



Annual Security (Clery) Crime and Fire Safety Reports and Policies

January-December 2019



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IMPORTANT NOTICE

This is a copy of University of Pikeville's Annual Security (Clery), Crime and Fire Safety Reports and Policies. This report includes statistics for the previous three years (2016-2018) concerning reported crimes that occurred on campus; in certain off-campus buildings or property owned or controlled by University of Pikeville; and on public property within, or immediately adjacent to and accessible from the campus. The report also includes institutional policies concerning campus security such as, policies concerning sexual assault and fire safety policies. Public Safety will send an email to enrolled students and employees on an annual basis to notify them that the report is available to be viewed. A physical copy of the report can also be obtained by contacting the Office of Public Safety at 606-218-5940, the Director at 606-218-5946 or by accessing the following web site:

http://www.upike.edu/Student-Services/publicsafety/crime_reporting

The crime and resident hall fire statistics for 2016, 2017, and 2018 can also be found in appendixes at the end of this report.

MAIN CAMPUS OVERVIEW

University of Pikeville
147 Sycamore St.
Pikeville, KY 41501

Founded in 1889 by Presbyterians, the University of Pikeville is comprised of the College of Arts and Sciences (CAS), the Coleman College of Business (CCOB), the Patton College of Education (PCOE), the Elliott School of Nursing (ESON), the Kentucky College of Optometry (KYCO), and the Kentucky College of Osteopathic Medicine (KYCOM). The CAS and ESON include undergraduate degrees (with foundations of broad liberal arts and sciences education), while the CCOB and PCOE include undergraduate and graduate degrees (Master's). Both provide opportunities for students to develop to their full academic and personal potentials while preparing for specific careers. The KYCO graduates apply their unparalleled knowledge of clinical care and vision science in a cultural environment of faith, social justice and human dignity of Appalachia and rural America. The KYCOM provides men and women with an osteopathic medical education that emphasizes primary care, encourages research, and promotes lifelong scholarly activity.

DEPARTMENT OF PUBLIC SAFETY

The Department of Public Safety is the office charged with the protection and preservation of campus safety and security on University property. Security personnel are available to: a) assist students and visitors to the campus; b) regulate and enforce traffic and parking regulations; c) enforce University policies/behavioral expectations; d) make rounds of the campus; and e) inspect campus for safety/maintenance concerns. Officers do not have law enforcement authority but can enforce University policies and have a close working relationship with off-campus police authorities. Students and other members of the University Community should be familiar with campus safety and security procedures. In order to reach a security officer, persons can call extension 5940 from an on-campus phone, 606-218-5940, or 606-477-0262 from any other phone. The Public Safety Office is located in the basement of Condit Hall. Any student who would like to have a security escort across campus at any time, 24 hours a day, can contact Public Safety at 606-218-5940. A Public Safety Officer will walk students from anywhere on campus to another place on campus.

The University enjoys an excellent working relationship with the Pikeville Police Department and Pike County Sheriff's Office, both of whom regularly patrol the campus.

Public Safety officers have the authority to detain anyone involved in violations against campus policy on campus. If offenses violating University of Pikeville Code of Conduct and regulations are committed by a student, Public Safety will refer the individual to the conduct process overseen by the Dean of Student Affairs. Through coordination with local law enforcement agencies, any criminal activity engaged in by students at off-campus locations is monitored and recorded. This information is provided to the Dean of Student Affairs' Office for any action or follow-up that may be required.

The Director of Public Safety reports directly to the Dean of Student Affairs. The Director is responsible for the achievement of the office's mission. If a University of Pikeville student is involved in an off-

campus offense or an offense being investigated by off-campus authorities, the Director may assist with the investigation in cooperation with the Pikeville Police Department (PPD). PPD routinely works and communicates with the Director on any serious incident occurring on campus.

University of Pikeville operates no off-campus student organizations.

POLICY FOR REPORTING THE ANNUAL DISCLOSURE OF CRIME STATISTICS

The Director of Public Safety prepares The Annual Security and Fire Safety “Clery” Report to comply with the 1990 Congress approved Crime Awareness and Campus Security Act which amended the Higher Education Act of 1965. The Jeanne Clery Act requires higher education institutions to make public their campus security policies, and it requires that crime and fire data are collected, reported, and disseminated to the campus community. The Clery Act is intended to provide prospective students and employees, current students and their families, and the rest of the University of Pikeville community accurate, complete, and timely information about safety on campus so that they can make informed decisions. The full text of this report can be located on our website at http://www.upike.edu/Student-Services/publicsafety/crime_reporting.

This report is prepared in cooperation with the Dean of Student Affairs and the Director of Student Conduct & Community Standards. Additionally, our internal organization including Student Services, Residence Life, Student Activities, and Human Resources all contribute greatly to the overall conduct process and its success. Each entity provides updated information on their efforts and programs to comply with the Act. Campus violations, arrest, and referral statistics include those matters reported to: Public Safety, designated campus officials, and local law enforcement agencies. These statistics may also include crimes that have occurred in private residences or businesses which are not required to be reported. A procedure is in place to anonymously capture crime statistics disclosed confidentially. Each year by October 1st, an email notification and a BEAR ALERT notice will be made to students, faculty, staff and administrators. Prospective students and employees at University of Pikeville receive information where they can view the statistics from the Admissions Office and the Human Resources Department respectively.

OFFICIALS WITH SIGNIFICANT RESPONSIBILITY FOR STUDENT AND CAMPUS ACTIVITIES

Campus violations are typically reported through Public Safety or Residence Life. In some instances, members of the Pikeville community may choose to file a report elsewhere. All reports are shared with the Dean of Student Affairs and Director of Public Safety who together have the authority and the duty to take action or respond to particular issues on behalf of the institution. These authorities are obligated to provide information for this report. For reporting purposes at University of Pikeville, Campus Security Authorities have been designated as:

Dean of Student Affairs 606-218-5220	Director of Public Safety 606-218-5946	Director of Residence Life 606-218-5228	Director of Student Conduct 505-218-5945
Dean of Student Success 606-218-5467	Director of Student Activities 606-218-5229	Director of Athletics 606-218-5357	Title IX Coordinator 606-218-5344
University President 606-218-5261	Provost 606-218-5830	VP for Finance & Business Affairs 606-218-5988	Assistant VP for Facilities 606-218-5194
Dean of Admissions/Student Financial Services	Dean of KYCOM 606-218-5411	Dean of KYCO 606-218-5510	Dean of the College of Arts & Sciences 606-218-5475
Vice President for Advancement	Public Safety Officers	All Coaching staff	All Residence Life Staff including RAs
Campus Nurse	Upward Bound Supervisors	Testing Administrator	All Associate Deans for KYCOM and KYCO

University pastoral and professional counselors are encouraged to tell their clients about the reporting procedures outlined in this document. As noted below, confidential reports/anonymous reports are extremely valuable in order to prevent further victimization and to obtain a more accurate portrait of campus crime. In certain instances, a crime victim may be reluctant to file a report fearing the process and/or loss of his/her anonymity. In such circumstances, crime victims are encouraged to consider making a confidential report to one of the designated Campus Security Authorities. At a minimum, crime victims will receive valuable counseling and referral information. Confidential reports are important because they provide valuable information that will enhance the safety of the community-at-large and they help provide a more accurate portrait of actual campus crime.

ORGANIZATION

The Department of Public Safety is comprised of the Director, and 7 full time and part-time Public Safety Officers. Public Safety Officers provide a twenty-four-hour presence on the University campus using foot and motorized patrol. Each shift is closely supervised by either the Director (weekdays, during office hours) or the Captain (evenings and weekends) with the authority and responsibility to assure that the policies and procedures of the Office are followed.

All Public Safety officers are certified American Red Cross first aid caregivers and trained on Automatic External Defibrillators (AEDs). Recertification in these programs occurs as required.

A Public Safety Officer can be reached by calling 606-218-5940.

CRIME PREVENTION

Crime prevention and following University policies is a cooperative effort requiring the entire University of Pikeville community to actively participate in identifying conditions that may promote crime and policy violations. Public Safety is in close contact with administrators, faculty, staff, and students throughout the year to maintain and enhance campus safety.

Issues of personal safety, residential security, office safety, active shooter response, and vehicle theft prevention are but a few of the topics presented to students and employees in various formats. The University of Pikeville conforms to the mandates of State and Federal law pertaining to victim's rights in the handling of all cases. To enhance community and student safety, it is recommended that after dark, people should walk with friends or someone they trust or know well. Escort services are offered around the clock by Public Safety Officers; students and employees can contact Public Safety for an escort at any time.

CRIME PREVENTION AND EDUCATION PROGRAMS – 2019:

<u>Name of program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Subject(s) Covered</u>
GROWL	June-August 2019	Chrisman Auditorium, Booth Auditorium, HPE 7 th Floor	Safety & Security
New Student Orientation	August, 2019	Booth Auditorium	Student Handbook, Safety, crime prevention
New Student Orientation	August-September 2019	Online Program	<i>Alcohol EDU</i>
RA – Security Training	August, 2019	Student Lounge, Wickham Hall	Safety & Security
RA – Fire Safety Training	August, 2019	Student Lounge, Wickham Hall	Fire Safety Training

RA Training: First Aid/CPR/AED	August 2019	304 Administration Hall	First Aid/CPR
KYCO Student Orientation	August, 2019	Coal Lecture Hall	Safety, Security, Crime Prevention.
KYCO Student Orientation	August, 2019	Coal Lecture Hall	Alcohol and Drug Education
KYCOM Student Orientation	August, 2019	Coal Lecture Hall	Safety, Security, Crime Prevention.
KYCOM Student Orientation	August, 2019	Coal Lecture Hall	Alcohol and Drug Education
Faculty Training: Active Shooter Response	Second Friday each month	Specialized locations throughout campus	Active Shooter Response
Faculty Training – Responding to Student Concerns	September 8, 2019	417 Armington Hall	Faculty training

SEXUAL MISCONDUCT - 2019:

Every year during New Student Orientation, the Office of Title IX sponsors sexual misconduct program. Programs on sexual misconduct prevention and awareness are conducted throughout the month and early during new students' time on campus.

<u>Name of program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Subject(s) Covered</u>
New Student Orientation	August-September 2019	Online Program	<i>Haven: Sexual Misconduct</i>
New Student Orientation	August-September 2019	Classrooms	Sexual Misconduct Policy
Resident Assistant Training	August-September 2019	Classrooms	Sexual Misconduct Policy & Training
Sexual Misconduct Policy Consultation	August-September 2019	Online Program	Employee Training

In addition, employees attended the following professional development trainings:

EMPLOYEE TRAINING - 2019:

<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Sponsor & Topics Covered</u>
Active Shooter Tabletop Discussion	Monthly, January-December 2019	Various locations	Active shooter response
New Employee Orientation	Monthly, January-December 2019	Sturgill Board Room	Various orientation subjects

REPORTING AND RESPONSE

Community members, students, faculty, staff, administrators and guests are encouraged to report all crimes and campus violations to the University of Pikeville Department Of Public Safety in a timely manner. Incidents, suspicious circumstances, and other related information can be reported to an officer on patrol or by calling 606-218-5940. The Office of Public Safety continually promotes the reporting of incidents in programs such as: freshman orientation, Resident Assistant crime prevention training, and whenever the opportunity arises.

It is the policy of the Department of Public Safety to respond to all requests for services, to write a security report, and to conduct follow-up investigations. The Director coordinates investigations with the local police, when necessary. Victims of crimes against persons, such as robbery or sexual misconduct, are encouraged to seek confidential counseling services from the on-campus counseling center.

The Director of Public Safety is the University's agent for the purpose of making timely warnings and the collection of statistical data concerning criminal offenses to be included in this annual report. Public Safety also issues periodic electronic bulletins of suspicious or criminal activity occurring on and around the campus through BEAR ALERT and email with suggestions of ways to avoid the occurrence of similar incidents. All members of the University of Pikeville community are urged to read these notices carefully, and to be guided by the information presented. Anyone with information warranting a timely warning should report the circumstances to a Public Safety Officer, by phone 606-218-5940 or in person to the Director in Condit Hall.

CONFIDENTIAL REPORTING PROCEDURE

If students or employees are victims of a crime and do not want to pursue action within the University's conduct system or the criminal justice system, they may still want to consider making a confidential report. Anyone can file a report on the details of an incident without revealing their identity. The purpose of a confidential report is to comply with a person's wish to keep the matter confidential, while taking steps to ensure the future safety of self and others. With such information, the University can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime or violation with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual security (Clery) and fire safety reports for the institution. Written reports can be submitted anonymously to the following

campus locations: Public Safety Office (Condit Hall), Director of Public Safety (Condit Hall), Dean of Student Affairs (Administration ground floor), and Area Coordinator Offices (Administration ground floor and within residence halls). Person(s) wishing to file anonymous reports are encouraged to provide as much detail as possible in the report.

CAMPUS SECURITY SERVICES:

UNIFORMED PATROLS

Uniformed security officers patrol on foot or in a motorized vehicle twenty-four hours a day, seven days a week.

ELECTRONIC SURVEILLANCE AND PROTECTION

Video cameras are placed in various locations around campus. Footage can be reviewed within a specific time period to aid in campus investigations and can be seen in real time in the main Public Safety office. Video cameras also monitor the parking garage and are controlled by the Pikeville Police Department. A fire alarm system in University buildings protects the campus from fire emergencies.

INVESTIGATIVE SERVICES

The Director of Public Safety is trained to conduct initial investigations using techniques to protect the victims and to preserve evidence. The Director, in collaboration with Student Services staff, provides support for victims throughout the process of any subsequent criminal or university conduct proceedings. The Department of Public Safety maintains a close partnership with the investigative units of the Pikeville Police Department and the Pike County Sheriff's Department.

University of Pikeville added emergency text messaging to the BEAR ALERT Notification System (WENS) in 2007. In 2017, the University of Pikeville transitioned to providing BEAR ALERT messages through Alertus software. Text messaging will be used when imminent threats to the University of Pikeville community are identified. This is a free service to students and employees of the University. To see the instructions on how to register go to the University web site at <http://www.upike.edu/Student-Services/publicsafety/bear-alert>. "Incident Alerts" and "Crime Prevention Notices" are distributed on campus as timely warning e-mail messages and are accessible through student email accounts and BEAR ALERT software. They inform the University community of situations that present a potential hazard on campus or in the surrounding community.

A daily log of crimes occurring on the University of Pikeville campus is available 24 hours a day every day in the main Public Safety office located in Condit Hall or on the web.

ESCORT SERVICE

Escorts are also provided by uniformed Public Safety Officers to students, employees and guests of the University any time of day; community members who feel uncomfortable walking to their cars or residence areas alone are encouraged to call for an escort. Escorts can be requested via our 24-hour security line at 606-477-0262.

SAFETY AND SECURITY IN THE RESIDENTIAL COMMUNITY & SOUTH HOUSING, ACCESS AND MAINTENANCE

Some residence halls on campus can be entered by electronic access card readers. All students and employees are encouraged to program the campus emergency telephone number 606-477-0262 during their orientation to the University.

To enhance safety on campus, a Public Safety Officer is assigned to patrol all of campus several times per shift; this includes walking through the residence halls. On-call residence life staff also monitors the residence halls nightly from 5 PM-12 midnight (Sunday-Thursday) and 5 PM-2:00 AM (Friday-Saturday). Residence Life and Public Safety staff works closely to secure the residence halls. Resident Assistants reside in each residence hall; Resident Assistants also work closely with residence life professional staff and Public Safety personnel to keep the residence halls secure.

University of Pikeville's main campus offers traditional residence halls, residence halls with double rooms with private bathrooms, quad style housing, and a small apartment complex (located a few miles south of campus). On-campus housing can accommodate up to 746 students. South housing provides priority housing for University of Pikeville graduate and adult students. South Housing is managed and owned by the University.

Security safeguards within several of the residence halls include restricted access. Crime prevention programs include orientation workshops, individual floor meetings, residential community-wide presentations, and educational programs. Access to University of Pikeville housing facilities is limited to residents, escorted guests and select University employees. Entry is monitored on a 24-hour basis through card-key security systems. Video surveillance is also used in various locations.

Professional Staff members (Director of Residence Life, Director of Student Conduct, Director of Student Activities, Student Activities Coordinator, and Residence Life Coordinators) and para-professional resident assistants, live on campus and provide 24-hour staff coverage. Student room doors should be locked at all times even when occupied. Most importantly, residents are reminded to observe building security procedures and to notify On-call staff or Public Safety of any unfamiliar faces or unusual incidents within either the residence halls or apartments. Prior to the start of the Fall and Spring Semesters, all professional and paraprofessional staff members undergo an annual comprehensive training for both prevention and response regarding safety and security issues. As part of their responsibilities for campus security, both student and professional staff participate in lectures and seminars associated with topics such as substance abuse, response and prevention of sexual misconduct, and community security.

PUBLIC SAFETY AT SOUTH HOUSING

A Public Safety officer patrols South Housing regularly during all shifts (1080 South Mayo Trail, Pikeville, KY 4501). Escorts are provided to student parking by Public Safety.

FIREARM POLICY

The possession and/or use of firearms, explosives, ammunition, fireworks, and/or weapons or storage of any such device on University premises or at University sponsored activities is strictly forbidden. This includes, but is not limited to firearms, air rifles, slingshots, swords, hunting knives, etc.

ALCOHOL & OTHER DRUG POLICY (STUDENT)

The University of Pikeville strives to maintain an environment that promotes the health and safety of the community and the responsible choices and behaviors of its members concerning the use of alcohol. The use, possession, or consumption of any alcoholic beverage or paraphernalia in a university classroom building, laboratory, auditorium, library building, gallery, residence hall, faculty or administrative office, athletic facility, or any campus area, including but not limited to, possession of alcohol, consumption of alcohol, providing alcohol to a minor, public intoxication, minor driving under the influence of alcohol, driving while intoxicated is prohibited on university property.

The University of Pikeville complies with the Drug-Free School Communities Act of 1989. This act requires that the University of Pikeville certify it has adopted and implemented a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees in order to remain eligible for federal financial assistance, as set forth in local, state and federal laws, and the rules and regulations of the University.

The University strives to maintain an environment free of alcohol and illicit drug use. Participation in behaviors related to use, distribution or possession of alcohol and illicit drugs is not condoned within the campus community. Employees and students have shared responsibility for preventing alcohol abuse and illegal alcohol and illicit drug use at university affiliated events both on campus and off and assuring compliance with the Drug-Free Schools regulations.

DEFINITIONS

- **Alcohol:** ethyl alcohol whatever its origin; includes synthetic ethyl alcohol but not denatured alcohol
- **Beer:** any beverage obtained by the fermentation of barley, malt, hops, or any other similar product or substitute, and containing more alcohol than that of non-intoxicating beer.
- **Illicit Drugs:** any substance that alters the mind in a psychoactive way and is illegal in the eyes of the law and punishable with criminal justice; includes but is not limited to marijuana/hashish, cocaine (including crack), heroin, hallucinogens, inhalants, or prescription-type psychotherapeutics used non-medically.
- **Intoxication:** having one's faculties impaired by alcohol or other drugs to the point where physical or mental control or both are markedly diminished.
- **Manufacture:** to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle, or fill an original package with any alcoholic liquor.
- **Open Container:** Containers in which the original seal has been broken or containers that are not able to be permanently sealed.
- **Sale:** any transfer, exchange or barter in any manner or by any means, for a consideration, and shall include all sales made by principal, proprietor, agent or employee.
- **Selling:** includes solicitation or receipt of orders; possession for sale; and possession with intent to sell.
- **Public area:** any place, building or conveyance on campus to which the public and/or members of the University community have, or are permitted to have access, including lobbies, and corridors of residence halls and on campus streets and walkways; does not include places of residence for students assigned to said residence.

- **University Break Period:** anytime outside of the fall and spring academic semesters in which University housing is officially closed, including Thanksgiving Break, Winter Break, Spring Break, Easter Break, throughout summer housing (between the spring and fall semesters) and in the few weeks and/or days before the start of the fall semester and the end of the spring semester in which some students are allowed to move into campus housing early or to move out of campus housing later than normal.

This policy implements the **Drug Free Schools and Communities Act (20 U.S.C. 1145g)**.

PURPOSE

The risks associated with the use of illicit drugs and the abuse of alcohol are numerous and include physical and mental impairment, emotional and psychological deterioration and devastating effects on family and friends. There are obvious risks such as: suffering a hangover; being charged with driving under the influence or while intoxicated; and sustaining or causing personal injury. There are several less obvious risks associated with alcohol and other drug abuse that students might not realize, including but not limited to:

- Poor academic performance
- Poor job performance
- Poor social interactions
- Unwanted and inappropriate sexual activity
- Sexually transmitted diseases, including HIV/AIDS
- Pregnancy
- Jeopardizing future career prospects, (e.g., admission to law school and employment with the federal government)

In addition, alcohol and illicit drug abuse puts the user at considerable health risk, which can include nausea, vomiting, cancer, liver damage, elevated blood pressure, psychotic episodes, hallucinations and, in some cases, death. In addition to the risk to the abuser of illicit drugs and alcohol, there are the risks to fellow classmates, the public, and to unborn children.

All students, whether on or off campus, must adhere to local and federal laws concerning alcohol use and are expected to conduct themselves in a manner consistent with University expectations. The University will not tolerate the unlawful manufacture and/or illegal purchase, consumption, possession, or distribution of alcohol to or by any student.

Local and federal laws prohibit the unlawful use, manufacture, possession, control, sale and dispensation of illicit drugs. These laws carry penalties for violations, including monetary fines and imprisonment. The unlawful manufacture, distribution, dispensation, possession or use of an illicit drug by a student on University property or as any part of a University-sponsored program on or off campus is strictly prohibited.

Any student who violates the Student Code of Conduct as it relates to alcohol and illicit drug use is subject to sanctions as outlined therein. See also the penalties for violation of federal and local jurisdiction standards related to drugs and alcohol.

The University cooperates fully with law enforcement authorities. Violations of the University of Pikeville Alcohol and Illicit Drug Policy and/or the Student Code of Conduct that are also violations of federal and local law may be referred to the appropriate agencies. In such situations, cases may proceed concurrently in the University conduct system and in the criminal justice system.

OTHER RESOURCES

UPIKE Health Center:

201 Armington Science Building
606-218-5240

Mountain Comprehensive Care Center:

118 River Drive, Pikeville, KY 41501
(606) 432-3143

Pikeville Medical Center:

911 S Bypass Rd, Pikeville, KY 41501
606-218-3500

Dean of Student Affairs:

The Office of the Dean of Student Affairs is also available to assist students seeking alcohol and/or other drug rehabilitation services.
606-218-5220

PENALTIES

The intent of the following information is to provide knowledge of possible sanctions for citations and/or arrest for illicit drugs and/or alcohol use known to be available; penalties under federal, state, and local laws are separate from University sanctions for on campus conduct proceedings. Students who will seek professional license after graduation should note that some professional licensing agencies could consider alcohol and other drug convictions in determining licensure.

Current information about Kentucky State Code can be found on the **Kentucky Legislature Website**.

ALCOHOL:

Kentucky Statutes Applicable to the Use of Alcoholic Beverages

1. It is unlawful for a retail licensee to sell, give, purchase, or procure any alcoholic beverage for anyone under twenty-one years of age. (See KRS 244.080)
2. It is unlawful for a person to possess or consume alcoholic beverages when under twenty-one years of age. (See KRS 244.085)
3. It is unlawful for anyone under twenty-one years of age to misrepresent his or her age for the purpose of purchasing alcoholic beverages. (See KRS 244.085)

4. It is unlawful for anyone under twenty-one years of age to use or attempt to use any false, fraudulent or altered identification card, paper, or other document to purchase any alcoholic beverage. (See KRS 244.085)
5. It is unlawful for anyone to aid or assist any person under 21 years of age in purchasing, or having delivered or served to him or her, any alcoholic beverages. (See KRS 244.085)
6. It is unlawful for anyone to drink or be under the influence of any alcoholic beverage in public place(s). (See KRS 525.100)

ILLICIT DRUGS:

According to Kentucky law 218A.50, drug paraphernalia means all equipment, products and materials of any kind that are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, re-packaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body controlled substance.

Moreover, drug paraphernalia includes but is not limited to kits, isomerization devices, testing equipment, scales and balances, diluents and adulterants, separation gins and sifters, blenders, bowls, containers, spoons, and mixing devices, capsules, balloons, envelopes, hypodermic syringes, other containers and objects used by a student and intended or designed to be used for are prohibited.

In the case of disruptive activity on campus, neither the Dean of Student Affairs nor any University official will negotiate or attempt to negotiate with any person(s) so engaged. When such a situation arises the Dean of Student Affairs or other University official will take immediate action to utilize all lawful measures to halt and eliminate any disruptive activity that comes to their attention and may initiate disciplinary proceedings.

ALCOHOL AMNESTY:

Student health and safety are of primary concern at the University of Pikeville. As such, in cases of intoxication, alcohol poisoning, or drug-related medical emergencies, the University of Pikeville always encourages individuals to seek medical assistance for themselves or others.

Students who seek medical attention for themselves related to the use of drugs or alcohol will not be formally charged with a violation of the Code of Conduct related to that use, provided that the student subsequently completes an assessment and any other recommended treatment from the Dean of Student Affairs and/or his/her designee. Failure to complete such assessment may result in additional sanctions being applied.

Students who seek medical attention for someone else related to the use of drugs or alcohol will not be charged with a violation of the Code of Conduct related to that use.

Consistent with the University's Sexual Misconduct Policy, no student who reports that he or she was

under the influence of alcohol and/or drugs at the time of a sexual misconduct incident will be charged with a violation of the Code of Conduct related to alcohol and/or other drug use.

The Alcohol Amnesty policy does not excuse or protect students who repeatedly violate the University's Student Code of Conduct, in which case the University reserves the right to take conduct action on a case by case basis regardless of the manner in which the incident was reported. Additionally, the University reserves the right to adjudicate any case in which the violations are flagrant violations of the Student Code of Conduct and put the University community at risk. The University continues to reserve the right to notify parents as per the Information Disclosure policy.

Alcohol Usage Guidelines

The University of Pikeville community is subject to the same local and state laws that govern all citizens, including those concerning the possession, use, sale and distribution of alcohol; acts that violate these laws are in direct conflict with University regulations. Suspected student violations of the University Alcohol and Illicit Drugs Policy are processed through the student conduct system under the direction of the Dean of Student Affairs and/or his/her designee and will be subject to sanctions up to and including dismissal from the University.

Student Code of Conduct:

VIOLATION OF THE ALCOHOL POLICY

- a) **EMPTY CONTAINER:** Possession of containers that previously contained alcoholic beverages. Empty containers will be considered an open container and deemed as proof of consumption and a violation of the alcohol policy. The policy applies to all students, regardless of age. Empty alcohol containers cannot be used as decorations.
- b) **COMMON SOURCE:** Possession of common source containers, whether full or empty, of alcohol such as kegs, beer balls, or boxed wine.
- c) **DRINKING GAMES:** Participation in and/or being in the presence of drinking games or activities that encourage rapid consumption of alcohol.
- d) **POSSESSION:** Possession of alcoholic beverages by anyone including persons 21 years of age or older on University property.
- e) **CONSUMPTION:** Consumption of alcoholic beverages or possession of an open container by anyone including persons 21 years of age or older on University property. This includes but is not limited to: public space within a residence hall, academic buildings, athletic venues/buildings, tailgating, etc.
- f) **INTOXICATION:** Intoxication by any person, regardless of age. Social drinking must never be undertaken to the detriment of, or in violation of, the rights of others. As such, students are reminded that it is their responsibility to be sober at all times. The University will not tolerate public drunkenness since intoxicated students act in a manner inconsistent with the values of the University, pose a threat to themselves, and can make life unpleasant for those with whom they live. Any student found in an intoxicated condition will be subject to appropriate sanctions. Determination as to whether or not a student is intoxicated may be made on the basis of the following factors including, but not limited to whether a student is:
 - unable to walk without assistance
 - speaking incoherently
 - unconscious
 - vomiting
 - emitting a strong odor of alcohol
 - behaving in a loud and/or disorderly manner
- g) **SALE/DISTRIBUTION:** Sale, distribution, or provision or attempts to sell, distribute or provide alcoholic beverages to or by anyone including persons 21 years of age or older on university property. This includes Hosting a party where alcohol is present and/or being consumed.
- h) **SPONSORED EVENTS:** Violation of the Alcohol Policy at an approved University Sponsored Event.

Sanctions for Alcohol Violations

The sanctions listed are guidelines and may be altered at the discretion of the Dean of Student Affairs and/or his/her designee; the list is not exclusive, nor does it represent the maximum or minimum action that may be taken to address a particular concern. Sanctions may also be combined with other sanctions when violations of other tenets of the Student Code of Conduct occur at the same time; in such instance, the highest level of violation will apply. Sanctions may be modified based on the severity of the incident, the impact on the community, and the student's individual conduct history; actions that lead to harm to self, others, and/or property may result in an immediate Level 4 or Level 5 offense. Sanctions are based on accumulation of student violations throughout time of study at the University of Pikeville and students placed on a level are subject to remain at that level during the remainder of their time of study at the University.

ALCOHOL VIOLATION SANCTIONING GUIDELINES

Sanction Level	Examples of Violations	Sanction Guideline
Level 1A	Underage possession. Possession while in the presence of underage person(s); possession/ consumption of an open container of alcohol in non-designated areas; creating a minor disturbance while under the influence of alcohol.	Alert Status: Mandatory completion of an online educational program (if not already completed). Student is responsible for paying all costs associated with program completion; Parents/guardian notification for underage individuals.
Level 2A	Second offense of a Level 1A violation; aggravated Level 1A violation including failure to comply in an investigation; jeopardizing the safety of self or others; possession of a false form of identification; hosting a party; drinking games; consumption while in the presence of underage person(s).	Warning Status: Optional alcohol assessment by the University provided Counseling Center. Parents/guardian notification for underage individuals. Alcohol education and/or educational activity. \$150 fine.
Level 3A	Third offense of a Level 1A violation; Level 1A violation when Level 2A status has already been assigned; a grossly aggravated offense of a Level 2A violation; serving minors /allowing the consumption of alcohol by underage person(s) to take place in one's residential area; alcohol impairment/abusive use (driving under the influence of alcohol, disruptive or violent behavior, drunkenness or intoxication) possession of unauthorized alcohol paraphernalia/excessive quantity of alcohol	Conduct Probation: Mandatory completion of alcohol assessment by the University provided Counseling Center (if not already completed). Campus social restrictions. Loss of housing selection privileges for on-campus or off-campus housing selection processes; Parents/guardian notification for underage individuals. Alcohol education and/or educational activity. \$300 fine.
Level 4A	Inducing/forcing another to consume alcohol; any violation of the alcohol policy following placement on Level 3A status; an aggravated offense of a Level 3A violation; second offense of a Level 2A violation when a Level 2A has already been assigned.	Suspension/expulsion from the University and/or housing: Recommendation to off-campus outpatient or inpatient facilities for assessment and/or AOD program(s); Campus social restrictions; Parents/guardian notification and/or meeting for underage individuals. Alcohol education and/or educational activity; \$300-600 fine.

Drug Usage Guidelines

The use, possession, and/or distribution of illicit drugs and/or drug paraphernalia of any kind is prohibited on campus. The University of Pikeville does not permit marijuana for any purpose; students who qualify under local law to use marijuana for medical purposes may not possess, store, use or share marijuana on University owned or controlled property or during University sponsored events.

Student Code of Conduct:

G) VIOLATION OF THE ILLICIT DRUG POLICY:

Possession, use or delivery or coordinating the delivery of illicit drugs, as defined by the Alcohol & Illicit Drug Policy.

- a) **PARAPHERNALIA:** Possession of paraphernalia including any item typically used to inhale/ingest/inject/mask drugs, regardless of whether the item has been used for illegal purposes.
- b) **POSSESSION:** Possession of drugs
- c) **USE:** Use of drugs.
- d) **PRESCRIPTIONS:** Misuse, abuse, and/or sale of prescription drugs.
- e) **DISTRIBUTION:** Distribution (any form of exchange, gift, transfer or sale) of drugs.
- f) **CO-CONSPIRATOR/AIDING:** Serving as a co-conspirator in drug related activity on campus; includes aiding in and/or knowingly endorsing acts of distribution.

10.0 SANCTIONS FOR DRUG VIOLATIONS

The sanctions listed are guidelines and may be altered at the discretion of the Dean of Student Affairs and/or his/her designee; the list is not exclusive, nor does it represent the maximum or minimum action that may be taken to address a particular concern. Sanctions may also be combined with other sanctions when violations of other tenets of the Student Code of Conduct occur at the same time; in such instance, the highest level of violation will apply. Sanctions may be modified based on the severity of the incident, the impact on the community, and the student's individual conduct history; actions that lead to harm to self, others and/or property are considered may result in an immediate Level 4 or Level 5 offense. Sanctions are based on accumulation of student violations throughout time of study at the University of Pikeville and students placed on a level are subject to remain at that level during the remainder of their time of study at the University.

ILLICIT DRUG VIOLATION SANCTIONING GUIDELINES

Sanction Level	Examples of Violations	Sanction Guideline
Level 1D	Possession of drug paraphernalia without residue/evidence of drugs; drug paraphernalia; persistent odor of marijuana smoke; misuse of a prescription drug	Conduct Probation; Mandatory completion of an online educational program (if not already completed); Student is responsible for paying all costs associated with program completion; Parents/guardian notification of underage individuals; Campus or community service; Drug education and/or educational activity; \$150-\$300 fine.
Level 2D	Possession of, use of or under the influence of a controlled substance; possession of drug paraphernalia that indicates or suggests distribution; aggravated Level 1D violation including failure to comply in an investigation; recreational use or under the influence of a legal or illegal mind-altering substance(s); second offense of a Level 1D violation	Placement on Conduct Probation; Suspension from the University and/or housing; Reassignment of campus housing; Loss of housing selection privileges for on-campus or off-campus housing selection processes; Parents/guardian notification and/or meeting for underage individuals; Campus or community service; Campus social restrictions; Alcohol education and/or educational activity; Mandatory completion of an online educational program (if not already completed). Student is responsible for paying all costs associated with program completion; \$300-\$600 fine.
Level 3D	Distribution (any form of exchange, gift, transfer or sale) of illicit drugs; serving as a co-conspirator, aiding in and knowingly endorsing acts of illicit drug distribution; second offense of a level 2D violation; third offense of a level 1D violation.	Immediate Suspension and/or Expulsion from the University

AUTHORIZATION

Alcohol and Other Drug (AOD) Review Committee, Dean of Student Affairs, and Title IX Coordinator provides minimal annual review and edits to the University's Alcohol and Illicit Drug Policy. The AOD Review Committee meets a few times of year and in addition to reviewing the AOD policy, the committee also reviews University AOD use and statistics via the conduct process, and plans for educational and outreach programs. The AOD Policy can be found in detail in the University of Pikeville Student Handbook at www.upike.edu/studenthandbook. University of Pikeville's Biennial Review and Drug and Alcohol Prevention Program Report is also available online, or in hard copy by request.

ALCOHOL & OTHER DRUG POLICY (EMPLOYEE)

University of Pikeville's Employees Workplace Practices: Drug and Alcohol Policy is updated regularly and can also be found online.

University of Pikeville is dedicated to being in full compliance with the requirements of the Drug-Free Workplace Act of 1988 and the Drug-Free School and Communities Act Amendments of 1989. As a recipient of federal contracts and grants, the University certifies to all funding agencies that it promotes and provides a workplace free from illicit drugs and alcohol use by complying with the statutory requirements stipulated in both federal and state laws.

POLICY STATEMENT

University of Pikeville strives to maintain a drug and alcohol-free workplace and prevent the unlawful possession, use or distribution of drugs and alcohol by students and employees on campus and in the workplace. The University prohibits the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance on University property and at all University functions and programs, whether on or off campus.

DEFINITIONS

- **"Workplace"** - Any site for the performance of work done in connection with a specific federal grant or contract as described within the Act.
- **"Alcohol"** - Generally focused on "intoxicating beverages" with the exact definition of "intoxicating" varying from state to state. In Kentucky it is a blood alcohol absorption level in excess of 0.08.
- **"Controlled Substances"** - Defined in Schedule I through V of the Act and includes any drug whose production, possession, importation and distribution has been declared by the Controlled Substance Act to be illegal for sale or use except but those that may be dispensed under a physician's prescription.
- **"Drugs"** - Shall be defined as those outlined in the Controlled Substance Act.
- **"Illegal Drugs"** - Shall be defined as drugs that are unlawful to possess, manufacture, sell, or use.
- **"Conviction"** - Shall include a finding of guilt, including a plea of nolo contendere, imposition of sentence, or both by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

- **"Physician prescription"** - Authorization by a physician licensed within the state to dispense drugs and medication, the use of which is assigned to one (1) individual specifically named on the prescription.

NOTIFICATION

- It is the responsibility of the Human Resources Department to ensure that all new employees are informed of this policy upon entrance to the University and annually thereafter. All employees are required to abide by its terms as a condition of employment.
- It is the responsibility of the Dean for Students or his / her designee, to ensure that all incoming students are informed of this policy upon admittance to the University and annually thereafter.

NOTICE OF CONVICTION AND SANCTIONS

- Employees who violate this policy while on campus as well as any place where a University employee works or performs work activities as well as sponsored activities and events both on and off campus, including satellite work sites, either during assigned work hours or after, will be evaluated on a case by case basis and may be subjected to satisfactory completion of an assessment / rehabilitation program, disciplinary action up to and including termination, as per the University's Corrective Action policy, and referral for prosecution. The Human Resources Department will report all subsequent convictions to the appropriate federal funding agency within five (5) days of receiving such notification.
- Employees are required to notify the Human Resource Department of any drug-related criminal convictions for violations occurring outside the workplace no later than five (5) days following the conviction. Employees will be evaluated on a case by case basis and may be subjected to satisfactory completion of an assessment / rehabilitation program and/or disciplinary action up to and including termination. The Human Resources Department will report the conviction to the appropriate federal funding agency as required.
- Students who violate this policy will have a record of the offense forwarded to the Dean for Student Development, or his / her designee. Students who violate any other external drug and alcohol laws will be governed by the student handbook on a case by case basis and subjected to possible satisfactory completion of an assessment / rehabilitation program, referral for prosecution and possible disciplinary action up to an including expulsion.
- Both the Division of Student Development and the Human Resource Department will be responsible for ensuring that all sanctions against students and employees are issued within thirty (30) days of receipt of notice. Both offices are ultimately responsible for ensuring adherence to this Policy. An annual review of this Policy to determine effectiveness, revisions, and consistency will be completed by a committee convened by the University's Compliance Team. A report of the Committee's finding, including recommendations, will be forwarded to both offices.

LEGAL SANCTIONS

Local and federal laws prohibit the unlawful use, manufacture, possession, control, sale and distribution of any illegal narcotic or dangerous drugs. These laws carry penalties for violations, including monetary fines and

imprisonment. Employees may be subject to employment sanctions per the University's Corrective Action Policy and criminal sanctions per federal, state, and local statutes.

HEALTH RISK

The risks associated with the abuse of drugs or alcohol is numerous and includes: physical and mental impairment, and impact on an employee's professional and personal life. Abuse of drugs or alcohol can negatively impact job performance and attendance and can jeopardize continued employment. Drug or alcohol use can create a health risk for the user, and a safety risk for the user, co-workers and other members of our community.

AUTHORIZATION

The Director of Human Resources, in conjunction with the President of the University or his designee, has the authority to approve changes or exceptions to this policy at any time with or without notice, provided such changes are in compliance with legal or regulatory requirements, University compliance program requirements, and other policy guidelines.

EMERGENCY RESPONSE:

University of Pikeville will take all steps necessary to isolate and mitigate any emergency or dangerous situation that may affect the campus community. All emergencies normally get reported to Public Safety which in turn dispatches Public Safety Officers to the situation. These officers along with Residence Life members (if occurring in student housing) will make early assessments determining the size and scope of the emergency. If the emergency is confirmed to be present and an immediate threat to the University of Pikeville community, the Director of Public Safety will be notified, and a mass notification notice will be sent to the community. Some types of immediate threats are including but not limited to the following:

- a. Natural disasters that will directly and adversely affect the community.
- b. An active shooter or hostile armed intruder / robber in or around campus.
- c. Bomb threat or explosion.
- d. Civil disturbance that could have a serious effect on the University of Pikeville community.
- e. Terrorist attack.
- f. Chemical or biological accident or attack.
- g. Gas leak, water main break or a power loss that could have serious effect on the campus or surrounding communities.
- h. Fire event.

EMERGENCY RESPONSE MANUAL

The University of Pikeville Emergency Response Manual provides details of Emergency Resource Team, Emergency Command Post, General Responsibilities, and Specific Emergency Procedures. University employees, student and the public have access to the Emergency Response Manual by requesting hard copies from the Department of Public Safety.

EVACUATION

University of Pikeville draws upon a nationally recognized standard of the Incident Command System (ICS) developed by the Federal Emergency Management Agency. This system is widely used at the federal, state, local community levels, and at the college and university level. This system lends consistency, efficiency and effectiveness to the manner in which the university shall respond to an immediate emergency and/or a situation that may require the evacuation of campus. Specific procedures are in place to respond to an immediate emergency or dangerous situation involving the health and safety of the University of Pikeville community to include evacuation. When buildings are ordered to be evacuated it is university policy that all faculty, staff and students exit the building to the pre-designated rally points at the direction of Public Safety or student life members. These procedures are delineated in University of Pikeville's general and fire evacuation plan which can be found in the University's Emergency Preparedness Manual. Moreover, these guides and information will be distributed to all faculty, administrators, and staff on campus annually, by October 1st.

Students, faculty, administrators and staff may be directed to assembly areas after evacuating a building. If a building evacuation is necessary, the following procedures should be followed. General evacuation procedures include the following directions for occupants of any University building. If a building evacuation is necessary, Public Safety will respond to all emergency situations. They will notify appropriate first responders as needed. Occupants of all floors will immediately evacuate the building when requested to do so. In the event of an emergency evacuation follow all the instructions below:

- a. Remain calm and go to the nearest stairwell, walk on the right side. Walk, do not run. Exit out of the building. Go to the building's designated Rally Point. (* Note: Elevators will not be in service during a fire alarm condition.)
- b. Assist in the evacuation of the building. Give any disabled occupant information to Public Safety or the responding agency upon exiting.
- c. Close all doors when leaving rooms.
- d. Do not re-enter the building until the all clear has been announced, this occurs after the responding agency gives their all clear and Public Safety has completed a safety survey.
 - Residence Halls: Public Safety and the Student Life Staff will assist in the complete evacuation of the building and control the occupants in the residence hall's designated rally point until the emergency has been abated (see specific building evacuation procedures).
 - Academic Buildings: Public Safety will assist in the complete evacuation of the building and control the occupants in the building's designated rally point until the emergency has been abated (see specific building evacuation procedures).

MASS NOTIFICATION AND TIMELY WARNING POLICIES

The University uses AlertUs (BEAR ALERT) as our mass notification system to disseminate immediate threats to the University of Pikeville community. Text messaging will be used when imminent threats to the Pikeville community are identified. This is a free service to students and employees of the University. To see the instructions on how to register go to the UPIKE web site at <http://www.upike.edu/Student-Services/publicsafety/bear-alert>. "Incident Alerts" and "Crime Prevention Notices" are distributed on campus

by timely warning and e-mail messages and are accessible on the main University web site when they are needed. They inform the University community of situations that present a potential hazard on campus or in the surrounding community.

The mass notification system will send a text message or an email to the registered device alerting the registered individual of the immediate threat. The size of the message that can be sent to the cellular phone is limited so additional messages will continue to be passed as the situation develops. Additionally, information / incident alerts will also be disseminated through the University of Pikeville email system. Use of the text messaging system helps reach community members who may be out on the campus traveling from one place to the other.

- a. Timely Warning - The intent of a timely warning regarding a criminal incident is to enable the community to protect themselves. The warning will be issued as soon as pertinent information is available. The timely warning will be released even if all the facts surrounding the incident are not known. Timely warnings must be issued for any Clery Act crimes (see section 23) which occurs on Clery geography and is:
 - a. Reported to campus security authorities or local police agencies and
 - b. Is considered by the institution to represent a serious or continuing threat to the students and employees.

Note: Other crimes even if not Clery reportable can be sent out as a timely notice when the institution determines the warning would have merit. These warnings should not be posted in locations that would make the community have to search for them or have to request them.

- b. These notification systems will be activated without delay when the situation becomes known and there is a confirmation of an immediate threat to the campus. There could be situations when notification might compromise the efforts of those responding to the event which may dictate holding the message until an appropriate time later.
- c. The responsibility to assess the situation and disseminate the mass notification message lies with the Department of Public Safety. Public Safety has the means to access the situation and initiate appropriate calls to the department and University leadership. Once the Director has verified, as best they can, an immediate threat is continuing the activation of the mass notification process will begin. Critical information may come from many different sources, such as the Pikeville Police Department, the Pike County Sheriff's Office or other state or city government agencies, etc. All information will be accessed and evaluated with respect to impact and threat to the University. The Office of Public Safety is staffed 24 hours a day every day of the year. After the initial immediate threat alerts have been disseminated additional information will be updated as the situation develops. A series of alert messages will be used as the situation evolves and as additional information becomes available. A chronology of events and procedures will generally follow this sequence:
 - a. Event or incident.
 - b. First responders (Public Safety) dispatched.
 - c. Expansion of the situation and security needs (local perimeters if needed).
 - d. Calls for additional support of Pikeville Police Department or Pike County Sheriff's Office.

- e. Director notified.
- f. Analysis of the critical information if serious and continuing threat remains send the warning(s).
- g. Begin BEAR ALERT notification if there is a serious or continuing threat.
- h. Establish command post (if appropriate), according to Emergency Manual.
- i. React, coordinate, implement, and mitigate the effect.
- j. Continue operations and disseminate additional messages as needed.
- d. The key positions at the University who interact throughout this process are:
 - a. Public Safety Officers.
 - b. Director of Public Safety
 - c. Director of Residence Life and on-call professional residence life staff members.
 - d. Vice President of Financial Affairs.
 - e. Provost.
 - f. Dean of Student Affairs.
 - g. Any designated representative by the Director of Public Safety and per the Emergency Manual.
- e. The mass notification systems that we use (BEAR ALERT) are messages that can be stratified by population and or location. Undergraduate students, faculty, staff and administrators, and alumni can be reached by using the proper group addresses. The dissemination of emergency information to the larger community is a collaborative effort between those mentioned above and the public relations leadership. Discussions then take place about the impact of a message release and what information needs to be released.
- f. The University tests its mass notification systems once a semester. Each system is tested and evaluated to see if they will be able to perform their intended functions when needed.
- g. The Department of Public Safety conducts “in service” training monthly at staff meetings. Subjects covered are University of Pikeville policies, KY law, building security and other appropriate topics.

DEPARTMENT OF PUBLIC SAFETY: ANNUAL IN-SERVICE TRAINING

<u>Date/ Location</u>	<u>Topic(s)</u>
Monthly 2019, second Tuesday	Public Safety Staff: UPIKE policies, KY Law, building security
June-August 2019 in Various Locations	All Employees: Emergency Plan

MISSING STUDENT NOTIFICATION

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

POLICY STATEMENT

A University of Pikeville residential student is "determined to be missing" when a missing person report investigation concludes that the student has been absent from the University for a period of 24 hours or longer

without any known reason. The Director of Public Safety, or designee, in conjunction with the Dean of Student Affairs, or designee, will make the official determination of whether a student is deemed missing.

PROCEDURE FOR DESIGNATION OF CONFIDENTIAL EMERGENCY CONTACT INFORMATION

All residential students have the opportunity annually to identify an individual or individuals to be contacted by the Dean of Student Affairs not later than 24 hours after the time that the student is determined to be missing in accordance with the procedures set forth below. A designation will remain in effect until changed or revoked by the student. This information is maintained confidentially and will be available only to the Director of Public Safety, Dean of Student Affairs and Director of Residence Life. The administration of the University reserves the right to notify the parents of a student under the age of 21 if they are reported missing.

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

PROCEDURE FOR OFFICIAL NOTIFICATION FOR MISSING STUDENT

- a. Any concerned person who has information that a residential student may be a missing student must notify the Department of Public Safety or Director of Residence Life as soon as possible so that an official determination may be made about whether or not the student is missing.
- b. The Department of Public Safety and Residence Life Staff will gather all essential information about the residential student from the reporting person and from the student's acquaintances. Appropriate staff will include the residential director on call, the director of residence life, the Dean of Student Affairs and the director of public safety.
- c. If the above actions are unsuccessful in locating the student in a reasonable time, or it is apparent immediately that the student is a missing person (e.g. witnessed abduction) the student will be determined as a missing student.

At this time the Director of Public Safety or his/her designee will notify the Pikeville Police Department that the University has a missing student. The Dean of Student Affairs and/or his/her designee will notify the emergency contact of the missing student and the appropriate officials in administration at the University. In addition, the University reserves the right to notify the parents of a student under the age of 21 if they have been determined to be missing.

RESIDENCE LIFE

In keeping with the mission of the University, its educational goals and assumptions, the Office of Residence Life strives to support the growth and development of University of Pikeville students. The Office of Residence Life is committed to providing a safe, comfortable and educational environment. The Office oversees and reviews violations of the Student Code of Conduct and Residence Life Policies and Procedures and implements the University's student conduct process, under the direction of the Dean of Student Affairs.

Some student residence halls are secured at all times and may be entered only by an electronic access card.

Resident Assistants (RAs), who are selected and trained students, assist students in their development and adjustment to University life as well as monitor Student Code of Conduct violations in the residential areas.

RAs and Public Safety Officers periodically make evening "rounds" together throughout the residence halls. This relationship helps to ensure cooperation and increases the visibility of the Public Safety staff in and around the residence halls.

In addition to RAs there are also Area Coordinators who are live-in professional staff responsible for coordinating the activities and resources of the RAs. The Area Coordinators also provide assistance to the Directors of the Residence Life staff in matters involving violations of the Student Code of Conduct.

Residence hall staff members immediately notify Public Safety if there is a crime or incident that requires their attention or attention of the police. The Office of Residence Life, Department of Public Safety and Dean of Student Affairs work together regarding situations in the residence halls that might require emergency intervention. All reports submitted by all of three offices are shared with each other and professional staff members meet weekly when classes are in session to review reports and ensure proper response. Daily collaboration between Residence Life, Public Safety and the Dean of Student Affairs occurs throughout the year.

SEXUAL MISCONDUCT POLICY

Introduction

The University of Pikeville is committed to creating and maintaining a community where all persons who participate in University programs and activities can work and learn together in an atmosphere free of sexual misconduct. Therefore, the University will not tolerate sexual misconduct as defined in this policy. Such acts are prohibited by University policy, as well as state and federal law. Persons whom the University determines more likely than not have violated this policy are subject to penalties up to and including dismissal or separation from the University, regardless of whether they are also facing criminal or civil charges before a government agency or court of law.

This policy applies to all University students, faculty and staff, as well as third parties who interact with the University community, and all University-sponsored programs, events and activities, regardless of where the alleged sexual misconduct occurs. The University will respond promptly and effectively to reports of sexual misconduct, and will take appropriate action to prevent, to correct and, when appropriate, to discipline behavior that violates this policy on sexual misconduct. The University also will take steps in the event of sexual misconduct to remedy its discriminatory effects on the survivor and others, if appropriate.

Gender-based discrimination or harassment that is not covered by this policy should be addressed through the University's other policies on equal opportunity, harassment and discrimination.

Nothing contained in this policy shall be construed to supplant or modify existing laws of the Commonwealth of Kentucky and the United States. This policy shall not be used to remedy acts which are crimes under the laws of the Commonwealth of Kentucky or the United States.

DEFINING SEXUAL MISCONDUCT

A. UPIKE Policy Definitions

University policy prohibits gender discrimination. Sexual misconduct is a form of gender discrimination. Different forms of sexual misconduct are explained in this policy. The determination of what constitutes sexual misconduct will vary with the facts and circumstances of each case. For acts of gender discrimination that are not covered by one of the forms of sexual misconduct addressed in this policy, please see the University's other policies on discrimination.

Sexual harassment can take one of two forms. The first form involves unwelcome verbal, electronic, physical and/or visual conduct based on sex, which both (1) unreasonably interferes with a person's work or educational performance, and (2) creates an environment that both a reasonable person and the specific person being harassed would find intimidating, hostile or offensive. This form may come from a supervisor, an educator or from any other person at the University. The second form involves either (1) submission to unwelcome advances of a supervisor or educator as an express or implied condition of receiving work or educational benefits, or (2) a tangible work or educational detriment resulting from a person's failure or refusal to submit to sexual demands of a supervisor or educator. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. A single or isolated incident of sexual violence may create a hostile environment.

Examples of sexual harassment include (but are not limited to):

- Unwelcome sexual flirtation or advances.
- Offering employment, promotions, grades or other benefits in exchange for sexual favors.
- Making or threatening reprisals for refusing sexual advances.
- Unwelcome visual and/or electronic conduct such as leering; making sexual gestures; displaying sexually suggestive objects or pictures, cartoons or posters; and suggestive or obscene letters, notes or invitations.
- Unwelcome verbal or electronic conduct such as derogatory comments; epithets; slurs; sexual innuendo; sexual jokes; graphic verbal commentaries about a person's body; and sexually degrading words used to describe a person.
- Unwelcome physical conduct such as unwarranted, suggestive or offensive touching; and impeding or blocking movement. Sexual Assault refers to any sexual act directed against another person, forcibly and/or against the person's will; or not forcibly or against the person's will where the survivor is incapable of giving consent, as well as incest or statutory rape. Examples of sexual assault for purposes of this policy include but are not limited to: • Intentional touching of another person's intimate parts without that person's consent; • Other intentional sexual contact with another person without that person's consent; • Coercing, forcing or attempting to coerce or force a person to touch another person's intimate parts without that person's consent; or • Rape, which is penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person's consent. Domestic Violence includes felony or misdemeanor crimes of violence committed by: • A current or former spouse or intimate partner of the survivor; • A person with whom the survivor shares a child in common;
- A person who is or was residing in the same household as the survivor; or • Any person against someone who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. Dating Violence refers to violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the survivor. Stalking occurs when someone engages in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress. Sexual exploitation occurs when someone takes sexual advantage of another person for the benefit of anyone other than that person without that person's consent. Examples of behavior that could rise to the level of sexual exploitation for purposes of this policy include but are not necessarily limited to: • Prostituting another person; • Recording images (e.g., video, photographs) or audio of another person's sexual activity, intimate body parts or nakedness without that person's consent; • Distributing images (e.g., video, photographs) or audio of another person's sexual activity, intimate body parts or nakedness if the person distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure; and • Viewing another person's sexual activity, intimate body parts or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent, and for the purpose of arousing or gratifying sexual desire.

Unwelcome conduct does not have to include intent to harm, be directed at a specific target or involve repeated incidents, and can involve persons of the same or opposite sex. Participation in conduct or the

failure to complain does not always mean the conduct was welcome. The fact that a person has welcomed some conduct does not necessarily mean a person welcomed other conduct. Similarly, the fact that a person may have invited, requested or otherwise consented to conduct on one occasion does not necessarily mean the conduct is welcome on a later occasion.

Consent as used in this policy is defined as follows:

Consent is informed. Consent is an affirmative, knowing, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity. Consent is voluntary. It must be given without coercion, force, threats, or intimidation. Consent means positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will. Even though consent does not necessarily need to be verbal, relying purely on non-verbal communication can lead to misunderstandings. So, a spoken agreement is the most clearly indicated form of consent. It may not, in any way, be inferred from silence, passivity, lack of resistance or lack of an active response alone. Assuming that consent was given by the absence of a “no” is wrong. Consent is revocable. Consent to some form of sexual activity does not imply consent to other forms of sexual activity. Consent to sexual activity on one occasion is not consent to engage in sexual activity on another occasion. A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be mutual consent to engage in sexual activity. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Once consent is withdrawn, the sexual activity must stop immediately. Consent cannot be given when a person is incapacitated. A person cannot consent if s/he is unconscious or coming in and out of consciousness. A person cannot consent if s/he is under the threat of violence, bodily injury or other forms of coercion. A person cannot consent if his/her understanding of the act is affected by a physical or mental impairment. Consent must be given with rational and reasonable judgment, so if the survivor was physically incapacitated from the consumption of alcohol or drugs, unconsciousness, or any other kind of inability, consent cannot be obtained.

B. Criminal definitions

Section 304 of the Violence Against Women Reauthorization Act (VAWA), known as the SaVE Act provision, obligates the University’s policy to include the definitions used by Kentucky’s penal code (KRS Chapters 500 to 534) for “domestic violence,” “dating violence,” “sexual assault,” “stalking,” and “consent” with respect to sexual offenses. Kentucky’s penal code does not define domestic violence or dating violence, although other crimes may apply to those circumstances. Kentucky’s penal code defines sexual abuse in lieu of sexual assault, stalking, and lack of consent, which are set forth below. Please note that the Kentucky penal code definitions are for your information only as required by federal law. For purposes of applying the University’s policy, the definitions in Part A, above, will govern.

510.110 Sexual abuse in the first degree

(1) A person is guilty of sexual abuse in the first degree when:

(a) He or she subjects another person to sexual contact by forcible compulsion; or

(b) He or she subjects another person to sexual contact who is incapable of consent because he or she:

1. Is physically helpless;

2. Is less than twelve (12) years old; or

3. Is mentally incapacitated; or

(c) Being twenty-one (21) years old or more, he or she:

1. Subjects another person who is less than sixteen (16) years old to sexual contact;

2. Engages in masturbation in the presence of another person who is less than sixteen (16) years old and knows or has reason to know the other person is present; or

3. Engages in masturbation while using the Internet, telephone, or other electronic communication device while communicating with a minor who the person knows is less than sixteen (16) years old, and the minor can see or hear the person masturbate; or

(d) Being a person in a position of authority or position of special trust, as defined in KRS 532.045, he or she, regardless of his or her age, subjects a minor who is less than eighteen (18) years old, with whom he or she comes into contact as a result of that position, to sexual contact or engages in masturbation in the presence of the minor and knows or has reason to know the minor is present or engages in masturbation while using the Internet, telephone, or other electronic communication device while communicating with a minor who the person knows is less than sixteen (16) years old, and the minor can see or hear the person masturbate.

510.120 Sexual abuse in the second degree

(1) A person is guilty of sexual abuse in the second degree when:

(a) He or she subjects another person to sexual contact who is incapable of consent because he or she is an individual with an intellectual disability;

(b) He or she is at least eighteen (18) years old but less than twenty-one (21) years old and subjects another person who is less than sixteen (16) years old to sexual contact; or

(c) Being a jailer, or an employee, contractor, vendor, or volunteer of the Department of Corrections, Department of Juvenile Justice, or a detention facility as defined in KRS 520.010, or of an entity under contract with either department or a detention facility for the custody, supervision, evaluation, or treatment of offenders, he or she subjects a person who is at least eighteen (18) years old and who he or she knows is incarcerated, supervised, evaluated, or treated by the Department of Corrections, Department of Juvenile Justice, detention facility, or contracting entity, to sexual contact.

(2) In any prosecution under subsection (1)(b) of this section, it is a defense that:

(a) The other person's lack of consent was due solely to incapacity to consent by reason of being less than sixteen (16) years old; and

(b) The other person was at least fourteen (14) years old; and

(c) The actor was less than five (5) years older than the other person.

510.130 Sexual abuse in the third degree

(1) A person is guilty of sexual abuse in the third degree when he or she subjects another person to sexual contact without the latter's consent.

(2) In any prosecution under this section, it is a defense that:

(a) The other person's lack of consent was due solely to incapacity to consent by reason of being less than sixteen (16) years old; and

(b) The other person was at least fourteen (14) years old; and

(c) The actor was less than eighteen (18) years old.

508.130 Definitions for KRS 508.130 to 508.150

As used in KRS 508.130 to 508.150, unless the context requires otherwise:

(1) (a) To “stalk” means to engage in an intentional course of conduct:

1. Directed at a specific person or persons;

2. Which seriously alarms, annoys, intimidates, or harasses the person or persons; and

3. Which serves no legitimate purpose.

(b) The course of conduct shall be that which would cause a reasonable person to suffer substantial mental distress.

(2) “Course of conduct” means a pattern of conduct composed of two (2) or more acts, evidencing a continuity of purpose. One (1) or more of these acts may include the use of any equipment, instrument, machine, or other device by which communication or information is transmitted, including computers, the Internet or other electronic network, cameras or other recording devices, telephones or other personal communications devices, scanners or other copying devices, and any device that enables the use of a transmitting device. Constitutionally protected activity is not included within the meaning of “course of conduct.” If the defendant claims that he was engaged in constitutionally protected activity, the court shall determine the validity of that claim as a matter of law and, if found valid, shall exclude that activity from evidence.

(3) “Protective order” means:

(a) An emergency protective order or domestic violence order issued under KRS 403.715 to 403.785;

(b) A foreign protective order, as defined in KRS 403.7521(1);

(c) An order issued under KRS 431.064;

(d) A restraining order issued in accordance with KRS 508.155; and

(e) Any condition of a bond, conditional release, probation, parole, or pretrial diversion order designed to protect the victim from the offender.

508.140 Stalking in the first degree

(1) A person is guilty of stalking in the first degree,

(a) When he intentionally:

1. Stalks another person; and

2. Makes an explicit or implicit threat with the intent to place that person in reasonable fear of:

a. Sexual contact as defined in KRS 510.010;

b. Serious physical injury; or

c. Death; and

(b) 1. A protective order has been issued by the court to protect the same victim or victims and the defendant has been served with the summons or order or has been given actual notice; or

2. A criminal complaint is currently pending with a court, law enforcement agency, or prosecutor by the same victim or victims and the defendant has been served with a summons or warrant or has been given actual notice; or

3. The defendant has been convicted of or pled guilty within the previous five (5) years to a felony or to a Class A misdemeanor against the same victim or victims; or

4. The act or acts were committed while the defendant had a deadly weapon on or about his person.

508.150 Stalking in the second degree

(1) A person is guilty of stalking in the second degree when he intentionally:

(a) Stalks another person; and

(b) Makes an explicit or implicit threat with the intent to place that person in reasonable fear of:

1. Sexual contact as defined in KRS 510.010;

2. Physical injury; or

3. Death.

510.020 Lack of consent

(1) Whether or not specifically stated, it is an element of every offense defined in this chapter that the sexual act was committed without consent of the victim.

(2) Lack of consent results from:

- (a) Forcible compulsion;
 - (b) Incapacity to consent; or
 - (c) If the offense charged is sexual abuse, any circumstances in addition to forcible compulsion or incapacity to consent in which the victim does not expressly or impliedly acquiesce in the actor's conduct.
- (3) A person is deemed incapable of consent when he or she is:
- (a) Less than sixteen (16) years old;
 - (b) An individual with an intellectual disability or an individual that suffers from a mental illness;
 - (c) Mentally incapacitated;
 - (d) Physically helpless; or
 - (e) Under the care or custody of a state or local agency pursuant to court order and the actor is employed by or working on behalf of the state or local agency.
- (4) The provisions of subsection (3)(e) of this section shall not apply to persons who are lawfully married to each other and no court order is in effect prohibiting contact between the parties.

3. TITLE IX COORDINATOR

The University's Title IX Coordinator and Deputy Coordinators play the main role in carrying out the University's commitment to provide a positive learning, teaching and working environment for the entire University community. By providing training on preventing sexual misconduct and retaliation, the Title IX Coordinator and Deputy Coordinators strive to maintain a safe campus and provide a good University experience for all.

The responsibilities and functions of the Title IX Coordinator and Deputy Coordinators are set out in this policy, but in general, the Title IX Coordinator and Deputy Coordinators receive and oversee the University's response to reports and complaints that involve possible gender discrimination, including sexual misconduct, to monitor outcomes, identify and address patterns, and assess effects on the campus climate so the University can address issues that affect the wider University community.

More specifically, the Title IX Coordinator and Deputy Coordinators monitor compliance with the reporting, complaint, investigation, hearing and appeals processes outlined in this policy. Upon a finding of prohibited sexual misconduct under this policy, the Title IX Coordinator and Deputy Coordinators determine whether campus-wide remedies are needed in response, including but not limited to revision of policies; increased monitoring, supervision or security; and increased education and prevention efforts. The Title IX Coordinator and Deputy Coordinators also review sanctions issued under this policy to ensure that they, along with any interim measures and long-term measures taken, are reasonably calculated to stop the sexual misconduct and prevent its re-occurrence.

The name, office and contact information for the University's Title IX Coordinator and Deputy Coordinators are identified in Appendix A to this policy.

If any person has a question, complaint or concern they believe is covered by these policies and procedures or some other aspect of Title IX, they should contact either Title IX Coordinator or one of the Deputy Coordinators. Reports of sexual misconduct can also be made to "Responsible Employees" as described in this policy.

4. REPORTING

The University strongly encourages persons who have experienced sexual misconduct, or knows of someone who has experienced sexual misconduct, to report the incident to the University per this policy. In case of an emergency or ongoing threat, a survivor should get to a safe location and call 911 or 218-5940. Calling 911 will put you in touch with local police. Calling 218-5940 will put you in touch with Campus Security.

A. Responsible Employees

In addition to the Title IX Coordinator and Deputy Coordinators, the University considers certain people to be "Responsible Employees" which means they are University employees who are required to report alleged sexual misconduct to the Title IX Coordinator or Deputy Coordinator. You are encouraged to speak to a Responsible Employee to make reports of sexual misconduct. The following persons are "Responsible Employees" under this policy: the University's Title IX Coordinator, the University's Deputy Title IX Coordinators, the President of the University, Members of the President's Cabinet, faculty, library staff, the Director of Student Services and all Resident Assistants who serve in University-owned residence halls. Any member of the University community can file a report with the Title IX Coordinator, Deputy Coordinators or Responsible Employees. If a survivor shares an incident of sexual misconduct with a Responsible Employee, he or she needs to know that it is the Responsible Employee's responsibility to notify the Title IX Coordinator or a Deputy Coordinator of the incident immediately.

B. Reporting Timeframe Any person may file a complaint of sexual misconduct at any time. Early reporting is encouraged to preserve evidence and provide the survivor with information regarding rights, options and resources available under this policy and federal/state laws. The Title IX Coordinator or Deputy Coordinator will provide survivors of sexual misconduct with information about available support services and resources, and also assist survivors in notifying law enforcement, including the local police, if a survivor elects to do so. Survivors are not required to report to area law enforcement in order to receive assistance from or pursue options within the University. Reporting sexual misconduct to the police does not commit the survivor to further legal action. However, the earlier an incident is reported, the easier it will be for the police to investigate if the survivor decides to proceed with criminal charges.

C. Reporting Options This section addresses options for reporting sexual misconduct. The University may investigate sexual misconduct even without a formal complaint whenever it knows or has reasonable cause to believe that sexual misconduct in violation of this policy has occurred.

1. **Official Report:** Persons are strongly encouraged to make an official report of any incident of sexual misconduct to the Title IX Coordinator or appropriate Deputy Coordinator regardless of whether the incident occurred on or off campus. Official reports can be made directly to the Title IX Coordinator or appropriate Deputy Coordinator via a written statement or an appointment. Official reporting initiates a course of immediate action. In cases where a complainant states he or she does not want to pursue a formal complaint, the ability of the University to

investigate may be limited. Even if a complainant does not want to pursue an investigation, under some circumstances the Title IX Coordinator or Deputy Coordinator may have an obligation to investigate a complaint, such as when there is a risk to the campus community if the accused remains on campus. When determining whether to go forward with an investigation,

the Title IX Coordinator or Deputy Coordinator may consider factors such as the seriousness of the allegation, the age of the complainant, whether there have been other complaints or reports against the accused, and the rights of the accused to receive information about the complainant and the allegations if a hearing and possible sanctions may result from the investigation. The University will evaluate a person's request that his or her name not be revealed in the context of its responsibility to provide a safe and nondiscriminatory environment for all students. In the event the student requests that the school inform the perpetrator that the student asked the school not to investigate or seek discipline, the University will honor this request and inform the alleged perpetrator that the school made the decision to go forward. If a person decides to make an official report, a detailed (written, typed, emailed, or handwritten) statement of the alleged incident(s) should be submitted to the Title IX Coordinator or Deputy Coordinator. This formal statement should be signed and dated. The statement should be as specific as possible, including dates, times, locations, a description of the alleged misconduct and the name(s) of the accused person(s), and further provide a list of any person(s) who may have information that would be helpful to the investigation and review. The Title IX Coordinator or Deputy Coordinator will promptly investigate all formal reports.

2. Confidential Disclosure: Despite the University's strong interest in having persons report complaints of sexual misconduct, the University realizes that not everyone is prepared to make an official report to the University. You can seek help from certain resources that are not required to tell anyone else your private, personally identifiable information unless there is cause for fear for your safety or the safety of others. If a person desires that details of the incident be kept confidential, they should speak with a counselor, clergy (e.g., the Campus Chaplain) or other professional provider who by law can maintain confidentiality. Such professionals generally are not required to report personally identifiable information given in confidence unless given permission. If the person chooses not to pursue a judicial process option (e.g., criminal charges), generally no further action will be taken unless the professional who receives the concern believes there is an imminent threat to the survivor or others. Persons who disclose incidents of sexual misconduct to counselors, clergy or other professional providers who can maintain confidentiality should discuss whether to have that person report the misconduct to the University and request interim measures required by Title IX, or request discretionary support measures from the University without reporting the nature of the conduct.

3. Requests via a Counselor, Clergy or other Provider: A survivor may have his/her counselor, clergy or other professional provider who can maintain confidentiality request interim measures from the University on the survivor's behalf. The request may trigger the University's obligation to investigate. To the extent a counselor, clergy or other professional provider who can maintain confidentiality makes a disclosure but, consistent with the survivor's wishes, asks the University not to investigate or otherwise notify the accused of the report, the Title IX Coordinator or Deputy Coordinator will consider whether he/she can honor the request while still providing a safe and nondiscriminatory environment for all students, faculty and staff, and to take interim measures to protect the survivor as needed.

D. Confidentiality Reports and personal information will be kept as confidential as possible to the extent the law allows and to the extent confidentiality is consistent with the University's need to protect the safety of the University community. Requests for confidentiality will be evaluated by the Title IX Coordinator or

Deputy Coordinator assigned to the report. Complete confidentiality cannot be promised as the University will need to thoroughly investigate the case, and may need to share some information with relevant administrators of the University in order to further protect and prevent incidents. Reports to law enforcement may be shared with the University's Title IX Coordinator or Deputy Coordinator. The University may be required by law to publish non-identifying information in campus crime statistics.

All University employees (with the exception of those who may be bound by confidentiality laws or privileges such as medical professionals, counselors and chaplains) must share information that they learn of regarding a report of sexual misconduct with the Title IX Coordinator or Deputy Coordinator so they can investigate the matter and determine whether steps are needed to ensure the safety of the University community.

It is the survivor's choice as to whether he/she participates in an investigation; however, the University may proceed with an investigation without the survivor's participation.

E. Drug and Alcohol Amnesty

The University offers amnesty (immunity) to students who may have violated the University's policies concerning the use of drugs and/or alcohol at the time of the incident when he or she became a survivor of, or witnessed, sexual misconduct. Therefore, no alcohol or drug charges are applied to a student who reports that he or she was under the influence of alcohol and/or drugs at the time of a sexual misconduct incident. The University's amnesty policy refers and is limited to amnesty from violations of the Substance Abuse Policy.

The purpose of this section is to encourage reporting. Survivors or bystanders (witnesses) should not let his or her use of alcohol or drugs deter them from reporting an incident. When conducting the investigation, the University's primary focus will be addressing the sexual misconduct violation and not alcohol/drug use violations that may be discovered or disclosed. However, the University may provide referrals to counseling and may require educational options on drugs and alcohol, rather than disciplinary sanctions, in such cases. However, the amnesty policy will not tolerate or excuse repeated violations of the University's Substance Abuse Policy. Being granted amnesty once does not mean in any way the person violating policy will be protected in the future.

5. ASSISTANCE AND BYSTANDER INTERVENTION

A. Safety Escorts The University's Campus Security Office provides safety escorts twenty-four hours a day, seven days a week. This service provides students, faculty, and staff with walking or motor vehicle escort between locations on campus.

B. Bystanders

Regardless of whether someone is trained as a "Responder" or escort the University strongly encourages bystanders to "step up" on behalf of another person's wellbeing and safety.

The reporting options listed in this policy are available for bystanders as well. There are also safe and positive options for bystanders who intervene during an incident in order to prevent harm when there was a risk or act of violence. These options include:

Be aware of what is going on around you. Trust your instincts. Assume personal responsibility and say or

do something – don't assume that someone else will help.

Assess the situation. You have to decide what the safest way is for you and others involved to help. Gauge whether the situation requires calling authorities. When deciding to intervene, your personal safety should be the #1 priority. When in doubt, call for help. Other possible people to reach out to for assistance in helping are faculty, staff, supervisors, counselors, etc.

Decide whether to use direct or indirect action to resolve the problem. For example:

- Direct Actions: Point out someone's behavior in a manner that will help de-escalate the situation, talk to a friend to ensure he/she is okay, call the police.
- Indirect Action: Make up an excuse to help someone get away from a potential offender, and call the local authorities.

Intervene – with reinforcements. If you gauge it is safe to intervene, you're likely to have a greater influence on the parties involved when you work together with someone or several people. Your safety is increased when you stay with a group of friends that you know well.

- Remember to intervene in a compassionate, non-threatening manner.
- Be aware of available resources for assisting persons on campus and in the community.
- Encourage them to seek assistance and offer them resources for assistance.

Remember, 911 is often the best way to intervene if there is a question of safety for anyone.

6. WRITTEN NOTICE OF RIGHTS AND OPTIONS

Any person who reports an incident of sexual misconduct, regardless of whether the incident occurred on or off campus, shall receive a written explanation of their rights and options as provided for under this policy. These rights and options include the right(s) of a survivor to: • Go to court, and to file a domestic abuse complaint requesting an order restraining your attacker from abusing you, and/or an order directing your attacker to leave your household, building, school, the University or your workplace. • Seek a criminal complaint for threats, assault and battery, or other related offenses.

- Seek medical treatment (the police will arrange transportation for you to the nearest hospital or otherwise assist you in obtaining medical treatment if you wish).
- Request the police remain at the scene until your safety is otherwise ensured.
- Request that a police officer assist you by arranging transportation or by taking you to a safe place, such as a shelter or a family or friend's residence.
- Obtain a copy of the police incident report at no cost from the police department.

7. PROCEDURES SURVIVORS SHOULD FOLLOW

If an incident of sexual misconduct occurs, it is important to preserve evidence so that successful criminal prosecution remains an option. The survivor of a sexual assault should not wash, shower or bathe, douche, brush teeth, comb hair, or change clothes prior to a medical exam or treatment. If a survivor has removed the clothing he or she was wearing during the assault prior to seeking medical treatment, that clothing should be placed in a brown paper, not plastic, bag and brought to the hospital when treatment is sought. If

the survivor is still wearing the clothes that he or she was wearing during an assault, he or she should bring a change of clothes with him or her to the hospital so that the clothes containing possible evidence can be preserved and examined for evidence of the crime. Evidence of violence, such as bruising or other visible injuries following an incident of sexual assault, should be documented by taking photographs. Evidence of stalking, including any communications such as written notes, email, voice mail, or other electronic communications sent by the stalker, should be saved and not altered in any way.

8. INTERIM MEASURES AND ACCOMMODATIONS

The Title IX Coordinator and Deputy Coordinators have the right to take necessary measures to protect a person's rights and personal safety. Therefore, interim measures will be available to protect persons from any kind of retaliation or threatening situations during and after the investigation process. These measures include but are not limited to changes in class schedules, living or working arrangements; safety escorts; parking arrangements; dining arrangements; and resources for professional counseling. Regardless of whether a person reports an incident of sexual misconduct to law enforcement or pursues any formal action, if they report such an incident to the University, the University is committed to providing them as safe a learning or working environment as possible. The Title IX Coordinator or Deputy Coordinator determines which measures are appropriate for survivors on a case-by-case basis. Upon receiving a report of sexual misconduct, the Title IX Coordinator or Deputy Coordinator will ask the survivor or his/her counselor, provider or advocate what interim measures, if any, are sought. If the survivor or his/her counselor, provider or advocate identifies an interim measure that is not already provided by the University, the Title IX Coordinator or Deputy Coordinator will consider whether the request can be granted. In those instances where interim measures affect both a survivor and the accused, the Title IX Coordinator or Deputy Coordinator will minimize the burden on the survivor wherever appropriate. When a survivor's counselor or other confidential disclosure provider asks for any of the above-listed interim measures without disclosing that sexual misconduct is the basis for the request, the Title IX Coordinator or Deputy Coordinator will consider the request consistent with its general policy of allowing counselors, providers and advocates to seek such measures for survivors of trauma without requiring that the nature of trauma be disclosed. The University is also committed to ensuring that orders of protection issued by courts are upheld on all University-owned, used and controlled property, as well as properties immediately adjacent to the University. Therefore, if any member of the University community obtains an order of protection or restraining order, he or she should promptly inform the Title IX Coordinator or Deputy Coordinator and provide him/her with a copy of that order so the University can enforce it. The University is also committed to protecting survivors from further harm, and if the Title IX Coordinator or Deputy Coordinator determines that an person's presence on campus poses a danger to one or more members of the University community, he/she can issue an institutional "No Contact" or "No Trespass" order barring that person from University property.

9. INVESTIGATION AND HEARING PROCESS

The University's Title IX Coordinator or Deputy Coordinator will investigate alleged violations of this policy regardless of whether the conduct is alleged to have occurred on-campus or off-campus. Each report must be evaluated on a case-by-case basis, taking into account the relevant circumstances of each case. The investigation process may include interviews, reviewing student and/or employee files, and gathering and examining other relevant evidence. Both parties may present witnesses or evidence during the investigation process. The investigation process will be balanced and fair and give both the accused and the complainant the chance to discuss their involvement in the reported incident. Allegations of sexual assault will not be

referred to informal mediation.

If the investigation concludes that evidence exists to suggest that a violation of this policy more likely than not occurred, the Title IX Coordinator or Deputy Coordinator will refer the case for a hearing before the University's Sexual Misconduct Board, which for purposes of this policy will consist of a pool of University faculty, staff, and administrators appointed by the President, from whom three (3) members will be asked by the Title IX Coordinator or Deputy Coordinator as needed to hear cases referred to the Sexual Misconduct Board.¹

Each party will have the following hearing rights:

- The right to notice of the specific allegations at issue, including notice of anticipated witnesses and evidence to be addressed at hearing.

¹ In the event of a conflict of interest, the board member who has the conflict will recuse himself/herself from the committee and the chairperson will appoint a replacement.

- The right to access information and evidence directly related to them within a reasonable time before hearing.
- The right to attend the hearing. The University may proceed with a hearing even if a party declines to exercise his or her right to attend.
- The right to have an advisor of their choice present at the hearing and speak on his/her own behalf. Advisors may not directly participate in the hearing. Invoking the right not to speak will not be considered an admission of responsibility.
- The right to introduce evidence and question witnesses at the hearing, provided, however, that the complainant and the accused will not be allowed to directly question each other.

Hearings will be closed to the public. The Title IX Coordinator may accommodate concerns for the personal safety, well-being and/or fears of participants during the hearing by providing separate facilities, by using a visual screen and/or by permitting participation by telephone, video conference or other means as appropriate.

Prior to a hearing, the Sexual Misconduct Board will elect a chairperson among themselves for purposes of that hearing. That chairperson will be responsible for conducting the hearing, ruling on objections, and ensuring written notice of the Sexual Misconduct Board's decisions is prepared. Following a hearing, the Sexual Misconduct Board will deliberate and determine whether, given the evidence and testimony presented, it is more likely than not that a violation of this policy occurred. Possible hearing outcomes include, but are not limited to, changes to class schedules; changes to living arrangements; suspension, separation or expulsion from the University; and reporting the incident to the local police. The measure taken will depend upon the individual circumstances.

The Title IX Coordinator will inform both parties in writing of the outcome the investigation and/or hearing within seven (7) business days of the investigation and/or hearing's conclusion. Notice of the outcome to the Complainant will include whether or not it found that the alleged conduct occurred, any individual remedies offered or provided to the Complainant or any sanction imposed on the perpetrator that directly

relate to the Complainant, and other steps the school has taken to eliminate the hostile environment, if one is found to exist, and prevent recurrence of any hostile environment. The notice of outcome to the Complainant will also include any disclosures which the University is required by the Clery Act or other law to disclose.

As a general rule, the University will complete the investigation and hearing process within sixty (60) calendar days from receipt of a report. However, the University may extend that time frame under special circumstances such as complex cases requiring extensive investigation and breaks between academic periods making relevant parties or officials unavailable. The University will work to keep extensions to a minimum and will keep the parties informed of the status of their case.

Survivors always have the option to file a criminal report in addition to or in lieu of a report under this policy. In no case should a survivor be dissuaded from reporting sexual misconduct to

law enforcement. Regardless whether a survivor elects to file a criminal report, the University will conduct a separate investigation of its own consistent with this policy. If the accused is not affiliated with the University, an investigation will still be conducted. The Title IX Coordinator or Deputy Coordinator may issue a No Contact or No Trespass order to an accused unless and until the accused is found not responsible. If the accused is a student or faculty from a visiting institution, the University reserves the right to contact that institution for further investigation.

Throughout the process, arrangements will be made to prevent the parties from having direct contact or communication with each other.

The Title IX Coordinator will keep a record of the hearing and investigation process for each case.

10. APPEAL PROCESS

Once a decision has been made and both parties have been notified of the outcome, either party may appeal that outcome to the President's designee for appeals. Information about the current President's designee is available online or by contacting the Title IX Coordinator. Appeals must be received by the President's designee no later than five (5) business days after the date the underlying decision is issued. Appeals received after the deadline will not be processed. Appeals should be marked "confidential" and submitted by email or mail to the President's designee.

Both parties will be notified in writing by the President's designee that an appeal was received. The burden of proof lies with the appellant.

The President's designee will assess and decide the appeal based on the investigation and hearing record from the previous levels within twenty-one (21) calendar days of receiving the appeal, unless circumstances require more time, in which case the President's designee will advise the parties of the need for more time. Grounds for appeal are limited to the following:

- The University made a procedural error, which could have significantly affected the outcome.
- Previously unavailable and relevant evidence was found that could impact the final result.
- The determination of whether a violation occurred was arbitrary and unjustified by the evidence presented at hearing.

- The penalties imposed or other protective measures taken are too severe based on the evidence of record.

President's designee will notify the parties of the outcome of the appeal. Appeal decisions are final. The Title IX Coordinator will keep a record of the appeal process.

11. NO RETALIATION OR DETERRENCE FOR FILING REPORTS

The University strictly prohibits retaliation for making a report under this policy or participating in an investigation or hearing under this policy. Examples of retaliation include, but are not limited to, a face-to-face threat, a digital message and/or physical intimidation. Retaliation can be by someone other than the accused. Any person who feels they have been retaliated against as a result of a report under this policy should contact the Title IX Coordinator or a Deputy Coordinator immediately.

12. RESOURCES

A. On-Campus Resources

In person counseling:

Campus Chaplain, Rob Musick: 606-218-5762

Appalachian Community Services: 606-253-3045

The Title IX Coordinator or Deputy Coordinator can provide information about area counselors for survivors of sexual misconduct. A formal report is not required to access these resources.

B. Online Resources

If a person feels the need to pursue further help and counseling, there are institutions and charity groups that are specialized and specifically trained to aid survivors of different violent crimes. A formal report is not required to access these resources. These are some nationwide websites that provide help:

National Domestic Violence Hotline <http://www.thehotline.org/>

Stalking Resource Center <http://www.victimsofcrime.org/our-programs/stalking-resource-center>

National Sexual Assault Hotline <http://www.rainn.org/get-help/national-sexual-assault-online-hotline>

Girls Health Website <http://www.girlshealth.gov/safety/saferelationships/daterape.html>

Clery Center for Security on Campus

<http://clerycenter.org/help-victims>

C. Off-Campus Resources

In addition to the resources listed above, the following off-campus resources are available:

- Emergency Services (911).
- Rape Crisis Center (606-263-4935)

- National Sexual Assault Hotline (800-656-4673)

XIII. TRAINING AND EDUCATION

All students, faculty and staff must annually complete University-sponsored training on sexual misconduct issues within the dates and times arranged by the Title IX Coordinator. Failure to do so may result in corrective action. Annual training will, at minimum, cover the following:

- University policies and procedures for reporting and addressing sexual misconduct;
- Reminders that the University prohibits the offenses of domestic violence, dating violence, sexual assault, sexual exploitation and stalking;
- The definitions for domestic violence, dating violence, sexual assault, sexual exploitation and stalking;
- The definition of consent and “welcome” conduct;
- Training on safe and positive options for bystander intervention that may be carried out by a person to prevent harm or intervene when there is a risk of sexual misconduct against a person other than such person;
- Information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks;
- Possible sanctions or protective measures that such institution may impose following a final determination of an institutional disciplinary procedure regarding sexual misconduct;
- Procedures survivors should follow if sexual misconduct has occurred;
- Procedures for institutional disciplinary action in cases of alleged sexual misconduct;
- Information about existing counseling, health, mental health, survivor advocacy, legal assistance, and other services available for survivors both on-campus and in the community; and
- Information about survivor options for, and available assistance in, changing academic, living, transportation, and working situations, if so requested by the survivor and if such accommodations are reasonably available, regardless of whether the survivor chooses to report the crime to campus police or local law enforcement.

In addition, the University provides informational resources such as crime bulletins and alerts and bulletin board campaigns.

Faculty and Staff

Both faculty and staff play an important role in helping the University carry out its commitment to prevent sexual misconduct. Many times survivors turn to teachers and staff members for help. Therefore, it is necessary to know the procedures to aid the student and to file a complaint. Also, the ability to notice signs of sex discrimination could protect the survivor from further harm.

All employees, including faculty and staff, will be required to take an online training program that will include an evaluation in order to facilitate a working understanding of Title IX and the University’s related

policies and procedures. Employees must complete training on an annual basis per schedules set by the Title IX Coordinator. Employees who fail to complete training within the time allowed are subject to disciplinary action consistent with University policy.

Students

Students need to go through training which will enable them to seek help if they encounter sexual misconduct, as well gain knowledge about related University policies and resources. Student training aims to educate students about what Title IX means, what qualifies as sexual misconduct and what rights students have under University policy and the law.

Training is not only important to a student's personal safety but also to help others who might be in risk of or already subject to sexual misconduct. Many times survivors feel intimidated to seek authorities help, but with the guidance and help of a friend they find the courage to report the incident.

All students, including incoming freshmen and transfers, will be required to take an online training program that will include an evaluation in order to facilitate a working understanding of sexual misconduct and the University's related policies and procedures. Students must complete training on an annual basis per schedules set by the Title IX Coordinator. Students who fail to complete the training within the time allowed may not be able to register for the following semester until they have completed the training. Other educational programs and materials will be provided to students throughout the academic year through Student Services.

Appendix A

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SEXUAL OFFENDER REGISTRATION

The Campus Sex Crimes Prevention Act (CSCPA) of 2000 is a federal law that provides for the tracking of convicted sex offenders enrolled at, or employed by, institutions of higher education. The CSCPA is an amendment to the Jacob Watterling Crimes Against Children and Sexually Violent Offender Act. The federal law requires state law enforcement agencies to make this list available. Kentucky's registry can be reviewed at <http://kpsor.state.ky.us/>. The CSCPA further amends the Family Educational Rights and Privacy Act of 1974 (FERPA) to clarify that nothing in the Act can prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders.

VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013 (VAWA)

The President signed the VAWA (Public Law 113-4) on March 7, 2013. Among other provisions, this law amended Section 485(f) of the Higher Education Act of 1965. The statutory changes require institutions to compile statistics for instances of sexual assault, domestic violence, dating violence and stalking that are reported to campus security authorities or local police agencies. Additionally, institutions will be required to include certain policies, procedures and programs pertaining to these crimes in their Annual Security Reports. Violations of the sexual misconduct policy are serious and although there are no standard sanctions outlined for violations of this policy, suspension and/or expulsion from the University for students and disciplinary action up to and including termination for faculty, administrator and staff members are likely outcomes. Professional standards and business conduct policies for all faculty, staff and administrators are provided in the Workplace Practices: Harassment Policy, available online at <http://www.upike.edu/Student-Services/publicsafety/Haven> and in section 18 above. The University's Student Sexual Misconduct Policy is provided in section 17 above; the detailed policy can be found online in the Student Handbook (Fill IN) or

CRIME STATISTICS

The following definitions are to be used for reporting the crimes listed in 34 CFR sec. 668.46 (previously 668.47) in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program. The definitions for murder, robbery, aggravated assault, burglary, motor vehicle theft, weapon law violations, drug abuse violations and liquor law violations are excerpted from the Uniform Crime Reporting Handbook. The definitions of forcible and non-forcible sex offenses are excerpted from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Handbook.

- Arson - Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
- Criminal Homicide - Manslaughter by Negligence is the killing of another person through gross negligence.
- Criminal Homicide - Murder and Non-negligent Manslaughter - The willful (non-negligent) killing of one human being by another.
- Robbery - The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
- Aggravated Assault - An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon

or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed. This category also includes “assault with disease” when a perpetrator knowingly infects another with a deadly disease.

- Burglary - The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a theft or felony; breaking and entering with intent to commit a theft housebreaking; safecracking; and all attempts to commit any of the aforementioned.
- Motor Vehicle Theft - The theft or attempted theft of a motor vehicle. Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned, including joyriding.)
- Weapon Law Violations -The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.
- Liquor Law Violations - The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.
- Drug Law Violations -Violations of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests can be made for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs).
- Sex Offenses - Definitions are from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program.
 - Sex Offenses- Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. .
 - Rape – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - Fondling – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
 - Sex Offenses-Non forcible - Unlawful, non-forcible sexual intercourse.
 - Incest-Non forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - Statutory Rape-Non forcible sexual intercourse with a person who is under the statutory age of consent.

These new categories have been added to the Report at the direction of the Department of Education:

- **Domestic Violence:** Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Maryland, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic violence laws of Maryland.
- **Dating Violence:** Dating violence means 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 is determined based on 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.
- **Stalking:** Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveys, threatens, or communicates to or about, a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Reasonable persons mean a reasonable person under similar circumstances and with similar identities to the victim

CRIME REPORTING AREAS

For the purpose of reporting statistics, institutions of higher education need to distinguish, by means of separate categories, criminal offenses that occur on campus; in or on a non-campus building or property; on public property; and in dormitories or other residential facilities for students on campus. These newly established geographic areas are defined as:

- a. **Campus - Residence and Non-residence**
 - a. Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and
 - b. Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or other retail vendor).
- b. **Non-campus Building or Property**
 - a. Any building or property owned or controlled by a student organization that is officially recognized by the institution (no such buildings exist at University of Pikeville); or
 - b. Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students and is not within the same reasonably contiguous geographic area of the institution.

- c. Public Property- All public property, including thoroughfares, streets, sidewalks and parking facilities, that are on campus, or immediately adjacent to and accessible from the campus.

HATE AND BIAS CRIME REPORTING

We report hate crimes that fall into one of these criminal categories; homicide, sex offences, 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. Evidence that the victim was intentionally selected because of the perpetrator's actual or perceived bias towards a disability, ethnicity, gender identity, national origin, race, religion, or sexual orientation will be assessed. Revised regulations added the crimes of larceny-theft, simple assault, intimidation, and destruction/ damage/ vandalism of property to the list of crimes that must be reported in the hate crime statistics. The FBI's Uniform Crime Reporting Hate Crime Collection Guidelines will continue to be the source for definitions. Student Bias reporting can be made through the Department of Public Safety.

University of Pikeville faculty, administrators, staff and students are responsible for helping to create and maintain an environment characterized by high standards of ethical behavior and compliance with federal, state and local laws and University policies. A reminder to Faculty, staff and administrators relative to the purpose of Ethics Point Reporting is posted on the University Internet twice each year on the Human Resources website under Compliance/Mission & Charter.

FAMILY EDUCATION RIGHTS TO PRIVACY ACT (FERPA) OF 1974

The University abides by the Family Education Rights to Privacy Act of 1974 that contains guidelines for the handling and confidentiality of student records. FERPA gives students certain basic rights. To review the University's policy concerning FERPA, please visit our [website](#).

Employees can also find University of Pikeville's policy relative to FERPA online on the Family Connections page within our Learning Management system (CANVAS). It is located within the chapter one of the employee handbook.

The University of Pikeville Undergraduate Catalogue also outlines the University's FERPA and Student Records Policy and can be found online at: <https://www.upike.edu/wp-content/uploads/2019/04/FERPA-Policy.pdf>

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including health staff); a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a conduct or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

ANNUAL FIRE SAFETY REPORT

PROCEDURES AND POLICIES

General fire evacuation procedures include the following directions for occupants of any University building. If the fire alarm system is activated Public Safety will respond to all fire alarms and emergency situations. They will notify the Pikeville Fire Department (PFD) if any fire alarm is activated. Occupants of all floors will immediately evacuate the building at the sound of the fire alarm system. Follow all the instructions below:

In the event you discover a fire:

1. Remain calm and go to the nearest stairwell, walk on the right side. Walk, do not run. Do not use elevators they will not be in service during a fire alarm condition. Exit out of the building.
2. Pull the nearest red manual pull station (usually on the wall near stairwells and exits). This will activate the building's fire alarm system.
3. Report the fire (regardless of size) to Public Safety at 606-218-5940 once you are out of the building. Give the following info:
 - a. Your Name
 - b. Location of fire (Building name, Apt, Room # or area) c Number of injured people (if any)
4. Assist in the evacuation of the building. Give any disabled occupant information to Public Safety or the PFD upon exiting.
5. Close all doors when leaving rooms. If your room/apt door is hot to the touch and smoke is beginning to filter into your room; place a wet towel under the door or seal it with tape. Wave a sheet or large garment out the window. Wait for assistance from the PFD.
6. Keep low and crawl in any smoke filled areas.
7. Do not re-enter the building until the all clear has been announced, this occurs after the PFD gives their all clear and Public Safety has completed a survey.
 - a. Residence Halls: Public Safety and the Residence Life Staff will assist in the complete evacuation of the building and control the occupants in the assembly area until the emergency has been abated (see specific building evacuation procedures).
 - b. Academic Buildings: Public Safety and any designated fire personnel present in the building will assist in the complete evacuation of the building and control the occupants in the assembly area until the emergency has been abated.

FIRE SAFETY REPORT

All residence halls at University of Pikeville are equipped with a fire alarm system and sprinklers.

Fire drills are held at least once a semester in all residence halls.

Policies on portable electrical devices, use of kitchens and smoking inside residence halls are found in the Student Handbook; a summary of these policies is provided in the Firearms and Fire Safety Policies section of this report.

In the event of a fire, the University expects all campus community members will evacuate by the nearest exit, closing doors and activating the fire alarm system as they leave. Once safely outside the building, it is appropriate to contact 911 and the Department of Public Safety at 606-218-5940. In the event a fire alarm

sounds, University policy is that all occupants must evacuate from the building closing doors as they leave. No training is provided to students or most employees other than fire extinguisher training in firefighting or suppression activity. Do not delay in exiting from any building in case of an alarm or fire.

University of Pikeville is required to annually disclose statistical data on all fires that occur in on-campus housing facilities. Listed below are NON-EMERGENCY numbers to call to report fires already extinguished in on-campus housing;

Director of Campus Safety: 606-218-5946

Director of Residence Life: 606-213-5244

The following policies in regard to use and/or possession of portable electronic appliances, smoking and the use/presence of open flames in student housing facilities and evacuation procedures to be followed in the case of a fire are outlined in the University of Pikeville Student Handbook, Residence Life Policies section. These policies are reviewed regularly by Resident Assistants with the students who live in the residence halls:

- **APPLIANCES:** Kentucky law prohibits the use of any device containing a heating element, such as portable heaters, hotplates, George Foreman-type grills, toaster ovens, toasters. Extension cords are also not permitted. Surge protectors with breakers are allowed.
 - Only two portable refrigerators, with a maximum 4.5 cubic feet capacity (1.7 capacity is recommended), are permitted in each residence hall room. To practice good stewardship and power conservation, it is strongly recommended that one refrigerator be shared by roommates whenever possible.
 - Large appliances, portable air conditioning units and electric amplifiers for musical instruments are not permitted in the halls.
 - External radio and TV aerials are not permitted. All outside furniture and appliances must be approved by Public Safety.

Black lights are permitted in student rooms as long as they're in a fixture. However, a black light bulb cannot replace a normal bulb in the main light in the room. Christmas lights are not permitted under any circumstances under fire code.

- **BICYCLES:** Residents may store bikes in their rooms and may not ride bikes in the halls. Bicycles may not be stored in public hallways or stairwells. Permission to temporarily store a bicycle in a lounge must be obtained from the Area Coordinator of the building in question. On occasion, bicycle storage areas may be available in the halls; the building's Area Coordinator can tell you if any such option exists in their particular building.
- **CANDLES/INCENSE:** Candles (with or without wicks) and incense are prohibited in the residence halls.
- **CARE OF ROOMS:** Students are responsible for the cleanliness and care of their rooms. Each student will be accountable for any deterioration/damage of the room or its contents beyond normal wear and tear, and will be charged for such damages (see DAMAGE). Housekeeping will regularly clean and remove trash from public bathrooms and public areas. Rooms need to be cleaned and floors mopped, and all personal belongings removed when moving out of a room. Students will be charged a cleaning fee if rooms are left unclean. Students living in College Square, Derriana Hall, Gillespie Hall, Kinzer Hall, Page Hall, Spilman Hall and UPIKE South are also responsible for the cleaning of the bathroom and living rooms

- **CEILING COVERINGS:** Due to fire code concerns, ceilings in residential rooms are not allowed to be covered in any way.

FIRE ALARM PROCEDURES

When a fire alarm sounds:

- a. Close windows, turn off lights and electrical equipment, and close door(s) if time allows.
- b. **DO NOT** use an elevator during an alarm.
- c. Walk; do not run, to the nearest exit. If the closest exit is blocked by fire or smoke, find an alternate exit. If smoke is in the exit path get down as low as possible (crawl).
- d. After exiting, move 100 feet from the building and follow instructions from the Residence Life staff, Public Safety Officers, and/or Fire Department officials to move to the marshalling areas.
- e. **DO NOT** re-enter the building unless permitted to do so by authorized fire officials.

Tampering with fire prevention equipment is expressly forbidden. If such actions cannot be attributed to an individual(s), those living in the residential area will each be charged a communal damage fine for the cost of repairs and/or replacement of the equipment.

- a. Residence halls are equipped with alternating current powered smoke detectors. If a loud persistent chirping is heard from the smoke detector, it has been activated and the room should be vacated. If an intermittent chirp is heard from the smoke detector, the battery may need replacing and Facilities Management or the Residence Life Office should be notified.
- b. It is the occupant's responsibility to test the smoke detector weekly by pressing the test button. Occupants will be charged a fine for covering or disconnecting a smoke detector on the first offense. On the second offense, you may be dismissed from university housing.

Failure to evacuate a residence hall during a fire alarm or re-entering a residence hall before being permitted by a University official, member of the fire department or a security officer is prohibited. Interference with or not adhering to emergency evacuation procedures in a residence hall is prohibited.

- **FIRE REGULATIONS:** Residents should be familiar with their residence hall and aware of the nearest exit and alternate exits.
- **FURNITURE, PERSONAL:** Residents may bring personal furniture such as chairs, bookcases, etc. Waterbeds are not permitted. The Director of Residence Life or his/her designee, may prohibit any personal furnishings considered too large or potentially dangerous (fire hazard etc.) for any residence hall room. University provided furniture cannot be removed from the room in any circumstance unless approved by the Office of Residence Life.
- **HEALTH AND SAFETY INSPECTIONS:** Health and Safety inspections will be conducted by the Residence Life staff on a regular basis in each residence hall, at a time posted and announced 48 hours in advance. Inspections are to insure residents are maintaining safe furniture placement and equipment in accordance with fire code and that the room is a clean and healthy environment. Other violations found during Health and Safety Inspections will be addressed in appropriate manner i.e. through the university judicial process. Residents have 24 hours to rectify any health and safety concerns discovered and communicated to residents by the Residence Life Staff. Repeat health and safety violations may result in conduct sanction. Room inspections may occur during Health and Safety Inspections without resident(s) present; when applicable, room search procedures may be implemented if a policy violation is suspected.
- **LOFTS:** Self-constructed lofts are not permitted for safety and security purposes.

- **MAXIMUM OCCUPANCY:** The University recognizes the need for student interaction and the need to build a strong residential community. In the interest of safety however, the University allows only eight (8) people/residents per double occupancy residence hall rooms and four (4) for single occupancy rooms that are smaller in size. No more than twenty-four (24) people are permitted within the entire suite including the bedrooms, lounge, bathroom, and hallway at any given time. These restrictions are set in place per advisement of the local and state fire authorities for purposes of safety in the event of a residence hall fire.
- **SMOKING:** Smoking on campus is prohibited. The University is a tobacco-free campus.
- **TRASH:** Disposing of trash in unauthorized areas, including leaving trash in lounges or hallways is prohibited.
- **WINDOWS:** Unless in the event of building evacuation for safety and security reasons, at no time are students or guests/visitors to use windows in the residence halls to gain entry into or to exit from the residence hall. This activity is considered an unlawful entry into a campus building and is a major breach of campus safety and security procedures. Residents are also not permitted to remove window screens for any reason, except in the case of a necessary emergency exit. All cases will be processed through the Student Conduct system and the student will be charged to replace the screen.

Additionally, the Student Code of Conduct, found within the University of Pikeville Student Handbook, outlines the following violations in regard to fire safety:

- **WEAPONS:** Possession and/or use of firearms, explosives, ammunition, fireworks, and/or weapons on property owned or controlled by the university. Weapons may include, **but are not limited to:** metallic knuckles; slingshots; bows and arrows; switchblade knives; non-cooking knives with blades more than three inches in length; paintball, BB, or pellet guns; taser, stun guns, and/or other deadly weapons; or dangerous chemicals. Unmodified toy guns are permissible only at the discretion of the Residence Life and/or Public Safety staff and when possession does not infringe on the rights of others or the perception of safety on campus. **Violators of this policy may be subject to arrest, fine, imprisonment and immediate separation from the university.**
- **FIRE/EXPLOSION:** Actions that cause or attempt to cause a fire or explosion; falsely reporting a fire, an explosion or an explosive device; tampering with fire safety equipment; failure to evacuate University buildings during a fire alarm.

FIRE

During any given calendar year there are several fire drills conducted and documented with at least one per semester. The “All Out” Column indicates the number of minutes it took for all occupants to vacate the building.

DRILLS**Campus Building Fire Drill Information**

Campus Building	2017					2018					2019			
	1/31/2017		8/31/2017			1/30/2018		9/1/2018			1/28/2019		9/5/2019	
	ALARM	All Out	ALARM	All Out		ALARM	All Out	ALARM	All Out		ALARM	All Out	ALARM	All Out
Administration	10:00 AM	5:00	9:30 AM	7:00		9:45 AM	5:00	9:45 AM	5:00		9:00 AM	5:00	9:30 AM	5:30
Armington	10:00 AM	5:00	9:30 AM	8:00		9:45 AM	7:00	9:45 AM	6:00		9:00 AM	6:30	9:30 AM	6:30
Allara	10:00 AM	5:00	9:30 AM	3:00		9:45 AM	4:00	9:45 AM	3:00		9:00 AM	3:30	9:30 AM	3:30
Coal	10:00 AM	5:00	9:30 AM	4:00		9:45 AM	8:00	9:45 AM	9:00		9:00 AM	7:00	9:30 AM	8:00
Record Memorial	10:00 AM	5:00	9:30 AM	6:00		9:45 AM	6:00	9:45 AM	6:00		9:00 AM	5:00	9:30 AM	5:00
HPE	Not Opened 9:30 AM		9:30 AM	10:00		9:45 AM	10:00	9:45 AM	10:00		9:00 AM	9:00	9:30 AM	9:30
Wickham	10:00 AM	5:00	9:30 AM	5:00		9:45 AM	5:00	9:45 AM	3:00		9:00 AM	4:30	9:30 AM	3:00
CTC	11:10 AM	5:00	10:00 AM	5:00		10:15 AM	5:00	10:15 AM	4:00		9:45 AM	5:00	10:00 AM	4:00
Gym	11:25 AM	5:00	10:15 AM	5:00		10:20 AM	3:00	10:20 AM	2:00		9:45 AM	3:30	10:00 AM	3:00
Hoops	11:40 AM	5:00	10:30 AM	5:00		10:35 AM	2:00	10:30 AM	2:00		9:45 AM	1:30	10:00 AM	2:30
Academy	12:00 PM	5:00	10:45 AM	5:00		10:50 AM	3:00	10:45 AM	6:00		9:45 AM	2:00	10:00 AM	4:00

Notes: There were no notes that were applicable for each drill recorded.

Residence Hall Fire Drill Information

Residence Hall	2017					2018					2019			
	1/31/2017		8/31/2017			1/30/2018		9/1/2018			1/29/2019		9/6/2019	
	ALARM	All Out	ALARM	All Out		ALARM	All Out	ALARM	All Out		ALARM	All Out	ALARM	All Out
College Square	6:40 PM	3:15	7:00 PM	3:30		7:00 PM	3:35	7:10 PM	3:50		6:30 PM	3:00	7:15 PM	3:10
Condit/Derriana	7:55 PM	4:00	7:12 PM	3:10		7:15 PM	3:40	7:20 PM	4:00		4:20 PM	4:00	6:00 PM	3:50
Kinzer	6:50 PM	3:10	7:33 PM	3:30		7:30 PM	3:10	7:30 PM	3:00		4:30 PM	4:00	7:00 PM	3:07
Gillespie	6:30 PM	2:35	7:50 PM	2:55		7:45 PM	2:35	7:45 PM	2:20		NA	NA	7:30 PM	2:10
Spilman	7:00 PM	3:30	6:40 PM	3:00		6:45 PM	3:20	6:45 PM	3:00		6:00 PM	3:00	6:30 PM	4:00
Page	7:15 PM	4:05	8:05 PM	4:15		8:00 PM	4:10	8:00 PM	4:15		5:00 PM	3:00	6:45 PM	4:10
Wickham	7:35 PM	4:45	8:25 PM	4:00		8:20 PM	4:05	8:20 PM	4:00		4:10 PM	4:00	8:40 PM	3:55
South Housing	NA	NA	NA	NA		NA	NA	NA	NA		NA	NA	NA	NA

Notes: There were no notes that were applicable for each drill recorded.

POLICIES ON PORTABLE ELECTRICAL APPLIANCES, SMOKING AND OPEN FLAMES

As is stated above, smoking, candles and open flames are prohibited in University of Pikeville residence halls. No portable electrical appliances, hot plates, fireworks, firearms, electric heaters, or halogen lamps are allowed in housing.

STUDENT HOUSING EVACUATION

A policy involving the mandatory evacuation of each residence hall upon fire alarm activation is in effect. Residence Assistants are trained and review fire safety procedures with their residents at floor meetings.

FIRE SAFETY EDUCATION

Various training and educational seminars are conducted during the summer orientation sessions with students. Residence Assistants, and professional residence life staff in are the first group of students to undergo annual fire safety training. Residence Assistants review fire safety procedures with their residents at floor meetings.

CONTACT POINTS FOR REPORTING FIRES

There are several methods in which a student, faculty, staff or other person within UPIKE's community can report a fire. If you wish to report that a fire has occurred, please contact one of the following individuals or departments;

- Director of Campus Safety 606-218-5946
- Campus Security 606-218-5940
- Director of Residence Life 606-218-5228

FIRE STATISTICS (RESIDENCE HALLS):

1. For the time period of January 1, 2018 through December 31, 2018 the statistics found in the table below summarize the number of fire incidents for each on-campus housing facility.

DESCRIPTION OF RESIDENCE HALL FIRE ALARM SYSTEMS:

All residence halls are equipped with stand-alone fire alarm systems that are then connected to monitoring companies, who notify the Fire department and Public Safety when an alarm sounds. These fire alarm systems are also backed up with battery power at each building, and contain all monitoring of sprinkler, suppression, detection and relay devices. There are smoke detectors in nearly every room (minimum of one smoke detector per apartment) and 24/7 monitoring that meets, or in most cases exceeds the National Fire Alarm Code requirements.

FIRE LOG:

The fire log is an easily understood report that identifies actual fires that have occurred on our campuses. The log is maintained by the Campus Security Department and is visible to the public.

FOR FURTHER INFORMATION:

Department of Public Safety University of Pikeville, 147 Sycamore St. Pikeville, KY 41501	Justin Tyler Owens, PhD Dean of Student Affairs, (606) 218-5220	Beth Bowersock, JD Title IX Coordinator, (606) 218-5344	Allen Abshire, MBA Director of Public Safety, (606) 218-5946
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UNIVERSITY OF PIKEVILLE CRIME STATISTICS

Footnotes for the Main Campus of University of Pikeville

	2017						2018						2019				
OFFENSES	On-Campus Property		Public Property	Non-Campus	Unfounded (NOT INCLUDED IN CLEARLY OFFENSE COUNTS)		On-Campus Property		Public Property	Non-Campus	Unfounded (NOT INCLUDED IN CLEARLY OFFENSE COUNTS)		On-Campus Property		Public Property	Non-Campus	Unfounded (NOT INCLUDED IN CLEARLY OFFENSE COUNTS)
	Residence Hall	Total On-Campus				Residence Hall	Total On-Campus	Residence Hall				Total On-Campus					
Murder/Non-negligent Manslaughter	0	0	0	0	0		0	0	0	0	0		0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0		0	0	0	0	0		0	0	0	0	0
Statutory Rape	0	0	0	0	0		0	0	0	0	0		0	0	0	0	0
Incest	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		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
Arson	0	0	0	0	0		0	0	0	0	0		0	0	0	0	0
Sexual Offense: Rape, Fondling, Sodomy, Sexual Assault	0	1	0	0	0		0	0	0	0	0		0	0	0	0	0
VAWA OFFENSES																	
Domestic Violence	0	0	3	0	0		0	1	0	0	0		0	0	0	0	0
Dating Violence	0	6	0	0	0		0	0	0	0	0		0	0	0	0	0
Stalking	0	0	1	0	0		0	0	0	0	0		0	0	0	0	0
ARRESTS																	
Weapons	0	1	0	0	0		0	0	0	0	0		0	0	0	0	0
Drugs	0	0	1	2	0		0	3	0	2	0		0	1	0	0	0
Alcohol	0	2	1	0	0		0	1	0	2	0		1	1	0	1	0
REFERRAL FOR DISCIPLINARY ACTION																	
Weapons	0	1	0	0	0		0	0	0	0	0		0	0	0	0	0
Drugs	40	43	0	3	0		23	1	0	4	0		21	22	0	0	1
Alcohol	87	87	0	0	0		66	69	0	0	0		36	37	0	0	0
HATE CRIMES																	
Murder/Non-negligent Manslaughter	0	0	0	0	0		0	0	0	0	0		0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0		0	0	0	0	0		0	0	0	0	0
Statutory Rape	0	0	0	0	0		0	0	0	0	0		0	0	0	0	0
Incest	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		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
Arson	0	0	0	0	0		0	0	0	0	0		0	0	0	0	0
Larceny	0	0	0	0	0		0	0	0	0	0		0	0	0	0	0
Simple Assault	0	0	0	0	0		0	0	0	0	0		0	0	0	0	0
Intimidation	0	0	0	0	0		0	0	0	0	0		0	0	0	0	0
Vandalism	0	0	0	0	0		0	0	0	0	0		0	0	0	0	0
Sexual Offense: Rape, Fondling, Sodomy, Sexual Assault	0	0	0	0	0		0	0	0	0	0		0	0	0	0	0
Hate Crime Key: (D) Disability (E) Ethnicity (Ra) Race (Re) Religion (S) Sexual Orientation (G) Gender (N) National Origin (GI) Gender Identity																	

Hate Crime Key: (D) Disability (E) Ethnicity (Ra) Race (Re) Religion (S) Sexual Orientation (G) Gender (N) National Origin (GI) Gender Identity

- The statistics reflect a 2019 University population of approximately 1400 undergraduate students, 860 graduate students, and 397 employees.

2. The residential facilities statistics are duplicative. They are included in the campus statistics and reflect that portion of the campus statistics that occurred in residence halls or other residential facilities for students on campus.
3. Presently University of Pikeville does not have any property in this category.
4. The statistics listed in “public property” include incidents which took place off campus, on public property immediately adjacent to and accessible from the campus, but not on the property of University of Pikeville.
5. Hate crimes are crimes that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived bias towards another's disability, ethnicity, gender identity, national origin, race, religion, or sexual orientation. Hate crimes are reported for the crimes of criminal homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, and any other crime involving bodily injury, as well as, larceny-theft, simple assault, intimidation, and destruction/damage/vandalism.
6. The Clery Act definition of motor vehicle thefts includes golf carts, motor scooters, and other “non-traditional” vehicles.
7. Statutory changes require institutions to compile statistics for instances of domestic violence, dating violence, and stalking in the 2015 reporting year.
8. In August of 2016 there was a change in leadership for Student Affairs. The recording of cases changed to reflect best practices. In February of 2017 Maxient, a Student Conduct software, was launched to record all cases that occurred. In July of 2017 Report Exec was integrated into the Maxient platform to ensure proper data across both systems.

2019 - University of Pikeville - Residence Halls Fire Statistics							
<u>Residence Hall</u>	<u># of Fires</u>	<u># of Deaths</u>	<u># of Injuries</u>	<u>Value of Property Damage</u>	<u>Date(s)</u>	<u>Explanation</u>	<u>Corrective Action(s)</u>
Condit/Derriana Halls	0	0	0	0			
College Square	0	0	0	0			
Gillespie Hall	0	0	0	0			
Kinzer Hall	0	0	0	0			
Page Hall	0	0	0	0			
Spilman Hall	0	0	0	0			
Wickham Hall	0	0	0	0			
South Housing	0	0	0	0			

2018 - University of Pikeville - Residence Halls Fire Statistics

<u>Residence Hall</u>	<u># of Fires</u>	<u># of Deaths</u>	<u># of Injuries</u>	<u>Value of Property Damage</u>	<u>Date(s)</u>	<u>Explanation</u>	<u>Corrective Action(s)</u>
Condit/Derriana Halls	0	0	0	0			
College Square	0	0	0	0			
Gillespie Hall	0	0	0	0			
Kinzer Hall	0	0	0	0			
Page Hall	0	0	0	0			
Spilman Hall	0	0	0	0			
Wickham Hall	0	0	0	0			
South Housing	0	0	0	0			

2017 - University of Pikeville - Residence Halls Fire Statistics							
<u>Residence Hall</u>	<u># of Fires</u>	<u># of Deaths</u>	<u># of Injuries</u>	<u>Value of Property Damage</u>	<u>Date(s)</u>	<u>Explanation</u>	<u>Corrective Action(s)</u>
Condit/Derriana Halls	0	0	0	0			
College Square	0	0	0	0			
Gillespie Hall	0	0	0	0			
Kinzer Hall	0	0	0	0			
Page Hall	0	0	0	0			
Spilman Hall	0	0	0	0			
Wickham Hall	0	0	0	0			
South Housing	0	0	0	0			

MICHAEL MINGER ACT REPORT FOR 2019

The Michael Minger Act is a Kentucky state law that requires public colleges and universities as well as private institutions licensed by the Kentucky Council on Postsecondary Education (CPE) to report campus crimes to their employees, students and the public on a timely basis.

Activity reported for Calendar Year 2019

Crime Category	Total Campus Property Crimes	Residential Facility Crimes	Recognized, Leased, Owned, Controlled Property Crimes	Public Property Crimes
Arson	0	0	0	0
Assault	2	0	1	1
Burglary	0	0	0	0
Criminal Damage	6	5	0	1
Manslaughter	0	0	0	0
Menacing	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Murder	0	0	0	0
Reckless Homicide	0	0	0	0
Robbery	0	0	0	0
Sex Offenses- Forcible	2	2	0	0
Sex Offenses- Non-Forcible	2	0	0	2
Stalking	0	0	0	0
Terroristic Threatening	0	0	0	0
Theft	24	14	7	3
Wanton Endangerment	0	0	0	0
Weapons Possession	0	0	0	0
Prejudice: Bias-Race	0	0	0	0
Prejudice: Bias-Gender	0	0	0	0
Prejudice: Bias-Religion	0	0	0	0
Prejudice: Bias-Sexual Orientation	0	0	0	0
Prejudice: Bias-Ethnic	0	0	0	0
Prejudice: Bias-Disability	0	0	0	0
Arrest Only: Drug-related	0	0	0	0
Arrest Only: Liquor Law Violations	0	0	0	0
Arrest Only: Other Alcohol Violations	0	0	0	0

STATEMENT ON DIFFERENCE BETWEEN MINGER AND CLERY

(Minger Footnotes for the Main Campus of University of Pikeville)

Clery Act: Originally known as the Campus Security Act and subsequently renamed the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)) is a federal law stating that colleges and universities must disclose information regarding crime that occurs on campus.

Minger Act: The Michael Minger Act is a Kentucky State Law that requires public institutions to report campus crimes on a timely basis.

Crime Definitions: The definitions used to compile statistics are applicable to both Acts and are excerpted from the Federal Bureau of Investigation's Uniform Crime Reporting Program Uniform Crime Reporting Handbook; the specific wording of the definitions in the Minger Act may differ slightly from the federal definitions. The definitions for crimes specific to the Clery Act are also excerpted from the Uniform Crime Reporting Handbook. The definitions for crimes specific to the Minger Act are excerpted from the Kentucky Revised Statutes.

REGISTER TO VOTE

All students are urged to register to vote in local, state, and national elections. Please visit the following link for the online voter registration and a printable Voter Registration Application. Note that Adobe Acrobat must be loaded to view the Voter Registration Application.

<https://elect.kv.gov/register tovot e/Pages/default.aspx>

