



**Memphis College of Art**  
**2015**  
**Annual Security and Fire Safety Report**

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## Clery Act Reporting Requirements

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. § 1092 (f), as amended (the “Clery Act”) is a federal law requiring all institutions of higher education receiving federal financial assistance under the programs authorized under Title IV of the Higher Education Act of 1965 to disclose certain timely and annual information about campus crime and security policies. The Clery Act, named in memory of a Lehigh University freshman who was assaulted and murdered in her residence hall room in 1986, specifically requires that colleges and universities have in place and disclose the following policies, practices and procedures:

- Policies regarding procedures and resources for students and others to report criminal actions or other emergencies on campus and regarding the university’s response to such reports
- Policy concerning security of and access to campus facilities, including residences, and security considerations used in the maintenance of campus facilities
- Campus law enforcement policies, including enforcement authority, and policies encouraging accurate and prompt reporting of crimes
- Description of the type and frequency of programs designed to inform students and employees about campus security procedures and crime prevention procedures and practices to encourage students and employees to be responsible for their own security and the security of others
- Annual reporting of statistics concerning the occurrence on campus, in or on non-campus buildings or property, and on public property, of the following criminal offenses: murder, forcible or non-forcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, manslaughter, arson, arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations and weapons possession, and crimes in which the victim is intentionally selected because of actual or perceived race, gender, religion, sexual orientation, ethnicity or disability
- Policy regarding possession, use and sale of alcoholic beverages and enforcement of state underage drinking laws
- Policy regarding possession, use and sale of illegal drugs and enforcement of federal and state drug laws
- Description of drug and alcohol abuse education programs
- Campus sexual assault programs and procedures to prevent sex offenses
- Where information concerning registered sex offenders may be obtained
- Information regarding emergency response and evacuation procedures
- Policy regarding missing student notification procedures

The Memphis College of Art divisions, departments and offices that share responsibility for developing and implementing these policies, practices and

procedures include the Memphis College of Art Departments of Campus Safety, Student Affairs, Communications, and Maintenance.

This Annual Security and Fire Safety Report (ASFSR) is distributed in compliance with the Clery Act to all students and employees as well as prospective students and employees. It can be viewed on the following URL:

<http://mca.edu/web2012/wp-content/uploads/MCA-ASFSR-2015.pdf>

Upon request, a paper copy of this report can be provided by contacting the Department of Campus Safety, Room 015, Rust Hall, 1930 Poplar Ave., Memphis, TN 38104, (901) 272-5196.

MCA's Director of Campus Safety manages, directs and controls the campus safety department. The operations division provides preventive patrols and responds to emergencies throughout the year on a 24-hour-a-day basis. Requests for services are assigned and response is made on a priority basis, with emergencies receiving immediate attention. All other requests for services or assistance will be handled as soon as possible, based on the apparent or reported urgency of the circumstances.

Upon receipt of a criminal complaint or report of an emergency an officer will interview all available witnesses to obtain information about the incident. An incident report must be filed by the end of the watch period. This report must include the date, time, place, subject, victim and witnesses, if any. All reports of criminal activity are thoroughly investigated. When the results of the investigation lead to the identification of a suspect, the report is filed with the Memphis Police Department for criminal prosecution. Anonymous complaints are not accepted.

## Procedures for Reporting Unsafe Conditions, Crimes and Other Emergencies

Employees and students must take an active role in their personal safety and security while on the Memphis College of Art campus or while attending college-sponsored, off-campus events. Each individual is expected to function responsibly concerning his or her own personal safety, as well as the safety of others. Individuals should not allow themselves to be found or placed in situations, which leave them vulnerable to possible bodily harm. Also they should secure their personal possessions and keep them safe from possible theft or damage by others at all times.

Students and employees who observe situations they perceive to be unsafe should notify any campus safety officer or college employee, who in turn is responsible for immediately notifying the Director of Campus Safety. Direct contact with safety personnel can be made by calling **(901) 507-3030**. All employees have responsibility for responding in a timely manner to notifications of unsafe situations.

Employees or students may contact any of the following administrators for assistance in evaluating or reporting unsafe conditions as needed:

<b>Vice President for Academic Affairs</b>	<b>(901) 272-5107</b>
<b>Vice President for Operations</b>	<b>(901) 272-5125</b>
<b>Vice President for Student Affairs</b>	<b>(901) 272-5152</b>
<b>Vice President for Advancement</b>	<b>(901) 272-5115</b>
<b>Vice President for Communications &amp; Marketing</b>	<b>(901) 272-5111</b>
<b>Assoc. Vice President for Operations</b>	<b>(901) 272-5121</b>
<b>Director of Campus Safety</b>	<b>(901) 272-5196</b>
<b>Director of Community Education</b>	<b>(901) 272-5142</b>
<b>Coordinator of Galleries and Exhibitions</b>	<b>(901) 272-5199</b>
<b>Director of Graduate Art Education Programs</b>	<b>(901) 272-5148</b>
<b>Director of MFA Programs</b>	<b>(901) 272-5156</b>
<b>Director of Student Life</b>	<b>(901) 490-3237</b>
<b>Student Affairs Associate</b>	<b>(901) 272-5153</b>
<b>On-Call Resident Assistant</b>	<b>(901) 283-0501</b>

The above listed officials, as well as any Resident Assistants, will assist students in completing crime/incident reports and ensure timely submission of reports to the Director of Campus Safety.

Students or employees who are victims of or witnesses to crimes and wish to voluntarily report such activities on a confidential basis may directly contact the Director of Campus Safety, who will respect their anonymity to the greatest extent possible.

Campus safety personnel are non-sworn uniformed officers who are on duty on a 24-hour-a-day basis. College officials and safety personnel are authorized to evacuate buildings, to respond to disciplinary, medical, or criminal incidents, and to contact emergency services as needed. Any criminal activity is reported to the Memphis Police Department or to the appropriate law enforcement agency. The officers of the Department of Campus Safety are not law enforcement officers however they may make a citizen's arrest in accordance with state law.

Emergencies will receive immediate action to resolve the situation, and campus constituencies will receive timely warnings through email, in-class announcements, and/or via the ConnectEd system. The Director of Campus Safety/VP for Student Affairs determines the need for warnings issued to the campus community in

response to warnings issued by the local police department or campus officials regarding potential or actual threats to personal/college safety or property.

Instructors, student organization advisors, and employee supervisors are obligated to report disciplinary offenses including harassment, drug and alcohol abuse, possession of weapons, and assault to the Director of Campus Safety or the Vice President for Student Affairs as appropriate. Reported violations of college policies will be investigated and, where appropriate, adjudicated.

## Tracking and Disclosure of Crime Statistics

The Director of Campus Safety/VP for Student Affairs has the responsibility for determining the need for and providing “timely warnings” to the campus community whenever one of the criminal offenses required to be disclosed in the annual AFSR or other threat to personal safety or property is reported either to one of the college security authorities specified in the annual AFSR or to the local police agency.

The Director of Campus Safety also has responsibility for maintaining daily logs and compiling the college’s Annual Security and Fire Safety Report (ASFSR) for submission to the federal government, for updating the annual report for public information, and for notifying current and prospective students and employees of its availability. The Director of Campus Safety will contact appropriate college personnel and the Memphis Police Department to ensure that all relevant disciplinary and criminal activity has been reported for inclusion in the annual report.

## Crime Statistics

The college Crime Statistics report, which covers the previous three calendar years, is available to the public on the college website as part of this ASFSR or in print form upon request to the Director of Campus Safety. The log includes all crimes that are reported to the institution’s safety department by other college personnel or the Memphis Police Department which have occurred within the patrol jurisdiction of campus security or in any of the geographic areas covered by the ASFSR and which pertain to one or more of the following categories.

Categories of crime which are logged are as follows:

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

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

**Burglary:** The unlawful entry of a structure to commit a felony or theft.

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on consideration of the following factors: the length of the relationship; the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

**Domestic Violence:** Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim shares a child in common, by a person who is cohabitating with the victim as a spouse, by a person similarly situated to the spouse of a victim under the domestic or family violence laws of Tennessee.

**Drug law violations:** The violation of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

**Forcible fondling:** The touching of the private parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will where the victim is incapable of giving consent.

**Forcible rape:** The carnal knowledge of a person, forcibly and/or against that person's will or not forcibly or against the person's will where the victim is incapable of giving consent.

**Forcible sodomy:** Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will where the victim is incapable of giving consent.

**Hate crimes:** A criminal offense committed against a person in which the victim is intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity or disability of the victim.

**Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Liquor law violations:** The violation of laws or ordinances prohibiting the manufacture, sale, transporting, furnishing or possession of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned.

**Motor vehicle theft:** The theft or attempted theft of a motor vehicle.

**Murder and non-negligent manslaughter:** The willful killing of one human being by another.

**Negligent manslaughter:** The killing of another person through gross negligence.

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

**Sexual assault with an object:** The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body by another person, forcibly and/or against that person's will or not forcibly or against the person's will where the victim is incapable of giving consent.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her own safety; or the safety of others; or suffer substantial emotional duress

**Statutory rape:** Non-forcible sexual intercourse with a person who is under the age of consent.

**Weapons law violations:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as manufacture, sale or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

## Daily Crime Log

A Daily Crime Log is maintained that includes information on all criminal acts and alleged criminal acts that are reported to campus safety officers.

Crime log entries include the following:

1. The nature of the crime
2. The date and time of occurrence
3. The general location involved; and
4. The disposition of the problem, if known.

Log entries will be made within two business days of the receipt of a crime report or of new information requiring an amendment or addition to a previous log entry. Entries may be temporarily withheld when such documentation could jeopardize an ongoing criminal investigation or the safety of an individual.

The campus crime log for the most recent 60-day period is available for public inspection upon request during normal business hours. Crime logs for periods more than 60 days past are available upon request within two business days.



## Crime Statistics

Total Crimes Reported For: Offense Type (includes attempts)	Memphis College of Art						Non-Campus Building or Property			Public Property			Total		
	2012		2013		2014		2012	2013	2014	2012	2013	2014	2012	2013	2014
	Res.	Total	Res.	Total	Res.	Total									
Murder	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hate Crimes (by prejudices)															
Race	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Gender	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Orientation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ethnicity	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	-	-	-	-	0	0	-	-	0	-	-	0	-	-	0
Dating Violence	-	-	-	-	0	0	-	-	0	-	-	0	-	-	0
Domestic Violence	-	-	-	-	0	0	-	-	0	-	-	0	-	-	0

Offense Type (includes attempts)	Memphis College of Art						Non-Campus			Public Property			Total		
	2012		2013		2014		2012	2013	2014	2012	2013	2014	2012	2013	2014
	Res.	Total	Res.	Total	Res.	Total									
Liquor Law Violations															
Arrest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Referral	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violation															
Arrest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Referral	0	0	1	1	3	3	0	0	0	0	0	0	1	3	
Weapons Law Violations															
Arrest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Referral	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

## Fire Safety and Emergency Evacuations

**Campus Fire Safety Month:** Annually, during the month of October, the Department of Campus Safety works in conjunction with Student Affairs to provide learning opportunities for faculty, staff and students.

**Mandatory Fire Drills:** The Department of Campus Safety in conjunction with the office of Student Affairs coordinates monitors and evaluates mandatory fire drills within the first month of occupancy in each residence hall.

**Residence Staff Training:** Specialized training is provided at the beginning of the fall semester to instruct residence hall staff on fire extinguisher usage, evacuation procedures, identifying fire and life safety hazards and tampering with fire safety equipment.

**Evacuation Procedures for Fires and Other Emergencies:** Whenever the fire alarm sounds, occupants in the residence halls must meet at the emergency evacuation safe location designated by your RA. In the case of an actual fire or other emergency, occupants will be moved to a designated alternate shelter area until notified it is safe to return to the building and room. As occupants leave their room, they should close the door. Students who do not vacate the building during the sounding of the alarm will be subject to disciplinary action.

### **Upon the sounding of the alarm:**

1. Move quickly and quietly to the exit for your area. In an orderly fashion, go to the designated waiting area for further instructions.
2. Wear a coat and shoes. Carry a towel in case of smoke. Keep these items easily accessible for emergency use. Bring along your keys and ID.
3. If you are away from your room when the alarm sounds, proceed to the nearest exit without returning to your room.
4. Do not use elevators. Use stairways only.

### **Fire Prevention Policies:**

- Fireworks or explosives are prohibited.
- Unauthorized appliances, candles or incendiary devices are prohibited.
- Smoking in the residence halls is prohibited.
- Incense burning is prohibited.
- Open flame devices such as lanterns, candles, potpourri pots or warmers using votive or canned fuel are strictly prohibited in the residence halls.

**Combustibles:** If you use combustibles in decorating your room, such as fabrics, cardboard or similar materials, please ensure the items are flameproof. Purchase only UL- or FM-approved material marked “flameproof” or “flame retardant.”

**Reporting:**

All fires should be reported by dialing 911 or by contacting the Department of Campus Safety at **(901) 507-3030**.

**Fire Statistics**

Memphis College of Art												
Total Fires Reported For:	2012				2013				2014			
Residence Hall	Number of Fires	Cause of Fire	Number of Injuries	Property Damage	Number of Fires	Cause of Fire	Number of Injuries	Property Damage	Number of Fires	Cause of Fire	Number of Injuries	Property Damage
At the Park	0	N/A	0	\$0	0	N/A	0	\$0	0	N/A	0	\$0
Easterwood House	0	N/A	0	\$0	0	N/A	0	\$0	0	N/A	0	\$0
Faiers House	0	N/A	0	\$0	0	N/A	0	\$0	0	N/A	0	\$0
Fogelman Hall	0	N/A	0	\$0	0	N/A	0	\$0	0	N/A	0	\$0
Hudson House	0	N/A	0	\$0	0	N/A	0	\$0	0	N/A	0	\$0
Metz Hall	0	N/A	0	\$0	0	N/A	0	\$0	0	N/A	0	\$0
Overton House	0	N/A	0	\$0	0	N/A	0	\$0	0	N/A	0	\$0
Parkside	0	N/A	0	\$0	0	N/A	0	\$0	0	N/A	0	\$0
Sturm House	0	N/A	0	\$0	0	N/A	0	\$0	0	N/A	0	\$0
Roberson House	0	N/A	0	\$0	0	N/A	0	\$0	0	N/A	0	\$0
Womack Apts	0	N/A	0	\$0	0	N/A	0	\$0	0	N/A	0	\$0
Tucker Place	0	N/A	0	\$0	0	N/A	0	\$0	0	N/A	0	\$0

## Sexual Harassment and Sexual Assault Crimes

MCA recognizes the grievous nature of gender-based or sexual discrimination, harassment, misconduct, or violence and will not tolerate such conduct in its academic community or workplace. MCA will take whatever appropriate measures necessary to prevent and redress its occurrence. All members of the college are encouraged to report promptly complaints about sexual misconduct. Persons found to be in violation of this policy shall be subjected to disciplinary action, which may include, but is not limited to, written warning, demotion, transfer, suspension, or dismissal.

In dealing with complaints of sexual violence, Memphis College of Art will take immediate and appropriate action to investigate and determine if sexual violence has occurred and will, during the interim steps of investigation, act to protect the complainant as necessary. MCA's Title IX Coordinator is the Associate Vice President for Operations.

*Definition:* Sexual harassment/misconduct may involve the behavior of a person of either sex against a person of the opposite or same sex, and occurs when such behavior constitutes unwelcome physical, verbal, or written (including over social media channels) sexual advances, unwelcome coercion or requests for sexual activity, and other unwelcome verbal or physical behavior or violence of a sexual nature where:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education, evaluation, or employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting the individual's welfare; or
3. Such conduct has the purpose or effect of substantially interfering with an individual's welfare or ability to participate in or benefit from the college's educational program and/or activities, or creates an intimidating, hostile, offensive, or demeaning education or work environment.

### **Reporting**

Individuals who are aware of or have experienced an incident of sexual misconduct are encouraged to promptly report the matter to the Title IX Coordinator or any official of the college designated to receive informal or formal complaints. However, the Complainant also has the right to decline reporting. No time limit is placed on the filing of a report of gender-based or sexual misconduct although the college's ability to act can be negatively affected by the length of time that passes following an incident to reporting the incident. A list of the college's Title IX Coordinator and Deputies and designated college officials can be found at: [mca.edu/about/contact/](http://mca.edu/about/contact/)

Students and employees should be aware that the Title IX Coordinator is obliged to act on any report of alleged misconduct and ensure measures are taken to stop adverse behavior and prevent its recurrence, as appropriate. Not every report leads to a disciplinary process as each report is reviewed individually.

Individuals reporting criminal acts of sexual or gender-based misconduct may also choose to file a report with the Memphis Police Department (MPD). The college and MPD systems work independently of each other and because the standards for finding a violation of criminal law are different from the standards of this policy, investigative and outcome findings are not determinative of the same findings in another system's process.

In situations where a report is filed anonymously or by a third party observer, the Complainant will be notified by the Title IX Coordinator that a report has been received and will discuss her/his options and resources.

### **Confidentiality and Non-Reprisal**

No student, staff, or faculty member may be subject to restraint, interference, coercion, or reprisal for action taken in good faith to seek advice concerning a sexual harassment/misconduct matter, to file a sexual harassment/misconduct complaint, or to serve as a witness or a committee member in the investigation of a sexual harassment/misconduct complaint. During an investigation and application of this policy, the complainant, witnesses, and any participants in the process will be notified of the college's expectation of confidentiality/privacy. Breaches of confidentiality /privacy will be reviewed and may be considered a violation of this policy which can result in additional disciplinary action.

### **Malicious and False Accusations**

A complaint whose allegations are found to be both false and brought with malicious intent will be subject to disciplinary action, which may include, but is not limited to, written warning, suspension, or dismissal.

### **Jurisdiction**

The college is able to respond formally to alleged incidents of sexual and gender-based misconduct that:

1. Occurred on campus,
2. That were part of official college programs or activities (regardless of location), or
3. Where the Complainant and Respondent are students, members of faculty, staff, or administration of Memphis College of Art.

If the offender is unknown or is not a member of the MCA community, the Title IX Coordinator (or designee) will assist individuals in identifying appropriate resources or local authorities if the individual would like to file a report. In addition, the college may take other actions to protect the individual and the campus community.

## **Interim Measures**

During the investigation and until resolution of the matter, interim measures may include, but are not limited to: restriction on contact between the Complainant and Respondent, changes to class schedule, housing assignment, employment schedule, and/or bans from areas of campus. Failure to adhere to these restrictions or changes will be considered a violation of policy and can lead to additional disciplinary action.

## **Procedures**

To encourage persons experiencing alleged sexual harassment/misconduct to come forward, the college provides mediation, informal, and formal complaint resolution procedures.

*Mediation:* Mediation is a resolution option only for cases of gender-based or sexual harassment /discrimination in which both parties agree that mediation may make apparent and stop unwelcome behavior. The Title IX Coordinator (or designee) will decide if mediation is an appropriate mechanism for resolution based on information provided about the incident. Both parties wishing to pursue this form of resolution will confirm such request in writing addressed to the appropriate adjudicator (see section on Adjudication in this policy). If mediation results in a resolution, the formal disciplinary procedures will be concluded and the case will be closed. If the parties are unable to reach a resolution in a timely manner (45 days or with an extension agreed upon by both parties and the Title IX Coordinator) or if either party requests to terminate mediation, the investigation and disciplinary process will proceed.

*Informal:* In instances where it is deemed possible and safe, the college may choose to resolve reports through informal means. If it is determined that an informal resolution may be appropriate, the Title IX Coordinator will speak with the Complainant about this option. If the Complainant agrees, the Title IX Coordinator (or designee) will speak with the Respondent. If a satisfactory resolution is reached through this informal conversation, the matter will be considered closed. If these efforts are unsuccessful or if either party requests to terminate the informal process, a formal investigation process may commence. It is anticipated that the resolution effort can be completed within 45 days unless the Complainant and Title IX Coordinator agree to an extension of this timeframe.

## **Investigation**

Reports of gender-based or sexual misconduct will be investigated in a thorough, impartial, and prompt fashion. Following the receipt of a report, information will be reviewed by the Title IX Coordinator to determine if there may be a reason to believe that a policy may have been violated, or if further information is necessary to determine whether a formal investigation must commence. If an investigation is necessary, the Respondent will be notified that a report has been filed and he/she will have the opportunity to submit a written response statement within five business days, whenever possible. The Respondent and Complainant will be given

the opportunity to meet separately with the Title IX Coordinator (or designee) to review the policy and procedure. The Title IX designated and trained Investigator will interview the Complainant, Respondent, and as applicable, any witnesses. The Complainant and Respondent may each have a single support person at all interviews. The investigator will gather any pertinent evidentiary materials (this may include, but is not limited to, emails, written documents, or photography). During the process, both the Complainant and Respondent will have the opportunity to provide the investigator with evidence and/or specify witness information. The investigator will prepare a report detailing the relevant content of the interviews and the documentation materials gathered. It should be noted, the complainant's sexual history with anyone other than the respondent (to the extent that it is relevant to the complaint) generally will not be considered for inclusion in an investigation report.

Following the conclusion of the investigation, a determination of whether or not to proceed to the next step will be made by the Title IX Coordinator. This determination will be based on whether reasonable cause exists to believe that a policy violation may have occurred. The next step, Adjudication is described below. If reasonable cause to proceed does not exist the report will not be forwarded to the Adjudicator (as defined below). Such an outcome will be communicated in writing to the complainant and respondent. However, the college will institute other forms of remedial, community-based efforts such as educational initiatives and/or trainings, as appropriate.

### **Administrative Resolution**

If sufficient information exists to proceed to the next step, the respondent and complainant will each individually have the opportunity to review the investigative report and documentation material from the investigation in the presence of the Title IX Coordinator. Following this review, the respondent will be given the opportunity to respond to the alleged violation of policy in the following ways:

1. No response
2. Not responsible
3. Responsible

If the Respondent accepts responsibility, the appropriate Adjudicator will be notified. Based on the information provided by the investigative materials, the Adjudicator will determine the appropriate sanctions. The Complainant and Respondent will be made aware of the decision and sanctioning decision. The sanctioning outcome will be communicated in writing to both parties within five business days of the receipt of in the investigation report, whenever possible. The reason for any delay will be communicated to both parties. The Respondent and Complainant will then have the opportunity to appeal the Adjudicator's sanctioning decision. The acceptance of responsibility, however, is not appealable (see appeals process).

If the Respondent declines responsibility, or chooses not to respond, the case will be

forwarded to the Adjudicator for review and adjudication. In this case the Adjudicator is charged with determining, based on a preponderance of the evidence, whether it is more likely than not that policy has been violated upon a review of the investigative materials. The Adjudicator will review the materials within five business days of delivery. If the Adjudicator requires clarification on any of the materials, the Investigator and or/ Title IX Coordinator will assist the Adjudicator in obtaining such clarification. Though it is typically not necessary, the Adjudicator may consult with the Title IX Coordinator to request to meet with the respondent, complainant and/or any of the witnesses (separately) in order to clarify information in the investigative materials. If the Adjudicator requests to meet with either the complainant or the respondent, the other party will also be given an opportunity to meet with the adjudicator. Within 15 business days following delivery of investigative materials, the Adjudicator will render a decision. If a violation is found, the Adjudicator will then determine the appropriate sanction to be imposed. (If unable to serve, the adjudicator may choose a trained designee.)

If the Adjudicator determines that a violation has occurred, the adjudicator will determine appropriate sanctions. Consideration may be given to the nature of and the circumstances surrounding the violation, prior disciplinary violations, precedent cases, college safety concerns and any other information deemed relevant by the adjudicator. The adjudicator will render a sanctioning decision within five business days of the date the decision is rendered. Both respondent and complainant will be notified in writing of the outcome and sanctions (if applicable), and/ or remedies.

The Adjudicators are appointed as follows:

1. For incidents involving student respondents the Student Affairs designated Title IX Deputy will adjudicate
2. For incidents involving faculty respondents the Faculty Title IX Deputy will adjudicate
3. For incidents involving a staff respondent, the Staff designated Title IX Deputy will adjudicate

### **Range of Sanctions**

Faculty, staff, or administrators who are found in violation of any sexual or gender-based misconduct policy are subject to disciplinary action, up to and including discharge. Students are subject to disciplinary action, up to and including suspension or expulsion. In any case, educational programming or alcohol/substance assessment may be required. Sanctions may include reassignment of work duties, reassignment of class meetings, reassignment of living accommodations, restrictions on contact with complainant, access restriction to college property and/or events, and disciplinary probation. Guests and other persons who are alleged to have engaged in sexual or gender-based misconduct are subject to corrective action, which may include removal from campus, ban from campus, and or termination of contractual arrangements. Vendors or other agencies in contract with MCA will be promptly notified if any of their employees are alleged to have violated policy, and such employees may be banned from any or all college



properties and/or events.

### **The Appeals Process**

The Respondent and Complainant may request an appeal of the decision and sanctions rendered by the Adjudicator. Three grounds upon which an appeal of the decision or sanctions may be made are:

1. The party believes a procedural error occurred, which the party feels may change or affect the outcome of the decision;
2. The party has substantive new evidence that was not available to the investigator at the time of the hearing and that may change the outcome of the decision;
3. The party feels that the severity of the sanction is inappropriate given the details of the case.

Disagreement with the fining or sanctions is not, by itself, grounds for appeals. The request for an appeal, including the grounds upon which the request is based, should be submitted in writing to the Appeals Officer or Title IX Coordinator within five business days following the date on the outcome letter. Each party will be notified if an appeal request will be considered and be provided an opportunity to respond. The Appeals Officer can determine whether a change in the Adjudicator's decision is warranted. Any appeals process will be conducted in an impartial manner by an impartial and trained individual. If a change in this decision is necessary, the Appeals Officer will review the appeal and adjudicator's rationale and make a final decision. The appeals decision is final.

Appeals will not be reviewed or considered beyond the appeals officer. Appeals decisions will be rendered within 10 business days after the receipt of the formal appeal request. Both parties will be notified in writing of appeal outcome.

### **Outcome Notification**

Every effort will be made to ensure that both the Complainant and Respondent are updated at several points during the investigation and process. Both parties will be notified in writing at the following times:

1. Upon approval of request for mediation and upon resolution or termination of mediation
2. Upon completion or termination of an information resolution process
3. At the conclusion of the investigation both parties will be provided the opportunity to review investigative materials, in the presence of the Title IX Coordinator (or designee)
4. If the respondent accepts responsibility for being "in violation."
5. When sanctions are determined by the adjudicator after the respondent accepts responsibility
6. Upon the adjudicator's finding of "in violation" or not in violation."
7. If the finding is "in violation" the sanctions determined by the adjudicator (or designee)
8. If an appeal has been filed by either party at any point in the outcome

phase.

9. Upon the final resolution of the appeals process, if applicable

### **Time Frames**

If the time frames provided in this procedure cannot be met, the appropriate officer will notify the complainant and respondent in writing of the delay and will provide a date by which the appropriate undertaking will be completed.

### **Complainant and Respondent Rights**

The following rights are available to both parties in this process:

- To be treated with respect, dignity, and sensitivity throughout the process
- To seek support services at the college or referrals for off-campus support services
- To privacy and protections under the Family Education Rights and Privacy Act (FERPA), as applicable. The college will make all reasonable efforts to ensure preservation of privacy, restricting information to those with a legitimate need to know
- To be informed of the college's policies and procedures related to gender-based or sexual misconduct
- To a prompt and thorough investigation of the allegations
- To review all applicable documents prior to the review by the Adjudicator
- To challenge the adjudicator if a conflict of interest is present
- To participate or decline to participate in the disciplinary procedure. However, the adjudicator will determine an outcome with the information available to him/her.
- To discuss alternative to procedures, where alternatives may be reasonable and acceptable to involved parties
- To appeal the decision made by the adjudicator and sanctions determined by the adjudicator (or designee).
- To be notified in writing, of the case resolution—including the outcome of any appeal
- To report the incident to law enforcement if she/eh wishes to do so.
- To understand that information collected in this process may be subpoenaed in criminal or civil proceedings.

### **Definitions**

*Complainant* - is the individual who files a report or the person who a report is filed on behalf by a third party

*Respondent* - is the person against who a report has been filed

*Support Person* - is a single individual (the same individual for all interviews) of choice, but not otherwise involved in the incident or investigation, who may attend but not participate in the interview process

*Investigator* - is a trained individual responsible for investigating the violation of policy through interviews and document collection and will craft an investigative report

*Adjudicator* – (or designee) is the college’s Title IX deputy, designated and trained for decision making based upon the position of the respondent

*Appeals Officer* – will consist of a trained Deputy Title IX Coordinator who is not the case’s adjudicator and has received appropriate training in handling misconduct cases in an impartial manner

Memphis College of Art reserves the right to seek outside assistance in these processes if there is a conflict of interest with *more than* two of the college’s trained officers or if the process requires guidance from an outside authority.

MCA’s goal is to keep harassment/sexual misconduct and discrimination out of MCA. Everyone is responsible for helping accomplish this goal and should, therefore, avoid any action or conduct that might be reported as harassment/misconduct. The following resources are available to students and MCA employees:

**MCA Resources:**

Title IX Coordinator	Jonathan Welden	(901) 272-5100 (901) 409-2960
Deputy Title IX Coordinator	Susan Miller	(901) 272-5153 (901) 283-0107
Deputy Title IX Coordinator	Les Pearson	(901) 272-5173 (901) 857-8645
Deputy Title IX Coordinator	Lucienne Auz	(901) 272-5159
Director of Student Life	Nick Darmstaedter	(901) 490-3237
Campus Safety Department		(901) 507-3030

## Sexual Assault: Programs and Procedures

Students can report sexual assault to any college employee or campus safety officer, who then will notify the Director of Campus Safety so that appropriate warnings will be issued to the campus community if deemed necessary by the circumstances of the alleged assault.

College officials will assist victims in reporting assaults to the local law enforcement agency and in seeking counseling assistance. Every effort will be made to maintain confidentiality, but students should be aware that police reports and college disciplinary procedures may not allow complete confidentiality.

Following the report of an alleged sex offense, victims may request a change in academic schedule or other accommodation to ensure their protection. College officials will provide any requested change or accommodation that is reasonably available.

In accordance with the Student Right to Know and Campus Security Act, the following information regarding campus sexual assault programs and the procedures is provided.

**Procedures Students Should Follow If Sexual Assault Occurs:** All sexual assaults (rape, attempted rape, or acquaintance rape) should be reported to a college official or police. Individuals should report a sexual assault to any of the college vice presidents. MCA's vice presidents include Remy Miller, Vice President for Academic Affairs; Susan Miller, Vice President for Student Affairs; and Jonathan Welden, Associate Vice President for Operations. Students who feel more comfortable talking to an instructor, counselor, or other college employee whom they know may do so. College personnel will assist students in notifying the appropriate law enforcement authorities if so requested. All employees have a responsibility to report the occurrence of assault to the Director of Campus Safety.

Individuals may also report a sexual assault by going to the emergency room or to the Shelby County Rape Crisis Center at (901) 222-4350 which is also online at <http://www.shelbycountyttn.gov/index.aspx?NID=737>. Students may obtain assistance in notifying these authorities from any of the college's administrators listed above. Students who are sexually assaulted should report the attack to the police as quickly as possible. Their first stop should be the emergency room at the local hospital. The hospital staff will provide assistance in contacting the local authorities.

There are several important steps that should be taken after a sexual assault:

1. *DO NOT* shower, bathe, change clothes, urinate (if possible), brush your teeth or rinse your mouth, or change bedding or disturb the area where the assault occurred (if the assault occurred in your place of residence). Remember that it is important to preserve the evidence.
2. *TELL SOMEONE*. Call a friend, counselor, or anyone who can provide you with emotional support. Seek medical attention at the local hospital. Go to a doctor or hospital as quickly as possible for evidence to be gathered and to be checked for injury. Having someone with you as you go through this process is helpful. Take along extra clothing, toothpaste, and toothbrush to clean up after the examination.
3. *WRITE DOWN* detailed information about the assault—where, when, who, etc. If the assailant is a stranger, try to remember his or her height, hair color, scars, clothing, eye color, or other distinguishing characteristics. Gathering evidence and writing information should be done, even if you do not intend to file criminal charges.

4. *FINALLY*, if you have or have not done any of the things suggested in steps one through three, tell a college counselor, a friend, or someone at the local mental health service or rape crisis center about the assault. It is important that you get help and support. This is a time with many confusing emotions and difficult decisions.

**Counseling Options:** Students who have been victims of sexual assault may receive counseling through a referral from the Office of Student Affairs. Counseling services are available through public and private sources in the community. Students may contact any of the following agencies for counseling assistance:

Shelby County Rape Crisis Center  
(901) 222-4350 - daytime  
(901) 274-7477 – after hours

Shelby County Health Department  
(901) 222-9000

National Domestic Violence Hotline  
1-800-799-SAFE (7233), 1-800-787-3224 (TTY)

Tennessee Coalition Against Domestic and Sexual Violence  
1-800-356-6767

Psychological Services Center- Univ. of Memphis  
(901) 678-2147

Samaritan Counseling Centers of the Mid-South  
(901) 729-3900

Memphis Gay and Lesbian Community Center  
(901) 278-6422

The college does not include crime statistics from these agencies in its Annual Campus Security and Fire Safety Report.

## Campus Notification about Registered Sex Offenders

The Campus Sex Crimes Prevention Act, 42 U.S.C. § 1407(j) and 20 U.S.C. §1092 (f)(1)(I) and TCA 40-39-203 require the tracking of convicted sex offenders enrolled at or employed by institutions of higher education. Sex offenders are required by law to register in the state and to provide notice of enrollment or employment at an institution of higher education. Tennessee Bureau of Investigation: the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification, and Tracking Act of 2004 was established in TCA 40-39-201 et. seq. and became effective August 1, 2004. All persons who meet the definition of sexual offender or violent sexual offender, and who live, work, attend school, or establish a physical presence in Tennessee must register with the appropriate registering agencies as defined by law. Law enforcement agency information provided by the state concerning registered sex offenders may be obtained by checking the Tennessee sex offender registry at <https://www.tn.gov/tbi/section/tennessee-sex-offender-registry> or by contacting the Memphis Police Department.

The Memphis Police Department has the responsibility and liability to notify MCA concerning registered sex offenders and determines the plan for disclosure that will be made by the college. The Memphis Police Department will contact the Director of Campus Safety regarding registered sex offenders and the plan of disclosure that should be followed. Once notified, the Director of Campus Safety will provide timely and appropriate notification to the campus community about the presence of registered sex offenders enrolled in, attending, or employed by the college. Such notification will occur through campus email and/or through other necessary means. A written summary of campus guidelines and the notification plan for each offender will be maintained by the Department of Campus safety.

The Federal Campus Sex Crimes Prevention Act designates certain information concerning a registered sex offender as public information and therefore amends and supersedes the Family Educational Rights and Privacy Act (FERPA) and other federal and state laws that previously prohibited the disclosure of such personal information.

## Emergency Notification

MCA students, staff, and faculty will have the option of participating in the college's emergency notification system, ConnectEd, by providing the college with personal contact information for email, cell phone for text notification, and voicemail messages in the case of important campus information or emergency situations. See the Office of Student Affairs for more information.

## Safety and Security

A student's safety and the safety of others are of extreme importance. Artists use many materials that require special consideration in handling. If a student observes another student abusing the safety standards set forth by the school or identifies a safety problem needing correction, he or she should report the incident in writing to the Office of Safety immediately or notify any faculty or staff member.

**Access to Campus Facilities Policy:** Every student receives an MCA picture identification card and magnetic access card at registration. During subsequent registrations, students will have their IDs updated with validation stickers that must be placed on the back of the ID. All students, faculty and staff must wear their identification card so that it is visible at all times while on campus. If a student should observe someone who does not appear to have appropriate business with the college, he or she should report the circumstances at once to a MCA Safety Officer or staff member. A student should not attempt action of his/her own. Students will not be allowed in the building to work after staff hours without a current ID. Both the access card and ID card are the property of MCA and should not be given to or used by anyone other than the person for whom it was intended. Locks and closures, which protect students and the facility, must not be circumvented. Do not prop doors and windows open. Check the security of the studio, and students who are the last one to use the studio should check the doors and windows and turn off lights before leaving.

**Timely Warnings Policy:** Security Notices are issued in compliance with the Higher Education Act (20 U.S.C. 1092(f)). This act requires that a timely warning be issued when one of the below incidents occurs on or near Memphis College of Art facilities or property, and there is reason to believe that there is an imminent or continued threat to students and/or employees:

- Murder
- Sex offense, forcible or non-forcible
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Manslaughter
- Arson

OR

- When repeated offenses warrant public notice, such as multiple unsolved thefts with the same possible suspect(s) or established pattern(s)

The Department of Campus Safety/Office of Student Affairs may also issue a Security Notice for any crime when there is a compelling need to get information to the MCA Community. A Security Notice will contain as much of the following information as possible:

- Date, time, location (general or specific)
- Summarized event description
- Suspect description and/or vehicle description
- Any special instructions that may be needed

A Security Notice will be issued as soon as possible after the specific event. If the incident is a delayed report (more than 24 hours) by the victim, then the time and date the victim reported the incident will also be included in the notice. The Security Notice will not contain information that may hinder an ongoing police investigation and will not identify the victim by name or address. A general location, such as dormitory, may be given instead of a specific location to ensure the privacy of the victim.

Security Notices are distributed to the MCA community or those areas believed to be at risk. Notices are usually distributed via email, but fliers, posters, or other media may be used, as appropriate, in addition to or instead of email.

## Missing Student Notification Policy

As required by law, MCA has adopted the following missing student notification policy for students who reside in on-campus housing.

MCA is also required to notify appropriate law enforcement agencies if any student, regardless of age, is determined to be missing. MCA reserves the right to notify additional individuals or authorities at its discretion including the parents or guardians of students over 18 years of age if a student is determined to be missing. These notifications must be made within 24 hours of determination that a student is missing.

A student shall be deemed missing when he or she is reported absent from MCA housing for more than 24 hours without any known reason. Other events that could cause a person to be considered missing include contact from a concerned individual, including university officials, about an individual's absence or lack of contact that is contrary to his/her normal behavior and/or if unusual circumstances may have caused the absence.



The report of a missing person is a serious matter. If you have reason to believe that a person is missing from the MCA campus, immediately notify Campus Safety, your RA, the Director of Student Life, or the VP for Student Affairs. Be prepared to supply information on the missing person. Do not call the person's home/family unless it is absolutely necessary. The Student Affairs office will make this phone call as appropriate.

Students can also contact for follow-up and report, after the initial call is made to Campus Safety:

- Russell Batts, Director of Campus Safety, 901-272-5196
- Nick Darmstaedter, Director of Student Life, 901-490-3237
- Susan Miller, VP for Student Affairs, 901-272-5152 or 901-283-0107

When a student is reported missing Campus Safety shall:

- Initiate an investigation to determine the validity of the missing person report;
- Contact the Director of Student Life and/or the VP for Student Affairs;
- Make a determination as to the status of the missing student;
- Notify Memphis Police agencies within 24 hours after determining that the student is missing; however this does not preclude contacting law enforcement in less than 24 hours if circumstances warrant a more immediate implementation.

In addition to responding to calls for persons believed to be missing for more than 24 hours, law enforcement will assist MCA in the investigation when:

- The missing person is less than 18 years old and is missing from his or her normal and ordinary place of residence and whose whereabouts cannot be determined.
- The missing person has a history of attempted suicide or has recently expressed suicidal thoughts.
- The missing person may be the victim of a crime or accident.
- The missing person is missing under circumstances inconsistent with the person's normal behavior.

The investigation continues until the missing individual is located or contacted.

## Department of Campus Safety Program Schedule

Students and employees are informed about safety and security issues at orientation sessions and throughout the academic year. The Student Handbook and Employee Handbook also provide safety, security, and emergency information and advice. Below are some the safety and security programs presented by Campus Safety and the Office of Student Affairs.

### **August**

*Students:* New Student Orientation-Fire Safety, Campus Security, Crime Prevention, Sexual Assault/Sexual Harassment Awareness, Drug & Alcohol Abuse Awareness

### **September**

*Students:* Welcome Fair

### **October**

*Students and Employees:* National Fire Safety Month Program

### **January**

*Students:* Orientation-Fire Safety, Campus Security, Crime Prevention, Sexual Assault/Sexual Harassment Awareness, Drug & Alcohol Abuse Awareness

### **February**

*Students:* Health and Wellness Fair

### **June**

*Employee:* Campus Security, and Fire Safety

## Alcohol and Drug-related Violations

Alcohol and drug-related violations are automatically considered serious. Federal and state law prohibits the unlawful possession, sale, and use of drugs. Any resident known to be involved in such activity is subject to dismissal from housing and school disciplinary action up to, and including, academic expulsion. Furthermore, local, state, and federal statutes impose sanctions ranging up to life imprisonment and fines. The presence of drug paraphernalia will constitute the use of narcotics and students will be dealt with according to MCA policies on drug possession and use. MCA is an alcohol/drug-free environment. As such no alcoholic beverages are permitted in Student Housing.

## **Alcohol and Drugs on Campus**

The unlawful possession and use of illicit drugs and alcohol by all members of the Memphis College of Art community – faculty, staff, and students – is wrong, harmful, and dangerous to both the individuals involved and the collective creative environment. MCA is strongly committed to a policy that will help to prohibit and, in such cases where it exists, to eliminate the abuse of all drugs and alcohol on the college campus.

The possession, use, and/or distribution of illegal drugs and alcohol on this campus is strictly prohibited. Violation of this policy will result in immediate disciplinary action up to and including academic expulsion. The presence of drug paraphernalia indicates the use of narcotics and students will be dealt with according to MCA policies on drug possession or use. Furthermore, local, state and federal statutes impose disciplinary sanctions ranging up to life imprisonment and fines of up to \$5 million.

MCA is prepared to offer appropriate counseling or referrals through MCA's Director of Student Life to help anyone overcome a drug and alcohol-related problem. Any student who needs help is strongly encouraged to seek it. Students will regularly receive additional information regarding substance abuse through internal communications. Presentations regarding drug and alcohol abuse will be conducted periodically, and these sessions will be open and free to all students. Upon the MCA administration's discovery of illegal drug activities or illegal drug use on this campus, contact will be made with the appropriate law enforcement authorities with any information that will aid them in apprehending and prosecuting the offender(s). The results of this contact may include surveillance of this campus, undercover or otherwise, for such illegal activities. With reasonable cause, all lockers and storage areas, which are and remain the property of the college, may be searched.

Upon the MCA administration's discovery of illegal drug activities or illegal drug use on this campus, contact will be made with the appropriate law enforcement authorities with any information that will aid them in apprehending and prosecuting the offender(s). The results of this contact may include surveillance of this campus, undercover or otherwise, for such illegal activities. With reasonable cause, all lockers and storage areas, which are and remain the property of the college, may be searched.

Federal regulations relating to the college's receipt and administration of grants and student financial aid funds require these policies. State of Tennessee requirements are similar. MCA abides by the laws of Tennessee. The legal drinking age in Tennessee is 21. No alcoholic beverage, including beer, may be consumed at the college except at special functions as approved by designated college administrators (see section on *Guidelines for the Service and Consumption of Alcohol on Campus* to follow.) Students of any age violating this policy will be subject to disciplinary action up to and including academic dismissal. Parents of dependent students may be

contacted by college authorities if a violation occurs.

This summary is not intended to be a restatement of the law nor a summary of all of the laws relating to alcoholic beverages. The college does not condone the illegal possession, use, distribution, or sale of alcoholic beverages. All members of the MCA community are responsible for compliance with the state laws governing the use of alcohol.

*Under Tennessee law, it is illegal for any person:*

1. Of legal drinking age to sell, furnish, or provide alcoholic beverages to any person under 21 years of age;
2. Under the age of 21 to purchase, receive, or possess alcoholic beverages;
3. To make a false statement to the effect that he or she is 21 years of age or older for the purpose of obtaining alcoholic beverages;
4. Or group to sell alcoholic beverages without a license;
5. 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;
6. To operate a motor vehicle while under the influence of alcoholic beverages or drugs.

### **Guidelines for the Service and Consumption of Alcohol on Campus**

Alcohol may be served at social events such as exhibition openings, with specific written permission from the President, VP for College Advancement for fundraising events, VP for Academic Affairs for events involving academic spaces, or the VP for Student Affairs for events involving student activities. Alcohol consumption is never permitted during critiques or in situations where grading is applied.

In order to serve alcohol at openings or other social events on campus, a student, or student group, must seek approval through the completion of an Alcohol Proposal form available from Campus Safety, Galleries and Exhibitions, or Student Affairs. The request must be made to one of the administrators or departments named in the policy (President, VP for College Advancement, VP for Academic Affairs, or VP for Student Affairs.) If approved, the administrator will oversee that the policy guidelines are observed.

Guidelines as dictated on the form must be followed, and only under these conditions will the proposal be approved.

1. Minors will not be served.
2. A licensed bartender will be contracted and instructed to require age ID.
3. Enrolled students may not serve as a bartender.
4. Only wine and beer may be served at student events.
5. Non-alcoholic beverages must be served.
6. Student events will require limiting the number of drinks served.
7. Student events will offer campus transportation to student housing.