University Safety and Security

Policies and Procedures
Information contained in this document is to help provide a safe learning environment for MCU students, faculty and staff, and to comply with the federal Clery Act and state Minger Act.

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University safety/security

Legal requirements
Federal Law: The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, referred to as the Clery Act, requires institutions of higher education that receive Title IV federal financial aid to report specified campus crime statistics on college campuses and to implement policies related to safety and crime. It requires maintaining a daily crime log available for public review. Also, annual reports must be filed with the Department of Education and made available to students, prospective students, parents, employees and the public. A copy of Clery Act attached, Appendix A.

State Law: The Kentucky Campus Safety and Security Act, referred to as the Minger Act, requires institutions of higher education in Kentucky to report crime statistics, maintain a daily crime log, to immediately report fire and threats of fire to the state fire marshal, and to issue public alerts to students, faculty and staff when there is an ongoing threat to safety. Annual reports must be filed with the Council on Postsecondary Education. A copy of Minger Act attached, Appendix B.

Compliance: Mid-Continent’s Dean of Students and International Affairs has the responsibility of overseeing federal and state reporting and disclosure requirements, including maintaining the crime log and preparing annual reports. Other departments and administrative personnel cooperate in oversight and providing information needed to meet the requirements.

Each year, students, prospective students and employees will be notified that the annual crime report is available at a specific location on the University’s web site. Hard copies also will be made available upon request to the Director of Campus Safety, Director of Community Relations or the Dean of Students.

In addition to policies contained in this report, other policies, procedures and student expectations are contained in student handbooks that are available on the Mid-Continent Web Site under pages labeled Traditional and Advantage. It is necessary to check this document regularly as updates are made to comply with new provisions of federal and state laws. Questions should be addressed to officials listed in the next section.

Phone numbers and university officials
This report refers to various officials and departments to contact in case of an emergency or if you have question about policies. The following is a list names, titles and contact numbers.
Emergency  (Local police, fire and ambulance)  911
Campus Switch Board 270-247-8521. On campus, 0
Coby Miller, Dean of Students and International Affairs, 247-8521, Ext. 311
Tye Jackson, Director of Campus Safety, 247-8521, Ext. 248
Andrew Stratton, Vice President for Finance and Administration, 247-8521, Ext. 243
Bill Bartleman, Director of Community Relations, 247-8521, Ext. 374
Robert Imhoff, President, 247-8521, Ext. 269
Jackie Imhoff, Vice President of Adult Programs, 247-8521, Ext. 263
Tim Blalock, Director of Facilities, 247-8521, Ext. 270
Homer Burton, Human Resources Director, 247-8521, Ext. 249
Charles Ford, Executive Vice President, 247-8521, Ext. 230
Alicia Young, Director of Student Life/Student Leadership Dev. 247-8521, Ext. 623
Joshua Amyx, Coordinator of Student Activities, 247-8521, Ext. 623

**Reporting a crime or other emergency**
The reporting of a crime or other life-threatening emergency is important in meeting the goal of providing a safe learning environment for the campus community. Victims or witnesses to crimes should immediately call 911. Give your name, location and nature of the crime or emergency. The incident also should be reported as soon as possible to the on-duty residential counselor and/or a member of the faculty or staff, or one of the officials listed above.

Incidents shall be reported as soon as possible to the Dean of Students and International Affairs, the Director Campus Safety and the Vice President of Administration and Finance. Incidents that fall under the Clery and Minger Acts shall then be reported on the daily crime or fire log.

Under state law, reports to police agencies in most circumstances are public records. Names of victims of sexual violence, however, under law remain confidential, as does information when in the judgment of the investigating agency releasing information would jeopardize an ongoing investigation. Even if public release of some details is confidential under the law, the nature of the crime must still be included in daily crime logs and crime statistics.

The daily crime log also will include reporting activities required by the Clery and Minger Acts related to specified incidents or crimes that are handled internally and not immediately reported to a law enforcement agency.

**Confidentiality**
Crime victims and witnesses to crimes are always encouraged to accurately report them and pursue action through the university system and/or the criminal justice system. However, in some cases, victims may not want to pursue administrative or legal action, or may want to seek pastoral or other professional counseling. In those cases, the counselors and victims are encouraged to make anonymous reports of crimes so they can be included in reporting statistics. The timely filing of reports, either confidentially or with the
appropriate agency, is important in determining if there’s a pattern of crime on campus and if there’s a need to alert the campus community of potential danger.

**Emergency notification**

In the event a situation arises, either on campus or off campus, that in the judgment of the President or his designee, Director of Campus Safety, local/state law enforcement and/or the Dean of Students and International Affairs constitutes an ongoing or continuing threat, a campus wide warning will be issued to students, faculty and staff using e-mail, text messaging, bulletins, announcements over the public address system, face-to-face meetings or other means. The President or his designee when necessary may activate the Campus Crises Team to assist in responding to an emergency. The responsibilities of the team will include establishment of a crises communication plan to assist in communicating vital information to the campus community, families, law enforcement agencies and the public. Emergencies could include but are not limited to a criminal situation, threat of violence, safety hazard such as a chemical spill, or a severe weather situation.

**Safety of and access to campus buildings**

Access to campus buildings and grounds is a privilege extended to staff, faculty, students and authorized guests. During normal business hours, campus buildings, except residence halls, are open to students, parents, employees, contractors performing authorized work, vendors approved by the university and invited guests. Access to residence halls is restricted to students residing in those halls, university personnel with legitimate business and visitors on official business. Suspected violations should be immediately reported to the Dean of Students and International Affairs, the Director of Campus Safety and if the situation warrants, local law enforcement.

University personnel constantly monitor exterior lighting and landscaping to ensure campus safety and security. All security concerns should be reported to the Director of Campus Safety, the Director of Facilities, the Dean of Students and International Affairs, or the President’s office. Concerns may be referred to the Campus Safety Committee for review.

Safety and security inspections of each building must be conducted at least once a year under the direction of the Director of Facilities who shall maintain written reports on each inspection. Corrective action should be taken when deficiencies are found. The Director of Campus Security shall participate in the inspections and in addressing correction action.

**Campus law enforcement**

Mid-Continent University’s Department of Campus Safety exists to serve its campus and community with integrity, professionalism and fidelity. The Department of Campus Safety is committed to the prevention of crime, protection of life and property, the preservation of peace, good order and safety to all students, employees and guests of the University. The goal is to promote proactive crime prevention through education.
The Department of Campus Safety shall consist of a Director of Safety who shall head the department and other employees who may be student workers. The University does not grant arrest powers to any of its employees. Suspected criminal activity should be reported to the Graves County sheriff, Kentucky State Police or other appropriate law enforcement agency for investigation and, if warranted, criminal prosecution. University personnel shall cooperate in any investigation.

Campus security officers have the authority to ask anyone on university property for identification and to determine whether they have lawful business to be on MCU property. However, in efforts to check an identity they shall not take any action to jeopardize their safety or the safety of others.

Security officers also are required to keep a daily log of their activities, such as times they check buildings, and any suspicious activity they observe. The reports shall be filed with the Director of Campus Safety.

**Safety/crime prevention training**
The Director of Campus Safety, Human Resources director and other University departments will periodically offer information to educate students and employees on safety, accident prevention and crime prevention. The training and information will be offered in seminars, posters, displays, bulletins, on the Internet, by email or other means. Some training may be mandatory to ensure the safety of students and employees and to comply with federal and state regulations. Notice of training activities will be available on the University website and hard copy from the Director of Campus Safety, Director of Human Resources or the Dean of Students and International Affairs.

Emergency response information will be discussed in student orientation session, in classes at the beginning of each semester and as necessary throughout each semester. Students should familiarize themselves with each building to locate the nearest exit routes in the event evacuation becomes necessary. Students should familiarize themselves with emergency response procedures posted in campus buildings and should willingly participate in all safety and emergency practice drills. Students should notify instructors and Student Life personnel at the beginning of the semester if they have special needs that will require assistance during an emergency evacuation.

Safety policies also are contained in the University Safety Manual that is available for review by contacting the Director of Campus Safety or the Director of Community Relations.

A Campus Safety Committee consisting of faculty and staff meets as necessary, but at least once a semester. Its responsibilities include making recommendations and policies to improve safety, and promoting safety and crime prevention. The safety committee is responsible for keeping the University Safety Manual up to date.
**Possession, use and sale of alcoholic beverages**

University policy prohibits the possession, use or distribution of alcohol or illegal drugs by any member of the university community on campus, in classrooms and at university events. This also applies to visitors to the campus and classrooms. Incidents of violation of the policy shall be prosecuted through the university governance system and when necessary referred to the proper law enforcement agency for possible criminal prosecution.

In order to comply with the Drug-Free Schools and Communities Act Amendment of 1989, Public Law 101-226, Mid-Continent University has developed the following guidelines:

- **Health Risks** – The use of certain products are known to be detrimental to physical and psychological well-being shall be prohibited. Their use is associated with a wide variety of health risks. Among the known risks are severe weight loss, malnutrition, physical and mental dependence, changes in the reproductive system, damage to the lungs, heart problems and even death.
- **Mid-Continent University Standards of Conduct** – Students are to refrain from the use of alcoholic beverages and illicit drugs including marijuana and other hallucinogenic drugs and substances, and narcotics not authorized by a physician. Students are also expected not to abuse legal substances. Students violating this policy will be subject to disciplinary procedures up to and including the possibility of dismissal and referral for prosecution.
- **State and Federal Legal Sanctions** – In addition to the MCU sanctions, Kentucky and Federal law provides for fines and/or imprisonment for the unlawful possession, sale, manufacture, or distribution of drugs or alcohol. The amount of the fines and the length of imprisonment vary according to the type and amount of the substance involved, the offenders past record for such offenses, and a variety of other factors.

One particularly relevant factor is that the legal sanctions for the unlawful distribution of drugs increase if the substance is distributed to a person under twenty-one years of age or within one thousand feet of the property of a University.

Kentucky's drug laws can be found at:
[http://www.lrc.ky.gov/KRS/218A00/CHAPTER.HTM](http://www.lrc.ky.gov/KRS/218A00/CHAPTER.HTM)

Federal drug laws can be found at:
[http://frwebgate.access.gpo.gov/cgi-bin/usc.cgi?ACTION=BROWSE&TITLE=21USCC13&PDFS=YES](http://frwebgate.access.gpo.gov/cgi-bin/usc.cgi?ACTION=BROWSE&TITLE=21USCC13&PDFS=YES)

Kentucky alcohol laws prohibit anyone under the age of 21 from consuming or possession alcohol. It also is illegal for the sale and possession of large quantities of alcohol in dry option territories.

Kentucky alcohol laws can be found at:
Anyone needing a hard copy of these laws or assistance in accessing them should contact Bill Bartleman, Director of Community Relations, at 270-247-8521, Ext 374.

The University also may offer alcohol and drug awareness programs. Any student who believes they have a drug or alcohol abuse problem may seek counseling and assistance by contacting the Dean of Students and International Affairs or some other university official. They also may contact local assistance agencies that are available in telephone directories.

**Anti-harassment policy**

Mid-Continent University is committed maintaining an academic environment and a workplace free of sexual and other harassment and intimidation, including harassment based on race, color, sex (with or without sexual conduct), religion, national origin, protected activity (i.e. opposition to prohibited discrimination or participation in the statutory complaint process), age, or disability.

It is the intent of this policy to affirmatively raise the subject of sexual and other harassment, to express strong disapproval against such actions, to identify a complaint procedure whereby students and employees have the right to raise harassment issues, to establish an investigative procedure for such alleged misconduct, and to provide for an effective and appropriate response to this type of conduct, including sanctions against anyone violating this policy.

The University is also committed to ensuring that others who may have a connection to our community do not subject its students and employees to harassment. Accordingly, this policy applies to visitors, management and non-management employees, vendors, and others with whom we have a relationship.

**Sexual harassment**: Sexual and other harassment is a form of misconduct, which undermines the integrity of the educational and/or employment relationship. Harassment is not only offensive, but it may also harm morale and interfere with the effectiveness and ability to fulfill responsibilities to students and others the University serves. All students and employees must be allowed to learn and/or work in an environment free from unsolicited and unwelcome sexual overtones and harassment in any form.

Sexual harassment for purposes of this policy is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

(1) submission to such conduct is made either explicitly or implicitly a term or condition of the individual’s academic progress or employment; (2) submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual’s academic progress, learning ability, work performance or creating an intimidating, hostile, or offensive academic or working environment.
Sexual harassment does not mean occasional compliments of a socially acceptable nature. However, sexual harassment does include, but is not limited to, actions such as: (1) sex-oriented verbal “kidding” or abuse, (2) possession, display, or distribution of photographs, drawings, objects, or graffiti of a sexual nature, (3) subtle pressure for sexual activity, (4) physical conduct such as patting, pinching, hugging, or constant brushing against another’s body, (5) explicit demands for sexual favors, whether or not accompanied by implied or overt promises of preferential treatment or threats concerning an individual’s academic or employment status, (6) offensive sexual flirtations, advances or propositions, and (7) any other offensive, hostile, intimidating, or abusive conduct of a sexual nature. In light of this, the best admonition for students, faculty and staff is to follow the Biblical principles of “avoiding the very appearance of evil” and to limit their own freedoms if their exercise could, or does cause others to stumble or to be seriously discomforted.

**Discriminatory harassment:** Mid-Continent University is committed to providing an environment in which all persons are safe from harassment and intimidation based on the person’s age, gender, appearance, disability, race, color, national origin or religion. Harassment can include physical or verbal overtures, annoyance calls, and electronically communicated messages. Such behavior toward any member of the University community, including students, staff, and faculty, provides grounds for disciplinary action. Such harassment may also be illegal.

**Complaint procedure:** The University encourages students and employees to report harassment and other inappropriate conduct before it becomes severe or pervasive. While not all incidents of harassment violate the law, the University does intend to prevent and correct harassment and other inappropriate conduct before it rises to the level of a violation of law.

Students who believe this policy has been violated in any way should contact the Dean of Students and International Affairs immediately. Students who believe that they are victims of some form of harassment prohibited by this policy must report this immediately to the Dean of Students and International Affairs or the Vice President for Finance and Administration.

No students will be subject to adverse treatment or retaliation because they report a violation or potential violation of this policy or provide information concerning such reports.

Any faculty or staff member is suspects or is aware of possible violation of this policy must immediately report it to the Dean of Students and International Affairs or the Vice President for Finance and Administration.

Complaints shall immediately be investigated by the appropriate administrator. Punishment could include dismissal from school for a student or firing if an employee. The incident also may be reported to the appropriate law enforcement agency.
Serious offenses and consequences
Certain practices or activities may potentially endanger or adversely affect the physical and emotional well being of members of the University community. The purpose of the following section of regulations is to draw attention to the serious nature of these kinds of practices and activities and to describe the University’s position on them.

- **Fire Alarms:** The student who pulls a fire alarm when no fire exists can expect immediate dismissal from MCU.
- **Fire Equipment:** Tampering with fire hoses or extinguishers and other protection equipment is against state law and will result in immediate dismissal from MCU. Any type of lighting in corridors or stairways and outside is part of the system of protection. Also included are the “exit” signs and “exit” lights.
- **Fireworks:** The possession and firing of some fireworks is against Kentucky state law. All fireworks are dangerous. Therefore, any student using fireworks of any kind while on campus is subject to immediate dismissal from MCU.
- **Firearms and Weapons:** Mid-Continent University students are prohibited from possessing or storing on campus (including vehicles on Mid-Continent University property) ammunition, detonating and explosive devices, bows, crossbows and arrows, open blade knives, knives with blades greater than four inches, firearms and other edged weapons, devices that utilize aerosol or compressed air canisters to shoot projectiles of any type, sling shots, BB guns, pellet guns, paintball guns and martial arts weapons. Any student who stores a firearm/weapon in any location on campus (including vehicles) makes a public display of a weapon or replica weapon and/or discharges a firearm/weapon on the property of Mid-Continent University, is subject to immediate dismissal. This policy is intended for the protection of Mid-Continent and Mayfield community members and is not intended to interfere with academic instruction or provided services.
- **Hazing:** Hazing at Mid-Continent University is defined as any on-campus or off-campus activity that results in mental or physical harassment, humiliation, degradation, ridicule, shock, endangerment, physical disfigurement, excessive fatigue, danger to health or the involuntary consumption of alcohol or drugs (e.g., initiations, responses to engagements, “kidnappings,” etc.) Hazing is not permitted at Mid-Continent University. Any student participating in either a “just for fun prank” or in a deliberate hazing activity will be held responsible for his/her behavior. Regardless of motive or intent, any student participating in a prank-type activity, which potentially endangers or adversely affects the physical and emotional well being of another student can expect immediate and serious disciplinary action. This includes the probability of dismissal from the University.

Furthermore, as of July 1986, hazing is a violation of Section 164 of Kentucky Revised Statutes. In pertinent part, the statute reads as follows: “(This Statute) prohibits any action or situation which recklessly or intentionally endangers mental or physical health or involves the forced consumption of liquor or drugs for the purpose of initiation or affiliation with any organization. In the case of a student or faculty violator, (violation of this statute shall result in) his suspension, expulsion, or other appropriate disciplinary action and, in case of an organization which

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authorizes such conduct, (violation shall result in) rescission of permission for that organization to operate on campus property. Such penalties shall be in addition to any penalty pursuant to the penal law or any other Section (of Kentucky Revised Statutes) to which a violator or organization may be subject.” Careless or irresponsible behavior of any type which endangers or adversely affects others or which is blatant disregard for property will be confronted in a similarly serious manner.

**Sexual assault and offenses**
If you are a victim of a sexual assault at this institution, your first priority should be to get to a place of safety. You should then obtain necessary medical treatment. The University strongly advocates that a victim of a sexual assault report the incident in a timely manner. An assault should be reported directly to the Dean of Students and International Affairs or someone with the university administration that you feel comfortable confiding in. Time is important in collecting and gathering evidence. Reporting an assault to university authorities does not obligate the victim to prosecute or report the incident to police. Reporting the incident ensures that a victim receives necessary medical treatment and, if necessary referral to confidential professional counseling.

Kentucky law protects the public release of names of victims of sexual assault and offenses. It is important to report such incidents, even if confidentially, so they can be included it reporting requirements of the Clery and Minger acts.

**Sexual offender information**
Under Kentucky Law, certain convicted sex offenders are required to register their residence with the Kentucky State Police. History shows that some sex offenders repeat their crimes and the registration is to alert the public. The Internet link to the sex offender registry, the state alert line and other information is available at http://kspsor.state.ky.us/. Assistance in checking the registry also is available from the Director of Campus Safety, the Dean of Students and International Affairs, or the Director of Community Relations.

**Discrimination**
Racism and racial discrimination in any form will not be tolerated in any form on the MCU campus. The University has adopted and supports nondiscriminatory practices in recruitment of students, hiring and promotion and expects all faculty, staff and students to live in a manner that consistently reflects God’s love and Biblical command that we love one another. Any behavior, in word or deed, which shows disregard or disrespect for individuals or groups is inconsistent with the redemptive love of Jesus Christ and is not acceptable within the Mid-Continent University community. The University considers racism and racial discrimination to be serious offenses, which must be addressed firmly, and which may result in suspension or expulsion from the University. Inappropriate behavior, which includes words or actions, should first be addressed in accordance with the —Helping/Confrontation model explained in the Student Handbook. Continuation of inappropriate behavior should be reported to the Dean of Students and International Affairs.
APPENDIX A

Jeanne Clery Act

As Amended Through 2008


(1) Each eligible institution participating in any program under this title, other than a foreign institution higher education, shall on August 1, 1991, begin to collect the following information with respect to campus crime statistics and campus security policies of that institution, and beginning September 1, 1992, and each year thereafter, prepare, publish, and distribute, through appropriate publications or mailings, to all current students and employees, and to any applicant for enrollment or employment upon request, an annual security report containing at least the following information with respect to the campus security policies and campus crime statistics of that institution:

(A) A statement of current campus policies regarding procedures and facilities for students and others to report criminal actions or other emergencies occurring on campus and policies concerning the institution’s response to such reports.

(B) A statement of current policies concerning security and access to campus facilities, including campus residences, and security considerations used in the maintenance of campus facilities.

(C) A statement of current policies concerning campus law enforcement, including--

(i) the law enforcement authority of campus security personnel;

(ii) the working relationship of campus security personnel with State and local law enforcement agencies, including whether the institution has agreements with such agencies, such as written memoranda of understanding, for the investigation of alleged criminal offenses; and

(iii) policies which encourage accurate and prompt reporting of all crimes to the campus police and the appropriate law enforcement agencies.

(D) A description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.

(E) A description of programs designed to inform students and employees about the prevention of crimes.

(F) Statistics concerning the occurrence on campus, in or on noncampus buildings or property, and on public property during the most recent calendar year, and during the 2 preceding calendar years for which data are available--
(i) of the following criminal offenses reported to campus security authorities or local police agencies:
   (I) murder;
   (II) sex offenses, forcible or nonforcible;
   (III) robbery;
   (IV) aggravated assault;
   (V) burglary;
   (VI) motor vehicle theft;
   (VII) manslaughter;
   (VIII) arson; and
   (IX) arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations, and weapons possession; and

(ii) of the crimes described in subclauses (I) through (VIII) of clause (i), of larceny-theft, simple assault, intimidation, and destruction, damage, or vandalism of property, and of other crimes involving bodily injury to any person, in which the victim is intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability of the victim that are reported to campus security authorities or local police agencies, which data shall be collected and reported according to category of prejudice.

(G) A statement of policy concerning the monitoring and recording through local police agencies of criminal activity at off-campus student organizations which are recognized by the institution and that are engaged in by students attending the institution, including those student organizations with off-campus housing facilities.

(H) A statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of State under age drinking laws and a statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of Federal and State drug laws and a description of any drug or alcohol abuse education programs as required under section 120 of this Act [20 USCS § 1011i].

(I) A statement advising the campus community where law enforcement agency information provided by a State under section 170101(j) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(j)), concerning registered sex offenders may be obtained, such as the law enforcement office of the institution, a local law enforcement agency with jurisdiction for the campus, or a computer network address.

(J) A statement of current campus policies regarding immediate emergency response and evacuation procedures, including the use of electronic and cellular communication (if appropriate), which policies shall include procedures to-
   (i) immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on the campus, as defined in paragraph (6), unless issuing a notification will compromise efforts to contain the emergency;
   (ii) publicize emergency response and evacuation procedures on an annual basis in a manner designed to reach students and staff; and
   (iii) test emergency response and evacuation procedures on an annual basis.
(2) Nothing in this subsection shall be construed to authorize the Secretary to require particular policies, procedures, or practices by institutions of higher education with respect to campus crimes or campus security.

(3) Each institution participating in any program under this title shall make timely reports to the campus community on crimes considered to be a threat to other students and employees described in paragraph (1)(F) that are reported to campus security or local law police agencies. Such reports shall be provided to students and employees in a manner that is timely and that will aid in the prevention of similar occurrences.

(4) (A) Each institution participating in any program under this title that maintains a police or security department of any kind shall make, keep, and maintain a daily log, written in a form that can be easily understood, recording all crimes reported to such police or security department, including--

(i) the nature, date, time, and general location of each crime; and

(ii) the disposition of the complaint, if known.

(B) (i) All entries that are required pursuant to this paragraph shall, except where disclosure of such information is prohibited by law or such disclosure would jeopardize the confidentiality of the victim, be open to public inspection within two business days of the initial report being made to the department or a campus security authority.

(ii) If new information about an entry into a log becomes available to a police or security department, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police or security department.

(iii) If there is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until that damage is no longer likely to occur from the release of such information.

(5) On an annual basis, each institution participating in any program under this title shall submit to the Secretary a copy of the statistics required to be made available under paragraph (1)(F). The Secretary shall--

(A) review such statistics and report to the authorizing committees on campus crime statistics by September 1, 2000;

(B) make copies of the statistics submitted to the Secretary available to the public; and

(C) in coordination with representatives of institutions of higher education, identify exemplary campus security policies, procedures, and practices and disseminate information concerning those policies, procedures, and practices that have proven effective in the reduction of campus crime.

(6) (A) In this subsection:

(i) The term "campus" means--

(I) any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

(II) property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as a food or other retail vendor).
(ii) The term "noncampus building or property" means--
(I) any building or property owned or controlled by a student organization recognized by the institution; and
(II) any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution’s educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution.
(iii) The term "public property" means all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution’s educational purposes.

(B) In cases where branch campuses of an institution of higher education, schools within an institution of higher education, or administrative divisions within an institution are not within a reasonably contiguous geographic area, such entities shall be considered separate campuses for purposes of the reporting requirements of this section.

(7) The statistics described in paragraphs (1)(F) shall be compiled in accordance with the definitions used in the uniform crime reporting system of the Department of Justice, Federal Bureau of Investigation, and the modifications in such definitions as implemented pursuant to the Hate Crime Statistics Act [28 USCS § 534 note]. Such statistics shall not identify victims of crimes or persons accused of crimes.

(8) (A) Each institution of higher education participating in any program under this title shall develop and distribute as part of the report described in paragraph (1) a statement of policy regarding--
(i) such institution’s campus sexual assault programs, which shall be aimed at prevention of sex offenses; and
(ii) the procedures followed once a sex offense has occurred.

(B) The policy described in subparagraph (A) shall address the following areas:
(i) Education programs to promote the awareness of rape, acquaintance rape, and other sex offenses.
(ii) Possible sanctions to be imposed following the final determination of an on-campus disciplinary procedure regarding rape, acquaintance rape, or other sex offenses, forcible or nonforcible.
(iii) Procedures students should follow if a sex offense occurs, including who should be contacted, the importance of preserving evidence as may be necessary to the proof of criminal sexual assault, and to whom the alleged offense should be reported.
(iv) Procedures for on-campus disciplinary action in cases of alleged sexual assault, which shall include a clear statement that--
(I) the accuser and the accused are entitled to the same opportunities to have others present during a campus disciplinary proceeding; and
(II) both the accuser and the accused shall be informed of the outcome of any campus disciplinary proceeding brought alleging a sexual assault.
(v) Informing students of their options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses.
(vi) Notification of students of existing counseling, mental health or student services for victims of sexual assault, both on campus and in the community.

(vii) Notification of students of options for, and available assistance in, changing academic and living situations after an alleged sexual assault incident, if so requested by the victim and if such changes are reasonably available.

(C) Nothing in this paragraph shall be construed to confer a private right of action upon any person to enforce the provisions of this paragraph.

(9) The Secretary shall provide technical assistance in complying with the provisions of this section to an institution of higher education who requests such assistance.

(10) Nothing in this section shall be construed to require the reporting or disclosure of privileged information.

(11) The Secretary shall report to the appropriate committees of Congress each institution of higher education that the Secretary determines is not in compliance with the reporting requirements of this subsection.

(12) For purposes of reporting the statistics with respect to crimes described in paragraph (1)(F), an institution of higher education shall distinguish, by means of separate categories, any criminal offenses that occur--

(A) on campus;

(B) in or on a noncampus building or property;

(C) on public property; and

(D) in dormitories or other residential facilities for students on campus.

(13) Upon a determination pursuant to section 487(c)(3)(B) [20 USC § 1094(c)(3)(B)] that an institution of higher education has substantially misrepresented the number, location, or nature of the crimes required to be reported under this subsection, the Secretary shall impose a civil penalty upon the institution in the same amount and pursuant to the same procedures as a civil penalty is imposed under section 487(c)(3)(B) [20 USC § 1094(c)(3)(B)].

(14) (A) Nothing in this subsection may be construed to--

(i) create a cause of action against any institution of higher education or any employee of such an institution for any civil liability; or

(ii) establish any standard of care.

(B) Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with this subsection shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce this subsection.

(15) The Secretary shall annually report to the authorizing committees regarding compliance with this subsection by institutions of higher education, including an up-to-date report on the Secretary's monitoring of such compliance.

(16) The Secretary may seek the advice and counsel of the Attorney General concerning the development, and dissemination to institutions of higher education, of best practices information about campus safety and emergencies.

(17) Nothing in this subsection shall be construed to permit an institution, or an officer, employee, or agent of an institution, participating in any program under this title to retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual with respect to the implementation of any provision of this subsection.
Appendix B

**Minger Act**

164.948 Definitions for KRS 164.9481, 164.9483, and 164.9485.

As used in KRS 164.9481, 164.9483, and 164.9485, unless the context requires otherwise:

1. "Campus" means all property owned, managed, or controlled by an institution of postsecondary education including, but not limited to, academic buildings; student housing and recreational facilities; residential facilities operated by any officially recognized student organization; all sections of public property such as streets, sidewalks, and parking facilities immediately contiguous to campus buildings; and remote facilities leased for use as classroom space or student living.

2. "Campus security authority" means campus police, security officers, and any official at a postsecondary education institution who has significant responsibility for student and campus activities, including student discipline, student housing, student judicial affairs, and student life administration. Professional mental health, pastoral, and other licensed counselors when functioning in that capacity are not considered campus security authorities.

3. "Crime" means murder, manslaughter, reckless homicide, assault, menacing, wanton endangerment, terroristic threatening, stalking, forcible or nonforcible sex offenses, burglary, criminal damage to property, arson, theft, motor vehicle theft, robbery, weapons possession and criminal attempt for any of the aforementioned crimes, and arrests for drug-related violations and liquor law violations.

4. "Postsecondary education institution" means any Kentucky public four (4) year institution or two (2) year community college or technical college that grants a postsecondary education credential, and any private college or university that is licensed by the Council on Postsecondary Education under KRS 164.945 to 164.947.

1. Crime log:

   A. Each postsecondary education institution shall make, keep, and maintain a daily log, written in a form approved by the Council on Postsecondary Education that can be easily understood, recording all crimes occurring on campus and reported to campus security authorities or local law enforcement agencies, including:

   1. The category of crime, and a description of the incident, date, time, and general location of each crime; and
2. The disposition of the complaint if known, including referral for prosecution, institutional disciplinary proceedings, or investigation by another state agency. The disposition shall include a reference to an investigation or incident report number.

B. All entries in the campus crime log shall be made available for public inspection within twenty-four (24) hours after the first report of an incident was made to any campus security authority or local law enforcement officials.

1. If there is clear and convincing evidence that the release of the information would cause a suspect to flee or evade detection, would result in the destruction of evidence, or is prohibited from release by law, the information may be withheld until that damage is no longer likely to occur from the release of the information. Only the information that is absolutely necessary to withhold for the reasons stated in this paragraph may be withheld; all other information shall be released.

2. In the event information is withheld under the provisions of paragraph (a) of this subsection, the crime shall still be reported and made available for public inspection.

C. The campus crime log required by this section shall be readily accessible and open for public inspection at all times and shall be made available on campus computer networks to which students, employees, and other campus community members have access. Each semester the institution shall notify currently enrolled students, students applying to the institution, and employees of the availability of the campus crime log, where it can be accessed, and the exact electronic address on the computer network.

2. Special reports: In addition to the campus crime log, each postsecondary education institution shall make timely reports to the campus community on crimes reported to campus security authorities or local law enforcement authorities determined by those authorities to present a safety or security threat to students or employees.

A. The reports shall be made available to students and employees within twenty-four (24) hours after an incident is first reported.

B. The information shall be reported in a manner that will aid in the prevention of similar occurrences.

C. Institutions shall use computer networks and post the reports in each residential facility. The institution may also use flyers and other campus publications including newspapers, and other media.

D. Each institution shall adopt a policy to comply with this requirement and the policy shall be included in the postsecondary education institution’s annual campus safety and security report published in compliance with KRS 164.9485.

1. Under the provisions of KRS Chapter 227, the state fire marshal shall have jurisdiction over all property in the state including property of public postsecondary education institutions and property of any private college or university that is licensed by the Council on Postsecondary Education as provided for by KRS 164.945 to 164.947, insofar as it is necessary for the administration and enforcement of any
duty imposed on the office by law or administrative regulation and all laws, ordinances, regulations, and orders designed to protect the public from fire loss.

2. The state fire marshal or the fire marshal’s employee or appointee may, without delay or advance notice and at all reasonable hours of the day or night, enter in or upon any property defined under KRS 227.200 located on the campus to make an inspection, investigation, or any other action necessary for the purpose of preventing fire loss or determining the origin of any fire.

3. No person shall obstruct, hinder, or delay such an officer in the performance of his or her duty.

4. Upon learning of a fire or threat of fire, campus security authorities shall immediately report each fire or threat of fire to the state fire marshal’s office in Frankfort and the local deputies, assistants, and employees appointed under KRS 227.230.

Effective September 1, 2000, and each year thereafter, each postsecondary education institution shall submit to the Council on Postsecondary Education a statement of current policies concerning campus safety and security including, but not limited to:

1. The enforcement authority of security personnel, including their working relationship with state and local police agencies;

2. A description of programs designed to inform students and employees about the campus safety and security procedures and practices, how to report crimes, and how to prevent crimes; and

3. Statistics concerning the occurrence of crimes on campus during the most recent calendar year. The statistical data shall be reported by the number of occurrences based on:

   A. Location, broken down in the following classifications:
      1. Total number on campus:
         a. Subtotal of occurrences indicating specifically those in dormitories or other residential facilities;
         b. Subtotal of occurrences indicating specifically those in or on noncampus buildings or property; and
      2. On public property contiguous to the campus.

   B. Category of crime committed:
      1. As defined in KRS 164.948; and
      2. By category of prejudice, any crime reported to local police agencies or to a campus security authority, that manifests evidence that the victim was intentionally selected because of the victim’s actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability.

1. In complying with the statistical and reporting requirements mandated in KRS 164.948 to 164.9489 and KRS 164.993, an institution shall make a reasonable, good-faith effort to obtain statistics and crime reports from outside agencies. An institution that makes such an effort is not responsible for an outside agency’s failure to provide statistics or crime reports or for verifying the accuracy of the statistics or reports that are provided.

2. The Council on Postsecondary Education shall specify formats for reporting to ensure uniformity.
164.993 Penalties for violation of KRS 164.9481 or 164.9483.
Any person violating the provisions of KRS 164.9481 and 164.9483, or who knowingly induces another, directly or indirectly, to violate the provisions of those sections, shall be fined not less than five hundred dollars ($500), nor more than one thousand five hundred dollars ($1,500), or imprisoned in the county jail for up to thirty (30) days, or both.