-Consensual Sexual Penetration:** “Sexual penetration” is defined under Tennessee law as sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person’s body or of any object into the genital or anal openings of any other person’s body. Such contact is deemed non-consensual if done without the other person’s affirmative consent (see definition above).

**E. Rape:** is defined under Tennessee law as the unlawful Sexual Penetration of a person accompanied by any of the following circumstances:

- Force or coercion is used to accomplish the act;
- The act is accomplished without the other person’s consent and the perpetrator knows or has reason to know at the time of the penetration that the person did not consent;
- The perpetrator knows or has reason to know that the person is mentally or physically incapacitated or helpless; or
- The act is accomplished by fraud.

**F. Sexual Assault:** Is defined as any type of sexual conduct, activity or behavior that occurs without the explicit consent of the recipient of the unwanted sexual

conduct, activity or behavior, and includes forced sexual intercourse, sodomy, child molestation, incest, fondling, rape, attempted rape, statutory rape, sexual battery and aggravated sexual battery.

**G. Sexual Exploitation:** Occurs when a person takes non-consensual or abusive sexual advantage of another for their own advantage or benefit, or the benefit of anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to:

- Non-consensual video or audio-taping of sexual activity or other private activity, even if that activity occurs in a public or semi-public place;
- Non-consensual dissemination of video, photographs, or audio of sexual activity or other private activity, including dissemination by a third party or a person not involved in the original conduct;
- Exceeding the boundaries of consent (such as, permitting others to hide in a closet and observe consensual sexual activity, videotaping of a person using a bathroom or engaging in other private activities);
- Engaging in voyeurism, exposing one's breasts, buttocks, or genitals in a non-consensual circumstance or inducing another to expose their breasts, buttocks, or genitals without affirmative consent;
- Prostituting another person;
- Engaging in consensual sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease or infection (STD or STI,) and without informing the other person of such disease or infection; and
- Sexually-based stalking and/or bullying.

**H. Sexual Harassment:** Conduct that is sexual in nature, is unwelcome and interferes with a Rhodes College community member's ability to perform a job, participate in activities, and/or participate fully in the college's education programs. It is a form of misconduct that is demeaning to others and undermines the integrity of the employment relationship and/or learning environment. It includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal, written, or electronic communication of a sexual nature when: (1) Submission to that conduct or communication is made a term or condition, explicitly or implicitly, of obtaining employment or education; (2) Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or (3) That conduct or communication has the purpose or effect of substantially interfering with an individual's employment or education, or of creating an intimidating, hostile, or offensive employment or educational environment. Sexual harassment may be a one-time event or it may be part of a persistent and pervasive pattern.

Sexual harassment is unlawful and prohibited regardless of whether it is between or among members of the same sex or opposite sex. Sexual harassment may also consist of inappropriate gender-based comments and gender stereotyping. Examples of conduct constituting sexual harassment and which could create a hostile environment include, but are not limited to:

- Engaging in unlawful conduct based on one's gender, sexual orientation, gender identity or expression, including, but not limited to, acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex/gender or sex/gender-stereotyping, even if the acts do not involve conduct of a sexual nature;
- Making unwelcome sexual advances, propositions or other sexual or gender-based comments, such as sexual or gender-oriented gestures, sounds, remarks, jokes or comments about an individual's gender, sex, sexuality or sexual experiences;
- Requesting sexual favors, or engaging in other verbal or physical conduct of a sexual nature;
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes, drawings, pictures or invitations, or through digital media;
- Conditioning any aspect of an individual's employment or academic participation on their response to sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature;
- Creating an intimidating, hostile or offensive working or academic environment through digital media or by sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature; and
- Conduct that is criminal in nature, such as rape, sexual assault, domestic violence, dating violence, sexually motivated stalking and other forms of sexual violence.

**I. Sexual Violence:** Consists of physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including, but not limited to, rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

**J. Stalking** is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or to suffer substantial emotional distress. Under Tennessee law, stalking means a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested. The phrase "course of conduct" means a pattern of direct or indirect conduct composed of a series of two (2) or more separate non-continuous acts evidencing a continuity of purpose, 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 to or about a person, or interferes with a person's property.

Types of stalking could include, but are not limited to:

- Following the targeted person;
- Approaching or confronting that person in a public place or on private property;
- Persistent and unwelcome attempts to contact the person by phone, electronic communication (including via the internet and cellphones), or regular mail, either anonymously or non-anonymously;
- Vandalizing the person's property or leaving unwanted items for the person;
- Persistently appearing at the person's classroom, residence, or workplace without that person's permission or other lawful purpose;
- Cyber-stalking, in which a person follows, observes, monitors, or surveils another person through the use of electronic media such as the Internet, digital media networks, blogs, cell phones, texts or other similar devices; and
- Using visual or audio recording devices or hidden or remote cameras used without the subject's consent.

**Sexual Misconduct & Advisor Response Team (SMART):** Refers to the pool of faculty and staff members who are trained to serve in various roles under this policy, including as Advisors for the Claimant or Respondent, as members of the Sexual Misconduct Hearing Board, or as members of the Appeals Board. To avoid potential conflicts of interest, an individual from the Sexual Misconduct and Advisor Response Team (SMART) is limited to serving only one role during proceedings associated with a report or Claim and any related reports or Claims.

**Sexual Misconduct Hearing Board:** Refers to the three-member decision-making body composed of College faculty and staff, who serve on the Sexual Misconduct and Advisor Response Team (SMART), that considers cases brought under this policy. Each particular Hearing Board is constituted, as needed, from the available pool of faculty and staff who are trained to serve as Advisors and Board members. One of the three Board members will be designated as the chairperson. The Hearing Board hears the facts and circumstances of an alleged policy violation as presented by the Investigator, a Claimant, a Respondent and/or witnesses at a Formal Resolution Hearing. This body is responsible for determining if a policy violation has occurred and whether/what sanctions are appropriate.

**Sexual Violence:** See *Sexual Misconduct* above, Subsection I.

**Stalking:** See *Sexual Misconduct* above, Subsection J.

**Supporter:** Refers to any person, regardless of their association with the college, who a Reporter, Claimant, or Respondent may want to support them through a portion of or the entire process. A Supporter is not required, but is encouraged to help the party with emotional and personal support. When present during interviews, hearings, and appeals, the Supporter cannot take an active role. A supporter can be a friend, family member, or any trusted person who can provide needed care to a party.

**Title IX:** Refers to a comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity. Title IX prohibits the use of federal money to support sex discrimination in education programs and provides individual citizens effective protection against those practices. Title IX applies, with a few specific exceptions, to all aspects of federally funded education programs or activities. In addition to traditional educational institutions such as colleges, universities, and elementary and secondary schools, Title IX also applies to any education or training program operated by a recipient of federal financial assistance.

The Tennessee Bureau of Investigation maintains a searchable sex offender registry at the web address below:

<https://www.tn.gov/tbi/general-information/redirect-tennessee-sex-offender-registry-search/sex-offender-registry-search.html>

## Sexual Misconduct Training & Information

Pursuant to the U.S. Department of Education's Office of Civil Rights guidance and best practices, the Title IX Office provides ongoing training opportunities for those Rhodes employees who have direct and substantive involvement with Title IX. Below, the training provided or sponsored by the Title IX Office is described.

### Hearing Board Trainings:

- During the 2017-2018 academic year, eleven new hearing board members were trained in a day-long workshop, which included topics such as a Title IX overview, an in depth review of the Rhodes Sexual Misconduct Policy, the effects of sexual assault and trauma on survivors, how to analyze incapacity and consent, and best practices in conducting a sexual misconduct hearing. Presented by Tiffany Cox and Whitney Harmon, Esq., Shareholder with Baker, Donelson, Bearman, Caldwell, and Berkowitz, PC.
- "A Dangerous Defense: The Use of 'Blackout' in Alcohol-Facilitated Sexual Assault." Webinar sponsored by Ending Violence Against Women International
- "Hardwired for Survival: The Neurobiology of Sexual Assault & Trauma-Informed Response." Presented by the Sexual Assault Center of Nashville
- "OCR's Evolving View of Title IX" webinar presented by Steptoe Johnson, PLLC

### Student-Based Trainings:

- Haven Understanding Sexual Assault and Sexual Assault Prevention for Student Athletes online education modules provided by Everfi. Approximately 813 first-, second-, and third- year students completed this required training by the deadline. Students who did not complete the training as required are required to complete it over the summer or be subject to restrictions on their ability to complete enrollment clearance for fall 2018.
- "Speak About It: A Performance About Consent, Boundaries and Healthy Relationships" presented by Speak About It for first year students during Welcome Week
- "Trauma-Informed Response and Caregiver Resiliency" presented by the Sexual Assault Center of Nashville for Resident Assistants, Peer Advocates, STIX, and Culture of Consent
- Certified Peer Educator Training presented by NASPA for Resident Assistants, STIX, and Peer Advocates
- "Just Another Assault" presented by Bonnie Shade
- "Title IX and Rhodes Sexual Misconduct Policy" presented by Tiffany Cox for Rhodes International Students
- "Addressing Title IX Issues: Dos and Don'ts" presented by Tiffany Cox for Campus Safety Student Workers
- "The Role of Residence Life Staff in Responding to Sexual Violence" presented by Tiffany Cox for Resident Assistants
- "Title IX Considerations Abroad" presented by Tiffany Cox for Profs. Henager and Jabbour's students traveling to Ecuador

### Faculty- & Staff- Based Trainings:

- Green Dot Bystander Intervention Certification Training presented by Alteristic for the Rhodes Green Dot Implementation Team
- "Faculty and Title IX Compliance: Recognizing and Responding to Title IX Matters" presented by Tiffany Cox for New Faculty Orientation
- "Title IX Considerations Abroad" presented by Tiffany Cox for Rhodes faculty traveling abroad with students
- "Rhodes Sex/Gender Discrimination and Sexual Misconduct Policy: Interacting with Students" presented by Tiffany Cox to Aramark staff



## Violence Against Women Act 2015-2017

Offense	Year	Total				
		On Campus	Dorms	Non-Campus	Public Prop	Unfounded
Domestic Violence	2015	0	0	0	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0
Dating Violence	2015	1	0	0	0	0
	2016	3	3	0	0	0
	2017	2	2	0	0	0
Stalking	2015	1	1	0	0	0
	2016	2	0	0	0	0
	2017	1	1	0	0	0

## Missing Person Procedure

It is the policy of Rhodes College, as it relates to students who reside on-campus, to report them as missing and to inform students of their options to who shall be contacted. Rhodes College will contact the custodial parent of record or legal guardian of a missing student under the age of 18 no later than 24 hours after the time that the student is determined to be missing. If a student is emancipated, or 18 years of age or older and desires a contact other than their parents they should submit this request in writing to the Dean of Students, to be included in their student file.

When a student is determined to be “missing,” and Campus Safety, the On-Call Administrator or a Residence Life staff member becomes aware, an investigation will commence immediately. Campus Safety or the On-Call Administrator will take reasonable and prudent steps to locate the student. If the student cannot be located within 24 hours the parents or emergency contact designee of record will be notified by the On-Call Administrator. Campus Safety will initiate a “Missing Person” report that will include notifying local law enforcement.

## Emergency Response & Evacuation Procedures

### Shelter in Place

Upon receiving notification to Shelter-in-Place (criminal act) the Department of Homeland Security’s recommendations are to Run, Hide or Fight-(last resort) most will shelter in place.

- Stay in your rooms/offices/classrooms.
- Notify those around you, and encourage others to remain in your room/ office rather than to try to leave the building.
- Lock the doors, cover the door window, pull down the blinds, turn off the lights and stay calm.
- Stay away from the windows.
- Check your email or visit the college website.
- Report any suspicious activity, sounds or smells to Campus Safety- 3880 or 911.
- Only come out when you recognize the authority directing you to do so or (all clear given).

**Shelter (weather)** recommendations for a severe weather event such as a tornado may necessitate you shelter until the threat of bad weather has passed. You may need to relocate from your normal work/study area to a space that has no windows or to a lower floor may increase your chances of survival.

It is recommended that you:

- Move to the lowest floor of the building- they usually provide the best protection.
- Move to an interior room with no windows, or a hallway on the lowest floor possible.
- Move to an interior stairwell if all rooms have windows.
- Stay in the center of the room away from doors and windows.
- Stay in place until the danger has passed or (all clear given).

### Medical Events

In the event that a medical emergency occurs on campus, someone should be instructed to immediately:

• Call Campus Safety at **901-843-3333** to advise them you need an ambulance and to report the location where help is needed. Campus Safety will then call 911 and Student Health Center if needed.

*OR*

• **Call 911** to request an ambulance, you must be able to recall the address, building name and cross streets to provide 911 with directions, then also call Campus Safety.

### Emergency Training/Exercises

Rhodes College Emergency Plans are reviewed and updated annually. Emergency training is provided on an on-going basis. These trainings include(d) Departmental-Active Shooter Training-on going, Campus Wide Active Shooter Training sessions provided by the FBI (Summer 2015), Threat Assessments provided by MPD (Summer 2015), Full Scale Pandemic Exercises, Webinars, Tabletops and basic testing of equipment.

**Emergency Response-Evacuation** in most emergencies, a complete campus evacuation is not necessary. Most often evacuations are of individual buildings based on fire alarms. When possible determine the nearest exits in advance of an emergency. If time permits secure your area gather your personal items and:

- Walk, do not run.
- Do not use elevators.

- If safe to do, assist people with special needs to areas of refuge and call Campus Safety Ext. 3880 with their location.
- Gather outside and consider conducting an accountability check of staff or students.

## Fire Report

### Fire Safety – Procedures, Statistics, Reports & Documentation

**Fire Statistics:** The following statistics are reported, both in the annual fire safety report and the Department of Education’s web-based data collection system, for on-campus student housing.

- The number of fires and the cause of each fire.
- The number of deaths related to the fire.
- The number of injuries related to the fire that resulted in treatment at a medical facility.
- The value of property damage related to the fire.

**Annual Fire Safety Report:** This report is maintained by the Residence Life Office. It contains information related to the following:

The fire statistics from the previous calendar year.

- A description of the fire safety system for each residential building.
- The number of fire drills held the previous calendar year.
- The institution’s policies or rules on portable electrical appliances, smoking, and open flames in student housing facilities.
- Procedures for student housing evacuation.
- Policies for fire safety education and training programs for students, faculty, and staff.
- A list of the titles of each person or organization to which individuals should report that a fire has occurred.

**Fire Log:** A fire log is maintained by the Residence Life Office and includes;

- The nature of the fire,
- The date the fire occurred,
- The time of day the fire occurred, and
- The general location of the fire.

The fire log for the most recent 60-day period is open to public inspection, upon request, during normal business hours. Any portion of the log that is older than 60 days will be made available within two business days of a request for public inspection. The fire log will be retained for three years following the publication of the last annual report to which it applies.

### Fire Safety System in Rhodes Residential Facilities 2015

Rhodes College Residence Halls	Address	Fire Alarm Monitoring Done On Site (by Campus Safety)	Partial Sprinkler System	Full Sprinkler System	Smoke Detection Devices	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of evacuation (fire) drills each calendar year
Parkway Hall	1918 North Parkway	Simplex	N/A	N/A	X	X	X	2
Bellingrath Hall	2000 North Parkway	CS	N/A	N/A	X	X	X	2
Blount Hall	2000 North Parkway	Simplex	N/A	N/A	X	X	X	2
East Village A	2000 North Parkway	Simplex		X	X	X	X	2
East Village B	2000 North Parkway	Simplex		X	X	X	X	2
Ellett Hall	2000 North Parkway	CS	N/A	N/A	X	X	X	2
Glassell Hall	2000 North Parkway	CS	N/A	N/A	X	X	X	2
Robb Hall	2000 North Parkway	CS	N/A	N/A	X	X	X	2
Robinson Hall	2000 North Parkway	Simplex	N/A	N/A	X	X	X	2
Spann Place Townhouse	2000 North Parkway	CS/Simplex		X	X	X	X	2
Stewart Hall	669 University Ave.	Simplex		X	X	X	X	2
Townsend Hall	2000 North Parkway	CS	N/A	N/A	X	X	X	2
Trezevant Hall	2000 North Parkway	CS	N/A	N/A	X	X	X	2
Voorhies Hall	2000 North Parkway	CS	N/A	N/A	X	X	X	2
White Hall	2000 North Parkway	CS	N/A	N/A	X	X	X	2
Williford Hall	2000 North Parkway	CS	N/A	N/A	X	X	X	2
West Village	2000 North Parkway	Simplex		X	X	X	X	2

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Parkway Hall	1918 North Parkway	Simplex	N/A	N/A	X	X	X	2
Bellingrath Hall	2000 North Parkway	CS	N/A	N/A	X	X	X	2
Blount Hall	2000 North Parkway	Simplex	N/A	N/A	X	X	X	2
East Village A	2000 North Parkway	Simplex		X	X	X	X	2
East Village B	2000 North Parkway	Simplex		X	X	X	X	2
Ellett Hall	2000 North Parkway	CS	N/A	N/A	X	X	X	2
Glassell Hall	2000 North Parkway	CS	N/A	N/A	X	X	X	2
Robb Hall	2000 North Parkway	CS	N/A	N/A	X	X	X	2
Robinson Hall	2000 North Parkway	Simplex	N/A	N/A	X	X	X	2
Spann Place Townhouse	2000 North Parkway	CS/Simplex		X	X	X	X	2
Stewart Hall	669 University Ave.	Simplex		X	X	X	X	2
Townsend Hall	2000 North Parkway	CS	N/A	N/A	X	X	X	2
Trezevant Hall	2000 North Parkway	CS	N/A	N/A	X	X	X	2
Voorhies Hall	2000 North Parkway	CS	N/A	N/A	X	X	X	2
White Hall	2000 North Parkway	CS	N/A	N/A	X	X	X	2
Williford Hall	2000 North Parkway	CS	N/A	N/A	X	X	X	2
West Village	2000 North Parkway	Simplex		X	X	X	X	2

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Rhodes College Residence Halls	Address	Fire Alarm Monitoring Done On Site (by Campus Safety)	Partial Sprinkler System	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of evacuation (fire) drills each calendar year
Parkway Hall	1918 North Parkway	Simplex	N/A	N/A	X	X	X	2
Bellingrath Hall	2000 North Parkway	CS	N/A	N/A	X	X	X	2
Blount Hall	2000 North Parkway	Simplex	N/A	N/A	X	X	X	2
East Village A	2000 North Parkway	Simplex		X	X	X	X	2
East Village B	2000 North Parkway	Simplex		X	X	X	X	2
Ellett Hall	2000 North Parkway	CS	N/A	N/A	X	X	X	2
Glassell Hall	2000 North Parkway	CS	N/A	N/A	X	X	X	2
Robb Hall	2000 North Parkway	CS	N/A	N/A	X	X	X	2
Robinson Hall	2000 North Parkway	Simplex	N/A	N/A	X	X	X	2
Spann Place Townhouse	2000 North Parkway	CS/Simplex		X	X	X	X	2
Stewart Hall	669 University Ave.	Simplex		X	X	X	X	2
Townsend Hall	2000 North Parkway	CS	N/A	N/A	X	X	X	2
Trezevant Hall	2000 North Parkway	CS	N/A	N/A	X	X	X	2
Voorhies Hall	2000 North Parkway	CS	N/A	N/A	X	X	X	2
White Hall	2000 North Parkway	CS	N/A	N/A	X	X	X	2
Williford Hall	2000 North Parkway	CS	N/A	N/A	X	X	X	2
West Village	2000 North Parkway	Simplex		X	X	X	X	2

## Annual Fire Safety Report 2015

Rhodes College Residence Halls	Total Fires in each Building	Fire Number	Date	Time	Cause of Fire	Number of Injured	Number of Deaths	Value of Property Damage	Case Number
Bellingrath Hall	3	1	1/14	5:22 pm	Unintentional -Stove	0	0	\$0-99	15-001
		2	2/21	2:43 am	Unintentional -Stove	0	0	\$0-99	15-065
		3	3/14	10:02 pm	Unintentional -Stove	0	0	\$0-99	15-109
Blount Hall	0	0	N/A	N/A	N/A	0	0	0	N/A
East Village A	1	1	9/25	11:44 pm	Unintentional -Electrical	0	0	\$0-99	15-313
East Village B	0	0	N/A	N/A	N/A	0	0	0	N/A
Ellett Hall	0	0	N/A	N/A	N/A	0	0	0	N/A
Glassell Hall	1	1	2/18	1:25 am	Unintentional -Stove	0	0	\$0-99	15-057
Parkway Hall	0	0	N/A	N/A	N/A	0	0	0	N/A
Robb Hall	0	0	N/A	N/A	N/A	0	0	0	N/A
Robinson Hall	3	1	3/04	8:08 pm	Unintentional -Stove	0	0	\$0-99	15-103
		2	3/12	4:12 pm	Unintentional -Stove	0	0	\$0-99	15-107
		3	3/14	8:27 pm	Unintentional -Stove	0	0	\$0-99	15-108
Spann Place Townhouse	0	0	N/A	N/A	N/A	0	0	0	N/A
Stewart Hall	1	1	11/15	2:34 am	Unintentional -Stove	0	0	\$0-99	15-399
Townsend Hall	0	0	N/A	N/A	N/A	0	0	0	N/A
Trezevant Hall	0	0	N/A	N/A	N/A	0	0	0	N/A
Voorhies Hall	0	0	N/A	N/A	N/A	0	0	0	N/A
White Hall	0	0	N/A	N/A	N/A	0	0	0	N/A
Williford Hall	0	0	N/A	N/A	N/A	0	0	0	N/A
West Village	1	1	3/29	7:13 pm	Unintentional -Stove	0	0	\$0-99	15-142

## Annual Fire Safety Report 2016

Rhodes College Residence Halls	Total Fires in each Building	Fire Number	Date	Time	Cause of Fire	Number of Injured	Number of Deaths	Value of Property Damage	Case Number
Bellingrath Hall	0	0	N/A	N/A	N/A	0	0	0	N/A
Blount Hall	0	0	N/A	N/A	N/A	0	0	0	N/A
East Village A	1	1	12/03	8:30 pm	Unintentional -Stove	0	0	\$0-99	16-442
East Village B	2	1	1/11	5:50 pm	Unintentional -Stove	0	0	\$0-99	16-003
		2	1/25	10:48 pm	Unintentional -Stove	0	0	\$0-99	16-030
Ellett Hall	0	0	N/A	N/A	N/A	0	0	0	N/A
Glassell Hall	1	1	11/16	2:15 am	Unintentional -Stove	0	0	\$0-99	16-413
Parkway Hall	0	0	N/A	N/A	N/A	0	0	0	N/A
Robb Hall	0	0	N/A	N/A	N/A	0	0	0	N/A
Robinson Hall	1	1	10/07	3:38 pm	Unintentional -Stove	0	0	\$0-99	16-332
Spann Place Townhouse	0	0	N/A	N/A	N/A	0	0	0	N/A
Stewart Hall	0	0	N/A	N/A	N/A	0	0	0	N/A
Townsend Hall	0	0	N/A	N/A	N/A	0	0	0	N/A
Trezevant Hall	1	1	11/23	6:45 pm	Unintentional -Stove	0	0	\$0-99	16-427
Voorhies Hall	1	1	11/20	6:00 pm	Unintentional v-Stove	0	0	\$0-99	16-422
White Hall	0	0	N/A	N/A	N/A	0	0	0	N/A
Williford Hall	1	1	4/27	8:58 pm	Unintentional -Stove	0	0	\$0-99	16-159
West Village	1	1	11/04	8:00 pm	Unintentional -Stove	0	0	\$0-99	16-384



## Annual Fire Safety Report 2017

Rhodes College Residence Halls	Total Fires in each Building	Fire Number	Date	Time	Cause of Fire	Number of Injured	Number of Deaths	Value of Property Damage	Case Number
Bellingrath Hall	0	0	N/A	N/A	N/A	0	0	0	N/A
Blount Hall	0	0	N/A	N/A	N/A	0	0	0	N/A
East Village A	1	1	6/28	8:45 pm	Unintentional - Stove	0	0	\$0-99	17-296
East Village B	0	0	N/A	N/A	N/A	0	0	0	N/A
Ellett Hall	0	0	N/A	N/A	N/A	0	0	0	N/A
Glassell Hall	0	0	N/A	N/A	N/A	0	0	0	N/A
Parkway Hall	0	0	N/A	N/A	N/A	0	0	0	N/A
Robb Hall	0	0	N/A	N/A	N/A	0	0	0	N/A
Robinson Hall	0	0	N/A	N/A	N/A	0	0	0	N/A
Spann Place Townhouse	0	0	N/A	N/A	N/A	0	0	0	N/A
Stewart Hall	0	0	N/A	N/A	N/A	0	0	0	N/A
Townsend Hall	0	0	N/A	N/A	N/A	0	0	0	N/A
Trezevant Hall	0	0	N/A	N/A	N/A	0	0	0	N/A
Voorhies Hall	0	0	N/A	N/A	N/A	0	0	0	N/A
White Hall	0	0	N/A	N/A	N/A	0	0	0	N/A
Williford Hall	0	0	N/A	N/A	N/A	0	0	0	N/A
West Village	0	0	N/A	N/A	N/A	0	0	0	N/A

## Rhodes College Crime Statistics

To comply with the Crime Awareness and Campus Security Act of 1990 as amended by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998, Rhodes College will publish on an annual basis the following reported crimes that occur in or on campus buildings, property and on public property:

1. Criminal homicide (murder, non-negligent and negligent manslaughter)
2. Sex offenses (forcible and non-forcible)
3. Robbery

4. Aggravated assault
5. Burglary
6. Arson
7. Motor vehicle theft

Additionally, statistics for arrests and campus disciplinary action for the following offenses will also be reported:

- a) Liquor law violations
- b) Drug-related arrests
- c) Weapons possessions

## Crime Definitions

### Definitions Of The Tennessee State Statutes Listed Above

#### 39-13-202. First degree murder.

- a) First degree murder is:
  - 1) A premeditated and intentional killing of another;
  - 2) A killing of another committed in the perpetration of or attempt to perpetrate any first degree murder, act of terrorism, arson, rape, robbery, burglary, theft, kidnapping, aggravated child abuse, aggravated child neglect, rape of a child, aggravated rape of a child or aircraft piracy; or
  - 3) A killing of another committed as the result of the unlawful throwing, placing or discharging of a destructive device or bomb.
- b) No culpable mental state is required for conviction under subdivision (a)(2) or (a)(3), except the intent to commit the enumerated offenses or acts in those subdivisions.
- c) A person convicted of first degree murder shall be punished by:
  - 1) Death;
  - 2) Imprisonment for life without possibility of parole; or
  - 3) Imprisonment for life
- d) A used in subdivision (a)(1), "premeditation" is an act done after the exercise of reflection and judgment. "Premeditation" means that the intent to kill must have been formed prior to the act itself. It is not necessary that the purpose to kill pre-exist in the mind of the accused for any definite period of time. The mental state of the accused at the time the accused allegedly decided to kill must be carefully considered in order to determine whether the accused was sufficiently free from excitement and passion as to be capable of premeditation.

#### 39-13-211. Voluntary manslaughter.

- a) Voluntary manslaughter is the intentional or knowing killing of another in a state of passion produced by adequate provocation sufficient to lead a reasonable person to act in an irrational manner.
- b) Voluntary manslaughter is a Class C felony.

#### 39-13-212. Criminally negligent homicide.

- a) Criminally negligent conduct that results in death constitutes criminally negligent homicide.
- b) Criminally negligent homicide is a Class E felony.

#### 39-13-503. Rape.

- a) Rape is unlawful sexual penetration of a victim by the defendant or of the defendant by a victim accompanied by any of the following circumstances:
  - 1) Force or coercion is used to accomplish the act;
  - 2) The sexual penetration is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the penetration that the victim did not consent;
  - 3) The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or
  - 4) The sexual penetration is accomplished by fraud.
- b) Rape is a Class B felony

#### 39-13-401. Robbery.

- a) Robbery is the intentional or knowing theft of property from the person of another by violence or putting the person in fear.
- b) Robbery is a Class C felony

#### 39-13-102. Aggravated assault.

- a) A person commits aggravated assault who:
  - 1) Intentionally or knowingly commits an assault as defined in 39-13-101 and:
    - A) Causes serious bodily injury to another; or
    - B) Uses or displays a deadly weapon; or
  - 2) Recklessly commits an assault as defined in 39-13-101 (a)(1), and:
    - A) Causes serious bodily injury to another; or
    - B) Uses or displays a deadly weapon.

- b) A person commits aggravated assault who, being the parent or custodian of a child or the custodian of an adult, intentionally or knowingly fails or refuses to protect the child or adult from an aggravated assault as defined in subdivision (a)(1) or aggravated child abuse as defined in 39-15-402.
- c) A person commits aggravated assault who, after having been enjoined or restrained by an order, diversion or probation agreement of a court of competent jurisdiction from in any way causing or attempting to cause bodily injury or in any way committing or attempting to commit an assault against an individual or individuals, intentionally or knowingly attempts to cause or causes bodily injury or commits or attempts to commit an assault against the individual or individuals.
- d) (1) Aggravated assault under subdivision (a)(1) or subsection (b) or (c) is a Class C felony. Aggravated assault under subdivision (a)(2) is a Class D felony. (2) In addition to any other punishment that may be imposed for a violation of this section, if the relationship between the defendant and the victim of the assault is such that the victim is a victim as defined in 26-3-601(8), and if, as determined by the court, the defendant possesses the ability to pay a fine in an amount not in excess of two hundred dollars (\$200), then the court shall impose a fine at the level of the defendant's ability to pay, but no in excess of two hundred dollars (\$200). The additional fine shall be paid to the clerk of the court imposing sentence, who shall transfer it to the state treasury, who shall credit the fine to the general fund. All fines so credited to the general fund shall be subject to appropriation by the general assembly for the exclusive purpose of funding family violence shelters services. Such appropriation shall be in addition to any amount appropriated pursuant to 67-4-411.

**39-14-402. Burglary.**

- a) A person commits burglary who, without the effective consent of the property owner:
  - 1) Enters a building other than a habitation (or any portion thereof) not open to the public, with intent to commit a felony, theft or assault;
  - 2) Remains concealed, with the intent to commit a felony, theft or assault, in a building;
  - 3) Enters a building and commits or attempts to commit a felony, theft or assault; or
  - 4) Enters any freight or passenger car, automobile, truck, trailer, boat, airplane or other motor vehicle with intent to commit a felony, theft or assault or commits or attempts to commit a felony, theft or assault.
- b) As used in this section, "enter" means:
  - 1) Intrusion of any part of the body; or
  - 2) Intrusion of any object in physical contact with the body or any object controlled by remote control, electronic or otherwise.
- c) Burglary under subdivision (a)(1), (2) or (3) is a Class D felony.
- d) Burglary under subdivision (a)(4) is a Class E felony.

**39-14-301. Arson.**

- a) A person commits an offense who knowingly damages and structure by means of a fire or explosion:
  - 1) Without the consent of all persons who have a possessory, proprietary or security interest therein; or
  - 2) With intent to destroy or damage any structure to collect insurance for the damage or destruction or for any unlawful purpose.
- b) (1) Arson is Class C felony.  
 (2) (A) Arson of a place of worship is a Class B felony.  
 (B) As used in this subdivision (b)(2), "place of worship" means any structure that is:
  - (i) Approved, or qualified to be approved, by the state board of equalization for property tax exemption pursuant to 67-5-212, based on ownership and use of the structure by a religious institution; and
  - (ii) Utilized on a regular basis by such religious institution as the site of congregational services, rites or activities communally undertaken for the purpose of worship.

**39-14-103. Theft of property.**

A person commits theft or property if, with intent to deprive the owner of property, the person knowingly obtains or exercises control over the property without the owner's effective consent.

**Arrests And Campus Disciplinary Action For Liquor Law Violations, Drug-Related Arrests & Weapons Possessions**

**57-9-120. Possession of liquor is prima facie evidence of unlawful transportation, reception, and possession.**

In proceedings under this part, the possession of intoxicating liquors, except by persons expressly authorized to transport, receive, or possess the same under the laws of this state, shall be prima facie evidence that such liquors have been transported, received, or possessed in violation of the laws of this state.

**39-17-417. Criminal Offenses and Penalties for Drugs.**

- a) It is an offense for a defendant to knowingly:
  - 1) manufacture a controlled substance;
  - 2) deliver a controlled substance;
  - 3) Sell a controlled substance; or

- 4) Possess a controlled substance with intent to manufacture, deliver or sell the controlled substance.

- b) A violation of subsection (a) with respect to a Schedule I controlled substance is a Class B felony and, in addition, may be fined not more than one hundred thousand dollars (\$100,000).
- c) A violation of subsection (a) with respect to:
  - 1) Cocaine or methamphetamine is a Class B felony if the amount involved is point five (.5) grams or more of any substance containing cocaine or methamphetamine and, in addition, may be fined not more than one hundred thousand dollars (\$100,000); and
  - 2) A) Any other Schedule II controlled substance, including cocaine or methamphetamine in an amount of less than point five (.5) grams, is a Class C felony and, in addition, may be fined not more than one hundred thousand dollars (\$100,000); provided, that if the offense involves less than point five (.5) grams of a controlled substance containing cocaine or methamphetamine but the defendant carried or employed a deadly weapon as defined in 39-11-106, during commission of the offense or the offense resulted in death or bodily injury to another person, the offense is a Class B felony.  
 B) As a part of any sentence imposed for a violation of subdivision (a)(1) involving a controlled substance listed in 39-17-408(d)(2), the court shall require the defendant to make restitution to any governmental entity for the costs reasonably incurred in cleaning the area in which the offense occurred and in rendering the area safe for human use.  
 C) In addition to the requirement that restitution be made to the governmental entity pursuant to subdivision (c)(2)(B), the court shall also require that restitution be made to any private property owner, either real or personal, whose property is destroyed or suffers damage as a result of the offense. In the case of property that was rented or leased, damages may also include the loss of any revenue that occurred because the property was uninhabitable or a crime scene. The type and amount of restitution permitted pursuant to this subdivision (c)(2)(C) shall be determined by the court using the procedure set out in 40-35-304
- d) (1) A violation of subsection (a) with respect to a Schedule III controlled substance is a Class D felony and, in addition, may be fined not more than fifty thousand dollars (\$50,000).  
 (2) (A) Notwithstanding any other provision of law to the contrary, a person charged for the first time with delivering an anabolic steroid or possessing an anabolic steroid with the intent to manufacture, deliver or sell the steroid shall be eligible for pretrial diversion pursuant to title 40, chapter 15, and probation pursuant to title 40, chapter 28 and 40-35-313.  
 (B) The inference permitted by the first sentence of 39-17-419 does not apply to a person charged under subdivision (a)(4) with possession of an anabolic steroid with intent to sell or deliver the steroid. Unless the state can prove that an actual sale or deliver occurred, the person may only be convicted of simple possession and punished as provided in 39-17-418.
- e) A violation of subsection (a) with respect to:
  - (1) Fulmitrazepam is a Class C felony and, in addition, may be fined not more than one hundred thousand dollars (\$100,000); and
  - (2) Any other Schedule IV controlled substance is a Class D felony and, in addition, may be fined not more than fifty thousand dollars (\$50,000).
- f) A violation of subsection (a) with respect to a Schedule V controlled substance is a Class E felony and, in addition, may be fined not more than five thousand dollars (\$5,000).
- g) (1) A violation of subsection (a) with respect to a Schedule VI controlled substance classified as marijuana containing not less than on-half (1/2) ounce (14.175 grams) nor more than ten pounds (10 lbs.) (4535 grams) of marijuana, or a Schedule VI controlled substance defined as a non-leafy, resinous material containing tetrahydrocannabinol (hashish), containing not more than two pounds (2 lbs.) (905 grams) of hashish is a Class E felony and, in addition, may be fined not more than five thousand dollars (\$5,000).  
 (2) A violation of subsection (a) with respect to a Schedule VI controlled substance classified as marijuana and containing not less than ten pounds (10 lbs.), one gram (4536 grams) of marijuana nor more than seventy pounds (70 lbs.) (31,696 grams) of marijuana, or a Schedule VI controlled substance defined as a non-leafy, resinous material containing tetrahydrocannabinol (hashish) and containing not less than two pounds (2 lbs.), one gram (906 grams) nor more than four pounds (4 lbs.) (1810 grams) of hashish, or a Schedule VI controlled substance classified as marijuana consisting of not less than ten (10) marijuana plants nor more than nineteen (19) marijuana plants, regardless of weight, is a Class D felony and, in addition, may be fined not more than fifty thousand dollars (\$50,000).  
 (3) A violation of subsection (a) with respect to a Schedule VI controlled substance defined as a non-leafy, resinous material containing tetrahydrocannabinol (hashish) and containing not less than four pounds (4 lbs.), one gram (1811 grams) nor more than eight pounds (8 lbs.) (3620 grams) of hashish, or a Scheduled VI controlled substance classified as marijuana consisting of not less than twenty (20) marijuana plants nor more than ninety-nine (99) marijuana plants, regardless of weight, is a Class C felony and, in addition, may be fined not more than one hundred thousand dollars (\$100,000).

- h) A violation of subsection (a) with respect to a Schedule VII controlled substance is a Class E felony and, in addition, may be fined not more than one thousand dollars (\$1,000).
- i) A violation of subsection (a) with respect to the following amounts of a controlled substance, or conspiracy to violate subsection (a) with respect to such amounts, is a Class B felony and, in addition, may be fined not more than two hundred thousand dollars (\$200,000).
- (1) Fifteen (15) grams or more of any substance containing heroin;
  - (2) Fifteen (15) grams or more of any substance containing morphine;
  - (3) Five (5) grams or more of any substance containing hydromorphone;
  - (4) Five (5) grams or more of any substance containing lysergic acid diethylamide (LSD);
  - (5) Twenty-six (26) grams or more of any substance containing cocaine;
  - (6) Five (5) grams or more of any substance containing a combination of pentazocine and tripeleonnamine or joint possession of pentazocine and tripeleonnamine;
  - (7) Thirty (30) grams or more of any substance containing phencyclidine;
  - (8) One hundred (100) grams or more of any substance containing a derivative of barbituric acid or any of the salts of a derivative of a derivative of barbituric acid;
  - (9) Fifty (50) grams or more of any substance containing phenmetrazine;
  - (10) Twenty-six (26) grams or more of any substance containing amphetamine or methamphetamine or any salt of an optical isomer of amphetamine or methamphetamine;
  - (11) One thousand (1,000) grams or more of any substance containing peyote;
  - (12) Two hundred (200) grams or more of any substance containing a controlled substance classified in Schedule I or II not listed in subdivisions (i)(1)-(11); or
  - (13) Not less than seventy pounds (70 lbs.), (31,697 grams) nor more than three hundred pounds (300 lbs.) (136,050 grams) of any substance containing marijuana, or a Schedule VI controlled substance defined as a non-leafy, resinous material containing tetrahydrocannabinol (hashish) and containing not less than eight pounds (8 lbs.), one gram (3621 grams) nor more than fifteen pounds (15 lbs.) (6792 grams) of any substance containing hashish, or not less than one hundred (100) marijuana plants nor more than four hundred ninety-nine (499) marijuana plants, regardless of weight;
- j) A violation of subsection (a) with respect to the following amounts of a controlled substance, or conspiracy to violate subsection (a) with respect to such amounts is a Class A felony and, in addition, may be fined not more than five hundred thousand dollars (\$500,000):
- (1) One hundred fifty (150) grams or more of any substance containing heroin;
  - (2) One hundred fifty (150) grams or more of any substance containing morphine;
  - (3) Fifty (50) grams or more of any substance containing hydromorphone;
  - (4) Fifty (50) grams or more of any substance containing lysergic acid diethylamide (LSD);
  - (5) Three hundred (300) grams or more of any substance containing cocaine;
  - (6) Fifty (50) grams or more of any substance containing a combination of pentazocine and tripeleonnamine or joint possession of pentazocine and tripeleonnamine;
  - (7) Three hundred (300) grams or more of any substance containing phencyclidine;
  - (8) One thousand (1,000) grams or more of any substance containing a derivative of barbituric acid or any of the salts of the derivative of barbituric acid;
  - (9) Five hundred (500) grams or more of any substance containing phenmetrazine;
  - (10) Three hundred (300) grams or more of any substance containing amphetamine or methamphetamine or any salt of an optical isomer of amphetamine or methamphetamine;
  - (11) Ten thousand (10,000) grams or more of any substance containing peyote;
  - (12) Two thousand (2,000) grams or more of any substance containing a controlled substance classified in Schedule I or II not listed in subdivisions (i)(1)-(11); or
  - (13) (A) Three hundred pounds (300 lbs.) (136,050 grams) or more of any substance containing marijuana, or a Schedule VI controlled substance defined as a non-leafy, resinous material containing tetrahydrocannabinol (hashish) and containing not less than fifteen pounds (15 lbs.), one gram (6,793 grams) of any substance containing hashish, or five hundred (500) or more marijuana plants, regardless of weight.  
(B) Notwithstanding the provisions of this part or any other law to the contrary, the amendments to subdivision (i)(13) shall not have the effect of altering procedures or requirements established for interception of wire, oral, or electronic communications pursuant to 40-6-305 in effect on June 30, 1998. Notwithstanding the provisions of this subdivision (j)(13) to the contrary, a district attorney general may not apply for nor a judge authorize the interception of wire, oral or electronic communications pursuant to 40-6-305(3), unless the amount of the controlled substance involved is seven hundred pounds (700 lbs.) (316,960 grams) or more of any substance containing marijuana, or one hundred fifty pounds (150 lbs.) (67,920 grams) or more of any substance classified in Schedule VI as a non-leafy, resinous material containing tetrahydrocannabinol (hashish).
- (k) A violation of this section or a conspiracy to violate this section where the recipient or the intended recipient of the controlled substance is under eighteen (18) years of age shall be punished on (1) classification higher than provided in subsections (b)-(i).
- (l) (1) If the district attorney general believes that a defendant should be sentenced as a habitual drug offender, the district attorney general shall file notice of the defendant's record of prior convictions for violations specified in this subsection (l) in conformity with the provisions of 40-35-202.  
(2) The trial court, upon the request of the district attorney general, shall enter injunctions, restraining orders, directions or prohibitions, or take other actions, including the acceptance of satisfactory performance bonds, liens on real property, security interests in personal property, for the purpose of collecting any fine imposed pursuant to this entire section.  
(3) Any person found guilty of a violation of this section that constitutes a Class A or Class B felony or attempts to commit a Class A or Class B violation of this section or conspiracy to commit a Class A or Class B violation of this section and who has at least three (3) prior Class A or Class B felony convictions or any combination thereof under the provisions of this section or 39-6-417 [repealed] or under the laws of any other state or jurisdiction, which if committed in this state would have constituted a Class A or Class B felony violation under this section or 39-6-417 [repealed]; provided, that the prior convictions were for violations committed at different times and on separate occasions at least twenty-four (24) hours apart, shall be found to be an habitual drug offender and shall be sentenced to one range of punishment higher than the range of punishment otherwise provided for in 40-35-105, and, in addition, shall be fined not more than two hundred thousand dollars (\$200,000).
- (m) The offense described in subdivision (a)(1) with respect to any substance defined in 39-17-408 (d)(2) shall include the preparation or compounding of a controlled substance by an individual for the individual's own use.
- 39-17-1307. Unlawful Carrying of Possession of a weapon.**
- (a) (1) A person commits an offense who carries with the intent to go armed a firearm, a knife with a blade length exceeding four (4) inches, or a club.  
(2) (A) The first violation of subdivision (a)(1) is a Class C misdemeanor, and, in addition to possible imprisonment as provided by law, may be punished by a fine not to exceed five hundred dollars (\$500).  
(B) A second or subsequent violation of subdivision (a)(1) is a Class B misdemeanor.  
(C) A violation of subdivision (a)(1) is a Class A misdemeanor if the person's carrying of a handgun occurred at a place open to the public where one (1) or more persons were present.
- (b) (1) A person commits an offense who possesses a handgun and:  
(A) has been convicted of a felony involving the use or attempted use of force, violence or a deadly weapon; or  
(B) Has been convicted of a felony drug offense.  
(2) An offense under subdivision (b)(1) is a Class E felony.
- (c) (1) A person commits an offense who possesses a deadly weapon other than a firearm with the intent to employ it during the commission of, attempt to commit, or escape for a dangerous offense as defined in 39-17-1324.  
(2) A person commits an offense who possesses any deadly weapon with the intent to employ it during the commission of, attempt to commit, or escape from any offense not defined as a dangerous offense by 39-17-1324.  
(3) A violation of this subsection (c) is a Class E felony.

## Crime Data for 2015-2017

To support a climate of security awareness, the Rhodes community is kept informed about campus crime and related concerns. In compliance with The Student Right-to-know and Campus Security Act, Title II, November 8, 1990, Rhodes College makes these statistics available for review. Note: Beginning with this publication all stats reported are for the calendar year listed below.

Offense	Year	Total					
		On Campus	Dorms	Non-Campus	Public Prop	Unfounded	
Murder/Non-Negligent Manslaughter	2015	0	0	0	0	0	
	2016	0	0	0	0	0	
	2017	0	0	0	0	0	
Negligent Manslaughter	2015	0	0	0	0	0	
	2016	0	0	0	0	0	
	2017	0	0	0	0	0	
Sex Offenses, Forcible	Rape	2015	12	8	0	0	0
	Fondling	2015	10	4	0	0	0
	Rape	2016	15	13	0	0	0
	Fondling	2016	4	1	0	0	0
	Rape	2017	3	3	0	0	0
	Fondling	2017	1	0	0	0	0
Sex Offenses, Non-Forcible	Incest	2015	0	0	0	0	0
	Statutory Rape	2015	0	0	0	0	0
	Incest	2016	0	0	0	0	0
	Statutory Rape	2016	0	0	0	0	0
	Incest	2017	0	0	0	0	0
	Statutory Rape	2017	0	0	0	0	0
Robbery	2015	0	0	0	0	0	
	2016	0	0	0	0	0	
	2017	0	0	0	0	0	
Aggravated Assault	2015	1	0	0	0	0	
	2016	0	0	0	0	0	
	2017	1	1	0	0	0	
Burglary	2015	8	8	0	0	0	
	2016	6	6	0	0	0	
	2017	8	8	0	0	0	
Motor Vehicle Theft	2015	0	0	0	0	0	
	2016	2	0	0	0	0	
	2017	3	0	0	0	0	
Arson	2015	0	0	0	0	0	
	2016	0	0	0	0	0	
	2017	0	0	0	0	0	

There was one on-campus Simple Assault incident characterized by race bias for 2015. There were no reported hate crimes for the years 2016 or 2017.

## Arrests & Disciplinary Referrals for 2015-2017

Offense	Year	Total				
		On Campus	Dorms	Non-Campus	Public Prop	Unfounded
Arrests: Illegal Weapons Violations	2015	0	0	0	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0
Disciplinary: Illegal Weapons Violations	2015	1	0	0	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0
Arrests: Drug Abuse Violations	2015	0	0	0	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0
Disciplinary: Drug Abuse Violations	2015	22	19	0	0	0
	2016	22	20	0	0	0
	2017	25	15	0	0	0
Arrests: Liquor Law Violations	2015	0	0	0	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0
Disciplinary: Liquor Law Violations	2015	48	37	0	0	0
	2016	34	27	0	0	0
	2017	93	76	0	0	0

This report is available online at the Rhodes Campus Safety Website or hard copies are available by contacting Director Ike Sloas at sloasi@rhodes.edu.





# Rhodes College

## Campus Map



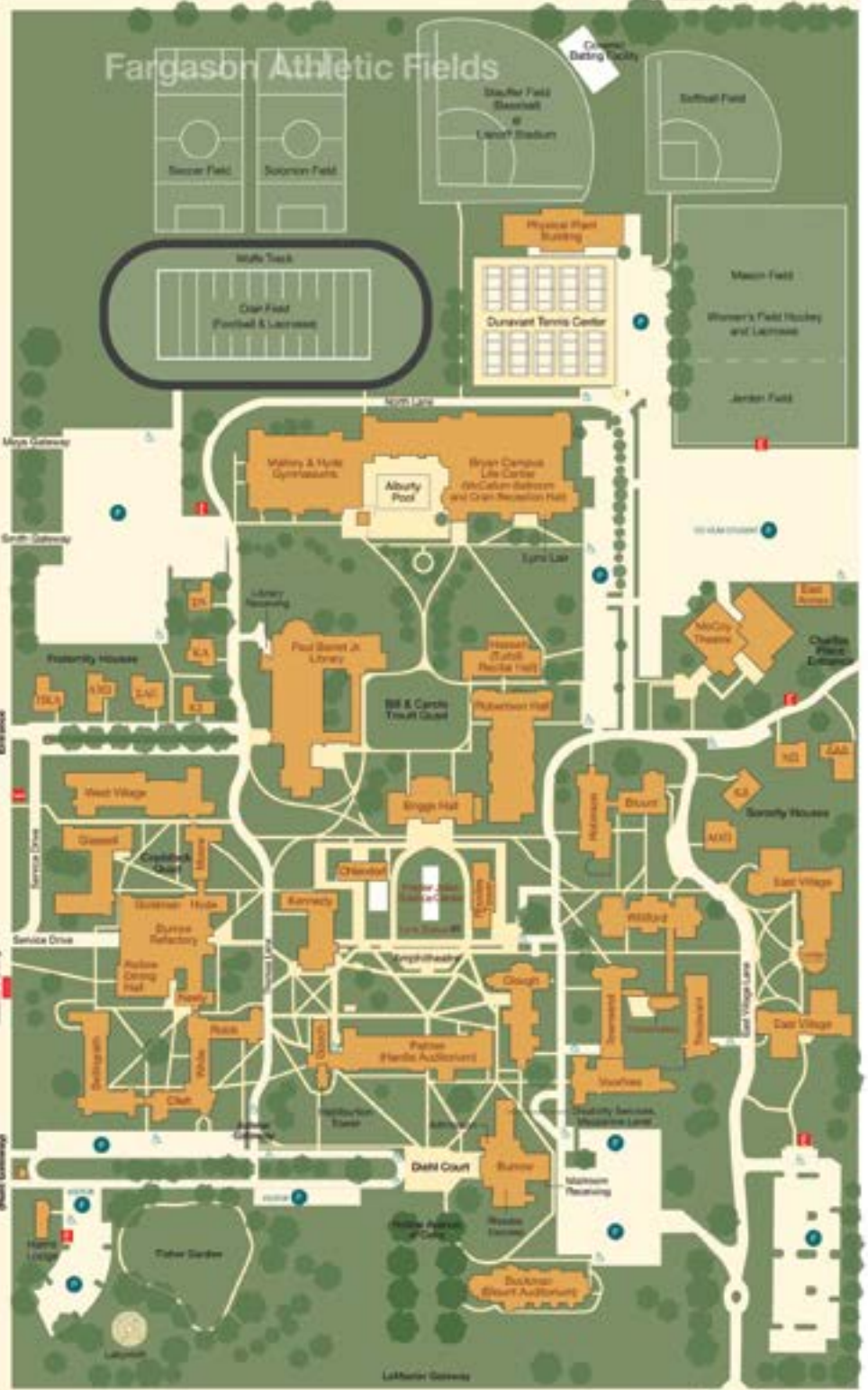
Welcome to  
**Rhodes College**  
2000 North Parkway  
Memphis, TN 38112  
[rhodes.edu](http://rhodes.edu)

College Information  
**901-843-3000**

Admission  
**901-843-3700**

Campus Safety  
**901-843-3880**

Emergency  
**901-843-3333**



North Parkway (west bound)  
North Parkway (east bound)

North Parkway  
Entrance