



**TENNESSEE COLLEGE  
OF APPLIED TECHNOLOGY**  
— **DICKSON** —  
**& CLARKSVILLE CAMPUS**

**CAMPUS SECURITY REPORT  
2020**

Reporting Period January 1, 2019 to December 31, 2019

Tennessee College of Applied Technology-Dickson  
740 Highway 46 S Dickson, TN 37055

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The following is the annual Campus Security Report for Tennessee College of Applied Technology-Dickson (TCAT Dickson) for the year 2019. The Office of the President prepares this report to comply with the *Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act*. The report can also be accessed on the TCAT's web page at <https://tcatdickson.edu/about/campus-safety-and-security-disclosures>. This report contains security policies, procedures, and guidelines. Crime statistics for the period of 2017-2019 are included in the report. These statistics are based on incidents reported at four (4) campus locations. You may request a paper copy from the Student Services Office on the TCAT campus located at 740 Highway 46 S, Dickson, TN 37055 or at the Clarksville Campus located at 135 International Blvd., Clarksville, TN, 37040.

### **Crime Statistics: Statement Concerning Law Enforcement (All Campuses)**

The TCAT does not have security personnel and is not authorized as a law enforcement agency. Instead, the institution utilizes local law enforcement agencies as deemed necessary in the event that criminal activity occurs or is suspected. The following is a list of TCAT campuses along with the law enforcement agency with jurisdiction over each one:

- The main campus is located in the city of Dickson, TN, and is under the jurisdiction of Dickson City Police, 202 S. Main St, Dickson, TN 37055, (615) 446-5403.
- The Advanced Manufacturing Campus is located in the city of Dickson, TN, and is under the jurisdiction of Dickson City Police, 202 S. Main St, Dickson, TN 37055, (615) 446-5403.
- An extension campus is located in the city of Clarksville, TN, and is under the jurisdiction of the Montgomery County Police Department, 120 Commerce St., Clarksville, TN 37040, (931) 648-0611.
- An instructional service center is located in the city of Franklin, TN, and is under the jurisdiction of the Franklin Police Department, 900 Columbia Ave., Franklin, TN 37064, (615) 794-2513.

### **Crime Statistics [34 CFR §668.46(b)(1)] (All Campuses)**

The TCAT has published the crime statistics described in 34 CFR 668.46(c) for the last three reporting periods for all campuses on its website at <https://tcatdickson.edu/about/campus-safety-and-security-disclosures>. Additionally, copies of the crime statistics for the reporting period covered under this report have been included as Appendix A-C of this report.

Copies of the TCAT Dickson Daily Crime Log are available for public inspection in our Business Office located on the Main Campus. Off-campus locations have access to the log through the TCAT Dickson intranet. The log is available during normal hours of operation of the college.

## How to Report Criminal Offenses [34 CFR §668.46(b)(2)] (All Campuses)

To report an emergency, always dial 911. To report a crime to the local law enforcement agency, contact the numbers listed below depending on your campus location. Any suspicious activity or person seen in the parking lots or loitering around vehicles and inside buildings should be reported to the Office of the Vice President or Campus Coordinator in Clarksville.

### Law Enforcement Agency Contacts by Campus Location:

Dickson Main Campus	Dickson Police Department	(615) 446-5403
Advanced Manufacturing Campus	Dickson Police Department	(615) 446-5403
Clarksville Extension Campus	Montgomery Co. Sheriff's Office	(931) 648-0611
Franklin Instructional Service Center	Franklin Police Department	(615) 794-2513

### Campus Security Authorities:

In addition to reporting crimes to local law enforcement, a crime may be reported to any institutional campus security authority (CSA). The CSAs for the TCAT are listed below:

#### Dickson Main Campus

Laura Travis, Vice President, [Laura.Travis@tcatdickson.edu](mailto:Laura.Travis@tcatdickson.edu), (615) 441-6220.  
Pam Bigham, Student Services Coordinator, [Pam.Bigham@tcatdickson.edu](mailto:Pam.Bigham@tcatdickson.edu), (615) 441-6220.  
Cathleen Clark, Human Resources Coordinator, [Cathleen.Clark@tcatdickson.edu](mailto:Cathleen.Clark@tcatdickson.edu), (615) 441-6220.  
Steve Davis, Facilities Coordinator, [Steve.Davis@tcatdickson.edu](mailto:Steve.Davis@tcatdickson.edu), (615) 441-6220.  
Mark Michael, IT Coordinator, [Mark.Michael@tcatdickson.edu](mailto:Mark.Michael@tcatdickson.edu), (615) 441-6220.  
Stephanie Murphy, Health Careers Coordinator, [Stephanie.Murphy@tcatdickson.edu](mailto:Stephanie.Murphy@tcatdickson.edu), (615) 441-6220.  
Brandon Rives, SkillsUSA/Student Government Association Advisor, [Brandon.Rives@tcatdickson.edu](mailto:Brandon.Rives@tcatdickson.edu), (615) 441-6220.

#### Advanced Manufacturing Campus

Ed Hutchinson, Instructor, [Ed.Hutchinson@tcatdickson.edu](mailto:Ed.Hutchinson@tcatdickson.edu), (615) 446-5420  
Bryan Johnson, Instructor, [Bryan.Johnson@tcatdickson.edu](mailto:Bryan.Johnson@tcatdickson.edu), (615) 446-5420.

#### Clarksville Extension Campus

Debbie Griffin, Campus Coordinator, [Debbie.Griffin@tcatdickson.edu](mailto:Debbie.Griffin@tcatdickson.edu), (931) 572-1694.  
Deanna Wallace, SkillsUSA/Student Government Association Advisor, [Deanna.Wallace@tcatdickson.edu](mailto:Deanna.Wallace@tcatdickson.edu), (931) 572-1694.  
Randy McPherson, Facilities Associate, [Randy.McPherson@tcatdickson.edu](mailto:Randy.McPherson@tcatdickson.edu), (931) 572-1694.  
Lisa Sullivan, Student Services Counselor, [Lisa.Sullivan@tcatdickson.edu](mailto:Lisa.Sullivan@tcatdickson.edu), (931) 572-1694.

#### Franklin Instructional Service Center

Stephanie Murphy, Health Careers Coordinator, [Stephanie.Murphy@tcatdickson.edu](mailto:Stephanie.Murphy@tcatdickson.edu), (615) 441-6220.  
Loretta Bruce, Instructor, [Loretta.Bruce@tcatdickson.edu](mailto:Loretta.Bruce@tcatdickson.edu), (615) 330-1424

## **Emergency Notifications and Timely Warnings [34 CFR §668.46(b)(2)(i)] (All Campuses)**

TCAT Dickson has a process to determine when an emergency or dangerous situation warrants an emergency notification to students, staff, and the community at large.

### **Process for Confirmation**

The President of the institution is responsible for confirming emergencies or dangerous situations after receiving input from knowledgeable sources pertaining to the situation at hand. Once confirmed, the President will issue orders to release emergency notifications as needed. All employees are to reference the *Emergency Preparedness Response Guide*, which is posted in each classroom and office, for specific plans for individual emergency types.

All employees have the ability to contact the President directly with information related to emergencies and dangerous situations; or, information may be submitted to any member of the institutional senior staff: Vice President, Health Careers Coordinator, Financial and HR Coordinator, Clarksville Campus Coordinator, IT Coordinator, Facilities Coordinator, or Student Services Coordinator. Senior staff members will relay information to the President. In the absence of the President, a minimum of two senior staff members shall discuss any situations and determine how to proceed with notifications.

### **Decisions to Notify Segments**

TCAT Dickson will notify students, employees, and staff based on the assessed need. In the case of large segments being affected, notifications may be made to all campuses (Dickson, Clarksville, Franklin). Notifications may be made to individual campuses when only localized segments are affected; however, a continuing assessment of situations may warrant additional notifications to other segments of the community.

### **Content of Notifications**

The President or the President's senior staff designee will determine what information will be contained in notifications; depending on the segments being affected, notifications may vary between targets.

### **Initiate the Notification System**

Notifications are initiated by means of electronic communication (email, text, cell), public address systems, or via alarms based on the timeliness of need for the message being communicated. Any senior staff member may initiate the notification systems.

### **Safety of the Campus**

TCAT Dickson will inform the community of a confirmed significant emergency or dangerous situations without delay. The institution will take into consideration the safety of the community,

will determine the content of any notifications, and will initiate the notification system. The institution may withhold a notification in situations where the professional judgment of responsible authorities indicates that issuing a notification will compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

### **Emergency Personnel**

Emergency Confirmation: President/Senior Staff Designees (minimum of 2)

Emergency Notice Content: President/Senior Staff Designees (minimum of 2)

Emergency Notification Initiation: President/ Senior Staff Designees (minimum of 2)

Call 911: President/Senior Staff/Any Employee with immediate access to phone

Emergency Preparedness Operations: Facilities Coordinator/Lead Facility Associate

Emergency Preparedness Canvas Areas: Vice President/Campus Coordinator

Emergency Preparedness Traffic Control: Student Services Coordinator/Automotive Instructor

Emergency Preparedness First Aid: Health Careers Coordinator/Nursing Instructors

### **Preparation of Disclosure of Crime Statistics [34 CFR §668.46(b)(2)(ii)] (All Campuses)**

The Office of the President prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report can be located on our website at <https://tcatdickson.edu/about/campus-safety-and-security-disclosures>. The report is prepared in cooperation with the local law enforcement agencies surrounding our main campus and alternate sites. Campus crime, arrest, and referral statistics include those reported to the campus officials and local law enforcement agencies. Upon completion of the Annual Security Report, an e-mail notification is made to all enrolled students, faculty and staff that provides the website to access this report. Copies of the report may also be obtained from the Business Office located at 740 Highway 46 S, Dickson, TN; from the Clarksville Student Services Office located at 135 International Blvd., Clarksville, TN, 37040; or, by calling (615) 441-6620.

### **Voluntary Confidential Reporting of Crimes [34 CFR §668.46(b)(2)(iii)] (All Campuses)**

The TCAT does not have procedures for voluntary, confidential reporting of crime statistics, except in cases of sexual misconduct. Violations of the law will be referred to law enforcement agencies and, when appropriate, to the appropriate disciplinary committee for review. When a potentially dangerous threat to the college community arises, timely reports or warnings will be issued. All reports will be investigated.

TCAT Dickson encourages anyone who is the victim or witness or has knowledge of any crime to promptly report the incident. The confidentiality of persons reporting criminal activity can be requested and will be respected when possible but cannot be ensured pending the nature of the crime reported.

### **Security and Access [34 CFR §668.46(b)(3)] (All Campuses)**

During business hours, the college will be open to students, parents, employees, contractors, guests and invitees. During non-business hours, access to all college facilities is by key, if issued. Some facilities may have individual hours, which may vary at different times of the year. In these cases, the facilities will be secured according to schedules developed by the person responsible for the facility. Emergencies may necessitate changes or alterations to any posted schedules.

Safety and security have been considered in the landscape and lighting of the campus. Any maintenance needs may be reported to the Vice President, Clarksville Campus Coordinator, Facilities Coordinator or other administrative staff member, who will forward any identified security concern to be evaluated by the facility staff. The facility staff will evaluate the need and consult the Vice President and/or President as warranted. These evaluations examine security issues including, but not limited to, landscaping, locks, alarms, lighting, and communications.

### **Campus Law Enforcement Authority [34 CFR §668.46(b)(4)(i)] (All Campuses)**

TCAT staff members do not possess arrest power. Criminal incidents are referred to the local law enforcement agencies that have jurisdiction on the campuses. The TCAT personnel maintain a highly professional working relationship with the local law enforcement agencies in the communities of each campus location. All crime victims and witnesses are strongly encouraged to report the crime to a CSA and the appropriate police agency immediately. Prompt reporting will assure timely warning notices on-campus and timely disclosure of crime statistics.

### **Memorandum of Understanding (MOU) with Local Law Enforcement [34 CFR §668.46(b)(4)(i)] (All Campuses)**

The TCAT staff at each campus location maintains a close working relationship with their local law enforcement agencies. This close working relationship does not include a written memorandum of understanding between the college and law enforcement agencies in Montgomery County, Ashland City or Franklin. However, the college does have a written MOU with the Dickson Police Department.

### **Encouragement of Accurate and Prompt Crime Reporting [34 CFR §668.46(b)(4)(ii)] (All Campuses)**

The campus community (students, faculty and staff) is strongly encouraged to report any criminal behavior or suspected criminal acts promptly to an institutional CSA or local police agency. In the event an emergency is occurring, call 911 to obtain immediate assistance from local law enforcement agencies, and then contact Laura Travis, Vice President. It is a core objective of the TCAT to maintain a safe environment for the entire campus population and public visitors. To ensure this, each person must take the proper reporting of criminal activity seriously and act promptly.

All incident reports are forwarded to the President, Arrita Summers, for review and potential action.

Local law enforcement will investigate a report when it is deemed appropriate. The President will notify the appropriate personnel of the incident for entry into the crime log. Additional information obtained via the investigation may also be forwarded to Student Services and/or human resources.

If you are the victim of a crime and do not want to pursue action within the college system or the criminal justice system, you may still want to consider making a confidential report. With your permission, the law enforcement agency can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the TCAT can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime 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 institution's annual crimes statistics.

Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents to the Student Services Office in a timely manner. Your promptness in reporting a crime increases the chance of the suspect being apprehended and preventing future criminal activity.

### **Security Awareness Programs for Students and Employees [34 CFR §668.46(b)(5)] (All Campuses)**

During orientation, staff and students are informed of the need to exercise personal safety and help maintain security on the TCAT Dickson main campus and all extension campuses. Once enrolled in class, all students receive a program orientation that promotes personal security and safety. Using common sense safety practices such as walking in groups; reporting suspicious activities; keeping money, books and other personal items protected; locking car and office doors when leaving; wearing safety belts; observing speed limits; and, generally being alert to personal welfare will help ensure personal safety on and off campus. This information is included in the Student Handbook and Catalog. New students are notified at orientation and returning students are notified each fall of the information provided in the Handbook and the web address to view the Handbook.

### **Programs Designed to Inform Students and Employees About Prevention of Crime [34 CFR §668.46(b)(6)] (All Campuses)**

In addition to the security awareness programs, information on how to prevent crime is presented to students and employees through a campus violence policy, bystander intervention strategies, and risk reduction strategies, which are available on the college's website and through document centers on the campuses.

### **Monitoring Off-campus Student Organizations [34 CFR §668.46(b)(7)] (All Campuses)**

The TCAT does not have officially recognized student organizations with off campus locations.

### **Alcohol and Illegal Drugs [34 CFR §668.46(b)(8) & (b)(9)] (All Campuses)**

TCAT students and employees are prohibited from engaging in the unlawful manufacture,



distribution, dispensation, possession, use of or being under the influence of illicit drugs and/or alcohol on any TCAT campus, property owned or controlled by the TCAT, or as part of any TCAT activity.

#### A. Penalties for Violation

##### 1. Legal Sanctions under Federal, State or Local Law

Various federal, state, and local statutes make it unlawful to manufacture, distribute, dispense, deliver, sell, or possess with intent to manufacture, distribute, dispense, deliver or sell, controlled substances. The penalty imposed depends upon many factors which include the type and amount of controlled substance involved; the number of prior offenses, if any; whether death or serious bodily injury resulted from the use of such substance; and whether any other crimes were committed in connection with the use of the controlled substance. Possible maximum penalties for a first-time violation include imprisonment for any period of time up to a term of life imprisonment, a fine of up to \$4,000,000, supervised release, any combination of the above or all three. These sanctions are doubled when the offense involves either: (1) distribution or possession at or near a school or college campus; or (2) distribution to persons less than 21 years of age. Repeat offenders may be punished to a greater extent as provided by statute. Further, a civil penalty of up to \$10,000 may be assessed for simple possession of "personal use amounts" of certain specified substances under federal law. Under state law, the offense of possession or casual exchange is punishable as a Class A misdemeanor; if there is an exchange between a minor and an adult at least two (2) years the minor's senior, and the adult knew that the person was a minor, the offense is classified a felony as provided in T.C.A. 39-17-417. (21 U.S.C. 801, et. Seq.; T.C.A. 39-12-417) It is unlawful for any person under the age of twenty-one (21) to buy, possess, transport (unless in the course of his or her employment), or consume alcoholic beverages, wine or beer, such offenses being classified as Class A misdemeanors punishable by imprisonment for not more than 11 months, 29 days, or a fine of not more than \$2,500, or both. (T.C.A. 1-3-113 and T.C.A. 57-5-301) It is further an offense to provide alcoholic beverages to any person under the age of twenty-one (21), such offense being classified a Class A misdemeanor. (T.C.A. 39-15-404) The offense of public intoxication is a Class C misdemeanor punishable by imprisonment of not more than 30 days or a fine of not more than \$50, or both. (T.C.A. S39-17-310)

##### 2. Students

In addition to penalties students may be subject to under local, state or federal law, students violating this policy will be subject to disciplinary action, including, but not necessarily limited to:

- a. Probation
- b. Suspension
- c. Expulsion from school

##### 3. Employees

In addition to penalties employees may be subject to under local, state or federal law,

employees violating this policy will be subject to disciplinary action, including but not limited to:

- a. Probation
- b. Suspension
- c. Demotion
- d. Termination

As a condition of employment, employees, including student employees, must abide by the terms of this policy and must notify their supervisor of any criminal drug statute or alcohol abuse conviction for a violation occurring in the workplace no later than five days after such conviction.

## **B. Dissemination of Policy**

### **1. Employees**

- a. The Student Services Office will provide new employees with a copy of this policy, as part of the new employees' orientation via the Student Handbook and Catalog.
- b. New employees will sign orientation forms acknowledging that the policy was disseminated as part of their orientation.
- c. The Office of the President will send e-mail copies of this policy annually to all employees with e-mail access. The Human Resources office will provide a notice of the policy to all adjunct employees without e-mail access.

### **2. Students**

- a. A notice of this policy will be included with the TCAT Dickson Student Handbook and Catalog and on the college's web page.
- b. The Student Services office will notify new students at orientation and returning students each fall of the information provided in the Student Handbook and the web address to view the Student Handbook.

## **C. Violations**

### **1. Supervisor Notification**

Any supervisor becoming aware of an employee violation of this policy, whether by virtue of notification by an employee of a conviction or by other means, will immediately notify the Office of the President.

### **2. Employees Funded by Federal Grants**

The Office of the President will notify the appropriate sponsor or granting agency within ten days after the college receives actual notice of an employee conviction.

## **Policy Statement Addressing Substance Abuse Education [34 CFR §668.46(b)(10)]**

### **A. General**

#### **Drug and Alcohol Awareness**

The TCAT is committed to raising the awareness of students and employees of the health risks associated with the use of illicit drugs and the abuse of alcohol. A synopsis of those health risks is presented below.

### **B. Alcohol**

Alcoholism is a complex, progressive disease that interferes with health, social and economic functioning. Untreated alcoholism results in physical incapacity, permanent mental damage and/or premature death. Alcohol is involved in one-third of all suicides, one-half of all traffic accidents and one-fourth of all other accidents and is involved in over 50% of all arrests. Alcohol is the third leading cause of birth defects involving mental retardation. Use during pregnancy may cause spontaneous abortion, various birth defects or fetal alcohol syndrome. Drinking is implicated in cancer, heart disease, gastrointestinal disease and other illnesses. Alcoholism has been estimated to reduce life expectancy by twelve years. Alcohol Beverage can damage all body organs, leading to liver, heart and digestive problems, circulatory system interference, change in personality, reproductive problems and central nervous system disorder such as poor vision, loss of coordination, memory loss, loss of sensation, mental and physical disturbances and permanent brain damage. The physical and psychological changes that occur as a result of addiction to alcohol can pave the way for addiction to pharmacologically similar drugs.

### **C. Illicit Drugs**

The use of illicit drugs results in many of the health risks that are involved with alcohol use. Illicit drug use increases the risk of mental deterioration, death from overdose, physical and mental dependence or addiction, hepatitis and skin infections from needle use, psychotic reactions, inducement to take stronger drugs, brain damage, danger of flashback phenomenon, hallucinations, unconsciousness, deep depression, distortion of time and space, permanent damage to lungs, brain, kidneys and liver, death from suffocation or choking, anemia, amnesia, AIDS and other infections. If used excessively, the use of alcohol and drugs singly or in certain combinations may cause death.

### **D. Counseling, Treatment and Rehabilitation Programs**

The Student Services Coordinator will assist students and/or employees by providing information concerning treatment resources in the surrounding area and assisting individuals in making initial contact with treatment providers. Regular employees may also use the Employee Assistance Program (EAP) by calling 1-855-437-3486 or on the web at <https://here4tn.com>. Information concerning the EAP is available in the Human Resources Office.

## **Crimes of Violence and Sexual Misconduct [34 CFR §668.46(b)(11)] (All Campuses)**

Sexual misconduct is a form of sex discrimination prohibited by Title IX. The TCAT is committed to eliminating any and all acts of sexual misconduct and discrimination on its campuses. As set forth in this policy, sexual misconduct includes Title IX sexual harassment, dating violence, domestic violence, stalking, and sexual assault. The TCAT strictly prohibits these offenses. Any allegation of sexual misconduct as defined herein will be investigated and adjudicated according to this policy.

### **Definitions**

**Consent**— an active agreement to participate in a sexual act. An active agreement is words and/or actions that indicate a willingness to participate in a sexual act. Consent cannot be given by an individual who is asleep; unconscious; or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason; or, is under duress, threat, coercion, or force. Past consent does not imply future consent. Silence or an absence of resistance does not imply consent. Consent can be withdrawn at any time.

**Dating Violence**—violence against a person when the accuser and accused are dating, or who have dated, or who have or had a sexual relationship. “Dating” and “dated” do not include fraternization between two (2) individuals solely in a business or non-romantic social context. Violence includes, but is not necessarily limited to:

1. Inflicting, or attempting to inflict, physical injury on the accuser by other than accidental means;
2. Placing the accuser in fear of physical harm;
3. Physical restraint;
4. Malicious damage to the personal property of the accuser, including inflicting, or attempting to inflict, physical injury on any animal owned, possessed, leased, kept, or held by the accuser; or,
5. Placing a victim in fear of physical harm to any animal owned, possessed, leased, kept, or held by the accuser – **TCA § 36-3-601(5)(c)**

**Domestic Violence**— includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurs, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime occurs. In cases involving allegations of mutual acts or threats of acts of violence, the investigator will, when appropriate, identify the primary aggressor in the situation based on the totality of the information gathered, including without limitation: the history of violence between the Parties; the relative severity of the injuries inflicted on each person; information gathered from the persons involved in the situation and witnesses to the situation; and whether the acts or threats were done in self-defense. The primary aggressor will be considered the Respondent for purposes of evaluating Domestic Violence.

**Sexual Assault**— an umbrella term that includes rape, fondling, incest, and statutory rape.

1. “Rape” means 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.
2. “Fondling” means the touching of the private body Part 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 age or because of temporary or permanent mental incapacity.
3. “Incest” means sexual intercourse between persons who are related to each other within degrees where marriage is prohibited by law.
4. “Statutory rape” means sexual intercourse with a person who is under the statutory age of consent.

**Title IX Sexual Harassment** – conduct on the basis of sex that satisfies either of the following:

1. An employee of an institution conditioning provision of an aid, benefit, or service of an institution on an individual’s participation in unwelcome sexual conduct (quid pro quo);
2. Unwelcome conduct of a sexual nature determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the institution’s education program or activity. “Reasonable person” means a reasonable person under similar circumstances as and with similar identities to the Complainant. TBR institutions will consider the totality of the circumstances, including without limitation, the context in which the conduct and/or words occurred, and the frequency, nature, and severity of the words and/or conduct. In no event shall Title IX sexual harassment be construed to prohibit speech protected by the First Amendment to the United States Constitution (e.g., merely offensive or insulting speech). (With respect to conduct by employees, TBR institutions also prohibit sexual harassment in accordance with TBR Guideline P-080 and institutional policy.) Severe means behavior that is more than antagonistic, non-consensual, and crass, even where the behavior is based on differences in sex or gender. Pervasive means systemic or widespread, and it necessarily involves more than one incident of sexual harassment. Sources: Kollaritsch v. Michigan State Board of Trustees, 944 F.3d 613, 620-21 (6th Cir. 2019) (citing Davis v. Monroe County Board of Educ., 526 U.S. 629, 651-53 (1999)); Doe v. Univ. of Kentucky, 959 F.3d 246, 250 (6th Cir. 2020)

**Sexual Misconduct**—for the purposes of this policy, “sexual misconduct” is defined as Title IX sexual harassment, dating violence, domestic violence, stalking, and sexual assault.

**Stalking**— engaging in a course of conduct directed at a specific person that would cause a reasonable person to either (a) fear for his or her safety or the safety of others or (b) suffer substantial emotional distress. “Course of conduct” means two or more acts, including, but not limited to, acts in which a person directly, indirectly, or through third Parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates with or about another person, or interferes with another 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. For the definition of Stalking, “reasonable person”

means a reasonable person under similar circumstances and with similar identities to the Complainant.

### **Sexual Misconduct Educational Programs And Campaigns [34 CFR §668.46(b)(11)(i)]**

The TCAT engages in comprehensive online educational programming to prevent sexual misconduct. Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students, staff, and faculty that:

1. Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
2. Defines what behavior constitutes domestic violence, dating violence, sexual assault and stalking;
3. Defines what behavior and actions constitute consent to sexual activity in the state of Tennessee;
4. Provides safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault and stalking against a person other than the bystander;
5. Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks;

### **Bystander Intervention**

Bystanders are the largest group of people involved in violence – they greatly outnumber both the perpetrators and the victims. Bystanders have a range of involvement in assaults. Some know that a specific assault is happening or will happen, some see an assault or potential assault in progress, and some know that assaults do happen. Regardless of how close to the assault they are, bystanders have the power stop assaults from occurring and to get help for people who have been victimized.

Take the example of the typical perpetrator of college sexual assaults. Most are men who are outwardly charming, have a lot of friends, and don't consider their actions to be wrong (Lisak, 2002). People who know this person (bystanders), and are potentially friends with this person, often do not want women they care about (sisters, friends, etc.) to date or hang around this man. When his behavior is directed at other women whom they are not close to, they often do not think it is a situation in which they need to get involved. Bystanders often know that this person's behavior is inappropriate and potentially illegal, but may not know what they can do to make a difference.

All persons have been bystanders at some point in their lives, and all will be in situations where they are bystanders in the future. The choice, then, becomes whether individuals are going to be active bystanders who speak up and say something, or whether they will be passive bystanders who stand by and say nothing.

TCAT Dickson is not advocating that individuals risk their own safety in order to be an active bystander. Remember, there is a range of actions that are appropriate, depending on the situation. If an individual or someone else is in immediate danger, calling 911 is the best action a bystander can take; as opposed to being the bystander who stands by and does nothing, we want to create a culture of bystanders who are actively engaged in the prevention of violence. The following information is provided to students and employees regarding the power of being a bystander:

## **A. Bystander Intervention Strategies from the National Sexual Violence Resource Center (NSVRC)**

### Why Bystander Intervention Matters

Preventing sexual harassment is everybody's responsibility. An engaged bystander is someone who lives up to that responsibility by intervening before, during, or after a situation when they see or hear behaviors that threaten, harass, or otherwise encourage sexual violence.

The behaviors that make up sexual violence exist on a spectrum. While some behaviors – such as sexist jokes, inappropriate sexual comments, innuendos, catcalling, or vulgar gestures – aren't illegal, this does not make them any less threatening or harmful to the person experiencing them. These situations also take place across a range of locations and settings – often in public spaces, workplaces, schools, communities, and online. All of us must embrace our voices to demonstrate that these behaviors will not be tolerated.

### How to Be a Good Bystander

It may not be safe or effective to directly confront the harasser in every case, but there are a range of ways bystanders can be involved before, during, or after a situation when they see or hear behaviors that promote sexual violence. Below are some intervention tips and strategies:

1. **Disrupt the situation.** Every situation is different, and there is no one way to respond. When you witness a person being harassed, threatened, or followed by someone, you can try to distract the harasser or insert yourself into their interaction to help the targeted person get out of the situation. For example, if you see someone on the street being verbally harassed, you can interrupt the harasser and ask them for directions. You can also intervene by pretending to know the person being harassed and starting a conversation with them as an opportunity to come between them and the harasser.
2. **Don't act alone.** Get support from people around you by calling on others to help. The more people who come together to interrupt a situation, the more you reinforce the idea that the behavior is not acceptable in your community. This can be as simple as saying, "Let's say something to them so they stop." If you do not feel safe, you may consider contacting the police.
3. **Confront the harasser.** Whether or not you know the harasser, you can intervene by telling them in a respectful, direct, and honest way that their words or actions are not okay.

For example, when you hear someone make comments that blame victims for being assaulted, or make light of sexual violence, you can tell them:

- a. You need to stop.
  - b. That's so inappropriate.
  - c. What you just said made me feel uncomfortable. Here's why...
  - d. Do you realize how problematic that is?
  - e. We need to talk about what you just said.
  - f. Why would you say that?
4. **Set the expectation to speak up and step in.** Talking openly and responding directly to inappropriate behaviors will have a snowball effect and encourage others to respond. It shows you recognize the comment or behavior is unacceptable and shows others it will not be tolerated. For example, if you are in a group setting and you hear someone make inappropriate comments, you can say:
- a. Are you hearing what I am hearing?
  - b. I can't be the only one who thinks this is not OK.
  - c. I don't see how XYZ is relevant or appropriate to this discussion.
  - d. I know you're a better person than that.
5. **Understand how your privilege positions you to speak up.** Your age, race, gender, etc. may make it safer for you to speak up and be vocal about harassment – especially when you are not the target or representative of the target group.
6. **Focus on the needs and experience of the target** and ensure they receive the support the need.
- a. Let them know that what has happened to them isn't their fault.
  - b. Affirm that they didn't do anything wrong.
  - c. Express your support for the individual.
    - i. I saw what they just did. Are you OK?
    - ii. I heard what that person said to you. I am so sorry.
7. **Take action online.** Everyone can help address an online culture that tolerates rape and sexual violence. Online comments that blame victims contribute to a broader climate in which sexual violence is tolerated and not taken seriously.
- a. Believe and support survivors. For example, thank survivors for sharing their stories in the comments of news articles and blog posts.
  - b. Respond to victim-blaming, rape jokes, or other problematic comments on social media:
    - i. Post a response like, "Sexual assault is never the survivor's fault."
    - ii. Refocus accountability on the individual(s) who committed sexual abuse.
  - c. Link to an educational resource about sexual violence prevention, like those that can be found at [nsvrc.org/publications](https://www.nsvrc.org/publications).
8. **Be proactive.** Practice with friends and family what you would say and how you would say it if you're ever put in the situation where you need to confront a harasser. Think of how you would like others to take action on your behalf, or reflect on a situation where you



wish you had acted differently.

## ABOUT NSVRC

The National Sexual Violence Resource Center (NSVRC) is the leading nonprofit in providing information and tools to prevent and respond to sexual violence. NSVRC translates research and trends into best practices that help individuals, communities and service providers achieve real and lasting change. The center also works with the media to promote informed reporting. Every April, NSVRC leads Sexual Assault Awareness Month (SAAM), a campaign to educate and engage the public in addressing this widespread issue. NSVRC is also one of the three founding organizations of Raliance, a national, collaborative initiative dedicated to ending sexual violence in one generation. The organization was chartered in 2000 by the Pennsylvania Coalition Against Rape through a cooperative agreement with the Centers for Disease Control and Prevention.

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## Risk Reduction Strategies

College campuses can give you a sense of security—a feeling that everyone knows each other and watches out for one another. There are perpetrators who take advantage of this feeling of safety and security to commit acts of sexual violence.

We can all take steps to increase safety on college campuses. As bystanders, students can learn ways of stepping in to prevent crimes like sexual assault from occurring. When it comes to personal safety, there are steps you can take as well, and some of those tips are outlined below. No tips can absolutely guarantee safety—sexual violence can happen to anyone, and it's not the only crime that can occur on a college campus. It's important to remember that if you are sexually assaulted on campus it is not your fault—help and support are available.

### A. Increasing on-campus safety

The following tips may reduce your risk for many different types of crimes, including sexual violence.

1. **Know your resources.** Who should you contact if you or a friend needs help? Where should you go? Locate resources such as the campus health center, campus police station, and a local sexual assault service provider. Notice where emergency phones are located on campus, and program the campus security number into your cell phone for easy access.
2. **Stay alert.** When you're moving around on campus or in the surrounding neighborhood, be aware of your surroundings. Consider inviting a friend to join you or asking campus security for an escort. If you're alone, only use headphones in one ear to stay aware of your surroundings.
3. **Be careful about posting your location.** Many social media sites, like Facebook and Foursquare, use geolocation to publicly share your location. Consider disabling this function and reviewing other social media settings.

4. **Make others earn your trust.** A college environment can foster a false sense of security. They may feel like fast friends, but give people time to earn your trust before relying on them.
5. **Think about Plan B.** Spend some time thinking about back-up plans for potentially sticky situations. If your phone dies, do you have a few numbers memorized to get help? Do you have emergency cash in case you can't use a credit card? Do you have the address to your dorm or college memorized? If you drive, is there a spare key hidden, gas in your car, and a set of jumper cables?
6. **Be secure.** Lock your door and windows when you're asleep and when you leave the room. If people constantly prop open the main door to the dorm or apartment, tell security or a trusted authority figure.

## B. Safety in social settings

It's possible to relax and have a good time while still making safety a priority. Consider these tips for staying safe and looking out for your friends in social settings.

1. **Make a plan.** If you're going to a party, go with people you trust. Agree to watch out for each other and plan to leave together. If your plans change, make sure to touch base with the other people in your group. Don't leave someone stranded in an unfamiliar or unsafe situation.
2. **Protect your drink.** Don't leave your drink unattended, and watch out for your friends' drinks if you can. If you go to the bathroom or step outside, take the drink with you or toss it out. Drink from unopened containers or drinks you watched being made and poured. It's not always possible to know if something has been added to someone's drink. In drug-facilitated sexual assault, a perpetrator could use a substance that has no color, taste, or odor.
3. **Know your limits.** Keep track of how many drinks you've had, and be aware of your friends' behavior. If one of you feels extremely tired or more drunk than you should, you may have been drugged. Leave the party or situation and find help immediately.
4. **It's okay to lie.** If you want to exit a situation immediately and are concerned about frightening or upsetting someone, it's okay to lie. You are never obligated to remain in a situation that makes you feel uncomfortable, pressured, or threatened. You can also lie to help a friend leave a situation that you think may be dangerous. Some excuses you could use are needing to take care of another friend or family member, an urgent phone call, not feeling well, and having to be somewhere else by a certain time.
5. **Be a good friend.** Trust your instincts. If you notice something that doesn't feel right, it probably isn't. Learn more about how to keep your friends safe in social settings. Sexual assault risk reduction strategies.

### **Immediate Actions A Victim Of A Sex Offense Should Take [34 CFR §668.46(b)(11)(ii)]**

A. In the immediate aftermath of a sexual assault, domestic violence, dating violence or similar event, the most important thing is for the victim to get to a safe place.

B. When a feeling of safety has been achieved, the victim should seek medical attention, regardless of his or her decision to report the crime to the police. It is very important for the victim of sexual assault to seek medical attention immediately so that the victim can be screened for sexually transmitted diseases/pregnancy/date rape drugs, obtain emergency contraception, and receive treatment for any physical injuries.

C. A victim has the right to accept or decline any or all parts of a medical exam. However, critical evidence may be lost or missed if not collected or analyzed.

D. Valuable physical evidence can be obtained from the victim and the victim's clothing. A victim should make every effort to save anything that might contain the offender's DNA. Therefore, a victim should not:

1. Bathe, shower, or douche;
2. Wash his/her hands;
3. Brush his/her teeth;
4. Use the restroom;
5. Change clothes or bedding;
6. Comb hair;
7. Clean up the crime scene; or
8. Move anything the offender may have touched

However, if a Complainant has already changed clothes or cleaned up/showered, evidence may still be collected. The Complainant should leave any clothes or bedding unfolded and undisturbed, if possible. If clothing or bedding must be moved, items should be kept separate to prevent transfer of body fluids or other trace evidence.

E. Even if the victim has not yet decided to report the crime, receiving a forensic medical exam and keeping the evidence safe from damage will improve the chances that the police can access and test the stored evidence at a later date.

F. Victims of sexual misconduct are encouraged to preserve evidence by not deleting or destroying text messages, instant messages, social media, emails, voicemails, written notes, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to investigators.

A victim has the right to decline to notify local law enforcement. However, filing a police report with a local law enforcement agency will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. Filing a police report will:

- ensure that a victim of sexual assault receives the necessary medical treatment and tests, at no expense to the victim;
- provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam; and, the victim should save electronic messages, if possible); and,
- ensure the victim has access to confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

### **Assistance for Victims of Sexual Misconduct: Rights and Options**

- A. Regardless of whether a victim elects to pursue a criminal complaint or whether the offense occurred on or off campus, the College will assist victims of sexual misconduct and will provide each victim with a written explanation of her/his rights as a member of the College.
- B. Additionally, in the Tennessee court system, a victim of domestic violence, dating violence, sexual assault and stalking has the following rights: the right to confer with the prosecution, right to be free from intimidation, harassment and abuse throughout the criminal justice system, the right to be present at all proceedings where the defendant has the right to be present, the right to be heard, when relevant, at all critical stages of the criminal justice process as defined by the General Assembly, the right to be informed of all proceedings, and of the release, transfer or escape of the accused or convicted person, the right to a speedy trial or disposition and a prompt and final conclusion of the case after the conviction or sentence, the right to restitution from the offender and the right to be informed of each of the rights established for victims. Information related to these rights may be found at <https://www.tn.gov/correction/redirect-agency-services/redirect-victim-services/tennessee-crime-victims--bill-of-rights.html>.
- C. Protection from abuse orders may be available through <http://www.tncourts.gov/programs/self-help-center/forms/order-protection-forms> and additional information related to such orders may be found at <https://www.tncoalition.org/legal-clinics>.
- D. The College does not publish the name of crime victims nor maintain identifiable information regarding victims in the Daily Crime Log or in the release of timely warnings.

### **Resources for Victims of Sexual Misconduct**

The resources listed below are not exhaustive or limited to victims who wish to make an official report or participate in an institutional hearing, police investigation or criminal prosecution. However, in cases where a victim wishes to maintain complete confidentiality, the victim should review carefully Section A “Reporting Confidentially” below related to the limits on the College’s ability to maintain confidentiality.

#### A. On Campus Resources

Office of the Title IX Coordinator, Laura Travis	740 Hwy 46 South Dickson, TN 37055	(615) 441-6220 <a href="mailto:Laura.Travis@tcatdickson.edu">Laura.Travis@tcatdickson.edu</a>
Student Services Coordinator, Pam Bigham	740 Hwy 46 South Dickson, TN 37055	615) 441-6220 <a href="mailto:Pam.Bigham@tcatdickson.edu">Pam.Bigham@tcatdickson.edu</a>
Clarksville Campus Coordinator, Debbie Griffin	135 International Blvd. Clarksville, TN 37040	(931) 574-1694 <a href="mailto:Debbie.Griffin@tcatdickson.edu">Debbie.Griffin@tcatdickson.edu</a>

#### B. On-line Resources

<http://tncoalition.org/> - State Coalition Against Rape  
<http://tncoalition.org/> - State Coalition Against Domestic Violence  
<http://www.thehotline.org/> - Website for LGBTQ survivors of sexual or domestic violence and minority women survivors of sexual or domestic violence  
<http://www.rainn.org> - Rape, Abuse and Incest National Network  
<https://www.justice.gov/usao-dc/information-victims-sexual-assault> -- Department of Justice  
<http://www2.ed.gov/about/offices/list/ocr/index.html> -- Department of Education, Office of Civil Rights

#### C. Phone Number Resources:

National Domestic Violence Hotline ----- 1-800-799-SAFE FREE (7233)  
National Sexual Assault Hotline ----- 1-800-656-HOPE FREE (4673)  
National Stalking Resources ----- 1-800-FYI-CALL FREE (1-800-394-2255)  
National Teen Dating Abuse----- 1-866-331-9474 FREE  
Crisis Intervention Center -- Clarksville ----- 2-1-1 OR 931-648-1000  
Tennova Healthcare -- Clarksville----- 931-502-1000  
Centerstone – Dickson Location ----- 615-446-3797  
Centerstone – Clarksville Location ----- 931-920-7200  
Centerstone at Gateway Crisis Center----- 931-502-2025  
Centerstone 24-Hour Crisis Intervention ----- 1-800-681-7444  
Crisis Line ----- 1-888-291-HELP FREE (4357)

#### Reporting Crimes of Violence or Sexual Misconduct [34 CFR §668.46(b)(11)(ii)]

TBR institutions take seriously all complaints of sexual discrimination, sexual harassment, and Sexual Misconduct. This section explains the various reporting, complaint, and confidential disclosure options available to enable individuals to make informed choices about where to

turn should they experience sexual discrimination, sexual harassment, or Sexual Misconduct.

The TCAT encourages victims of sexual violence or crimes of violence to talk to somebody about what happened so they can get the support they need and so the TCAT can respond appropriately. Though reports will be kept as confidential as possible, the TCAT cannot guarantee the confidentiality of every report or complaint submitted to institution personnel. The following provisions detail the confidentiality options available to individuals.

#### **A. Reporting Confidentially**

If a victim chooses to report an incident of sexual misconduct in a confidential manner, the victim can report the incident to the following agency who employs licensed counselors and is required by Tennessee State law to maintain confidentiality of a victim:

##### **Sexual Assault Center, Counseling & Education**

101 French Landing Dr., Nashville, TN 37228; (615) 259-9055  
24-hour hotline 1-866-811-7473.

1725-I Wilma Rudolph Blvd., Clarksville, TN 37040; (931) 241-4143

[www.sacenter.org](http://www.sacenter.org)

Counselors and health care providers not affiliated with the institution will generally maintain confidentiality and not share information with the institution unless the Complainant requests the disclosure and signs a consent or waiver form. However, these resources may have reporting obligations under state or federal law. For example, healthcare providers and certain other individuals are required to notify law enforcement when a person seeks treatment for injuries related to a violent crime, including injuries resulting from Sexual Misconduct or abuse of a minor.

#### **B. Filing a Formal Complaint**

All employees who learn of Sexual Misconduct (or any form of sexual harassment or sex discrimination, or retaliation) are encouraged to report such matters to the Title IX Coordinator.

Supervisors and managers who learn of Sexual Misconduct (or any form of sexual harassment or sex discrimination, or retaliation) must immediately report such concerns to the Title IX Coordinator.

Any person who has been a victim of Sexual Misconduct that took place within an education program or activity of a TBR institution in the United States may file a Formal Complaint under this policy.

A Complainant who wants a TBR institution to conduct an investigation and take action in

accordance with this policy must file a Formal Complaint alleging Sexual Misconduct.

A Complainant must submit a written Formal Complaint in person, by mail, or via electronic mail to the Title IX Coordinator. The document must contain the Complainant's physical signature or a "digital signature." (A digital signature is information transmitted electronically that enables the Title IX Coordinator to determine that the Complainant is the person submitting the complaint, including, but not limited to, an email from a TBR institutional account or a typed version of the Complainant's name. A digital signature need not reproduce a written signature.) A Formal Complaint cannot be submitted anonymously. Only the Title IX Coordinator can submit a Formal Complaint on behalf of another person.

Although TBR institutions will attempt to consider the wishes of Complainants, including that no investigation be conducted, TBR institutions will also consider their obligations under both TBR policy and applicable law, including Title VII of the Civil Rights Act of 1964. Thus, when the Title IX Coordinator receives a report of Sexual Misconduct, and especially when the complaint involves an employee, the Title IX Coordinator may decide to investigate the matter pursuant to Guideline P-080 and institutional policy, even if the Complainant does not want the report investigated. If the Title IX Coordinator decides to file a Formal Complaint, the Title IX Coordinator is not a "Party" to any investigation, Determination or hearing process.

Complainants should provide as much of the following information as possible: what happened, where, and when; names of all people involved, including witnesses (if any); supporting documentation (if any); and contact information. TCAT encourages reporting of Sexual Misconduct even if some or all information is unavailable or cannot be provided. The Title IX Coordinator will explain their role, the options for reporting an incident, potential available Interim/Supportive Measures, and the available resources for assistance.

1. The TCAT shall not share information with law enforcement without the victim's consent or unless the victim has also reported the incident to law enforcement.
2. Before a Complainant reveals any information to an employee, the employee must ensure that the Complainant understands the employee's reporting obligations.
3. If the Complainant wants to maintain confidentiality, the employee must direct the victim to confidential resources as detailed in Section A above.
4. If the Complainant wants to tell an employee what happened but also maintain confidentiality, the employee must advise the Complainant that the TCAT will consider the request, but cannot guarantee that it will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the employee will also inform the Coordinator of the Complainant's request for confidentiality.
5. In addition to all other employees on campus, an institutional complaint can be filed directly with either or both of the following:

Title IX Coordinator:  
Laura Travis, Vice President  
Main Campus Administration Building  
740 Highway 46 S  
Dickson, TN 37055  
(615) 441-6220

[Laura.Travis@tcatdickson.edu](mailto:Laura.Travis@tcatdickson.edu)

Pam Bigham, Student Services Coordinator  
Main Campus Student Services Office  
740 Highway 46  
Dickson, TN 37055  
(615) 441-6220

[Pam.Bigham@tcatdicksonn.edu](mailto:Pam.Bigham@tcatdicksonn.edu)

Debbie Griffin, Campus Coordinator  
Administration Office, Clarksville Campus  
135 International Blvd. Clarksville, TN 37040  
(931) 572-1694  
[Debbie.Griffin@tcatdickson.edu](mailto:Debbie.Griffin@tcatdickson.edu)

### Anonymous and Third-Party/Bystander Reporting

TCAT encourages third parties to report incidents of Sexual Misconduct to the Title IX Coordinator. The institution may not be able to move forward with third-party reports if the Complainant does not wish to file a Formal Complaint or cooperate with an investigation.

After providing a report, third parties are not entitled to information about the institution's investigation and response due to privacy concerns and applicable federal and state laws.

### Abuse of Minors

Tennessee law mandates reporting by any person who has knowledge of physical or mental harm to a child if: (1) the nature of the harm reasonably indicates it was caused by brutality, abuse, or neglect; or (2) on the basis of available information, the harm reasonably appears to have been caused by brutality, abuse, or neglect. Tennessee law also mandates reporting by any person who knows or has reasonable cause to suspect that a child has been sexually abused, regardless of whether the child has sustained any apparent injury as a result of the abuse.

In the event of a life-threatening emergency, a report of child abuse or child sexual abuse should be made by calling 911. In other cases, a report of child abuse or child sexual abuse must be made immediately to one of the following authorities:

1. The Tennessee Department of Children's Services (the Central Intake Child Abuse Hotline is 1-877-237-0004);
2. The sheriff of the county where the child resides;
3. The chief law enforcement official of the city where the child resides; or
4. A judge having juvenile jurisdiction over the child.

In addition, institutional employees shall make a report of child abuse or child sexual abuse in connection with an institutional program or activity to the Title IX Coordinator. Note that a



report to an institutional law enforcement or security agency is not sufficient to comply with state law.

**C. Filing a Criminal Complaint**

If the victim chooses to make a complaint for purposes of filing criminal charges, the victim may contact local law enforcement where the assault occurred as listed on page 4 of this report. The local law enforcement agency will determine the subsequent steps. If the victim chooses, an advocate from the Sexual Assault Center or the TCAT's Title IX Coordinator will assist in the reporting process.

**D. The TCAT will, to the extent possible, complete publicly available record-keeping, including Clery reporting, without identifying information about the victim.**

**E. The TCAT will, to the extent possible, maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.**

**F. Retaliation against a person who makes a report or files a complaint, participates or assists in an investigation, encourages another to file a complaint, or opposes Sexual Misconduct (or any other form of discrimination prohibited by institutional policy) is prohibited. Individuals must not interfere with an investigation. Retaliation will result in disciplinary measures, up to and including termination or expulsion.**

In order to help prevent retaliation, institutional policy is to keep confidential the identity of anyone who has made a report or complaint of sex discrimination, including anyone who has filed a Formal Complaint of Sexual Misconduct, any Complainant, any Respondent, and any witness except as is required to carry out an institution's responsibilities under this policy, as permitted by FERPA, or as required by law.

Anyone who wishes to file a complaint of retaliation should contact the Title IX Coordinator.

**G. Emergency Removal/Administrative Leave**

If it appears, based on an allegation of Sexual Misconduct, that a student may constitute an immediate and direct threat to the physical health or safety of another individual, the institution will conduct an individualized inquiry and risk analysis and may place the student on interim suspension on an emergency basis. If the institution implements an interim suspension, the student shall be given the opportunity at the time of the decision, or as soon thereafter as reasonably possible, to contest the interim suspension. Institutions shall follow the procedures set forth in TBR Policy 3.02.00.01-General Regulations on Student Conduct & Disciplinary Sanctions (and applicable institutional policies) before placing any student on interim suspension.

The institution may place employees on administrative leave or similar action while

addressing allegations of Sexual Misconduct.

Visitors, vendors, and other third Parties may be removed from the premises consistent with applicable policies and procedures.

### **Interim Measures [34 CFR §668.46(b)(11)(v)]**

After receiving a report of potential Sexual Misconduct, whether or not the report is a Formal Complaint, the Title IX Coordinator will contact the Complainant to discuss the availability of Interim/Supportive Measures, inform the Complainant of their availability, and consider the Complainant's wishes with respect to potential Interim/Supportive Measures. The Title IX Coordinator will also explain the process for filing a Formal Complaint.

In situations that require immediate action because of safety or other concerns, the TCAT will take any reasonable administrative action that is appropriate. The Title IX Coordinator, in conjunction with the appropriate department, may implement interim, supportive, or protective measures while assessing, investigating, and resolving the report. These Interim/Supportive Measures are non-disciplinary, non-punitive, individualized services and are offered without fee or charge to the Complainant or Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. They are designed to restore or preserve equal access to the institution's programs or activities without unreasonably burdening the other Party and may include measures designed to protect the safety of all Parties or the institution's educational environment or deter Sexual Misconduct.

Examples of such interim actions include, but are not limited to:

- A.** Providing an escort to ensure that the Complainant can move safely between classes and activities;
- B.** Mutual no-contact directives;
- C.** Providing referrals or access to counseling services and assistance in setting up initial appointment;
- D.** Providing referrals to medical services;
- E.** Providing academic support services, such as tutoring;
- F.** Arranging for a Party to re-take a course or withdraw from a class without penalty;
- G.** Changing schedules, assignments, or job/study locations to lessen or minimize contact;
- H.** Extensions of deadlines and course-related adjustments;
- I.** Limiting or barring an individual's or organization's access to certain institutional facilities or activities;
- J.** Institution-imposed leave or physical separation from individuals or locations.
- K.** These remedies may be applied to one, both, or multiple parties involved.
- L.** Student Respondents may be placed on interim suspension under the appropriate circumstances pending the outcome of the investigation. The College shall follow TBR Policy 3:02:00:01 and TCAT Dickson's Student Conduct Policy, Student Handbook/Catalog, <https://tcatdickson.edu/current-students/student-handbookcatalog>, before placing a student Respondent on interim suspension.
- M.** Employee Respondents may be, consistent with Human Resource policies, placed on administrative leave pending the outcome of the matter.

The institution will attempt to maintain the confidentiality of such Interim/Supportive Measures, to the extent that it can do so without impairing its ability to effectuate the Interim/Supportive Measures or to investigate and adjudicate the complaint.

### **Role of Title IX Coordinator**

**A.** The College's Title IX Coordinator is responsible for overseeing all Title IX incidents reported to the institution and for implementation of this policy, including but not limited to, identifying and addressing any systemic gender-based harassment, discrimination, and sexual misconduct. The Title IX Coordinator's responsibilities include, but are not limited to, the following:

1. Investigation or oversight of investigations of allegations related to Title IX;
2. Coordination and oversight of educational programs including mandatory training for new students and employees and awareness campaigns for current students and employees;
3. Coordination with local law enforcement on matters related to allegations related to sexual misconduct;
4. Coordination and oversight of training for anyone involved in responding to, investigating, or adjudicating sexual misconduct;
5. Coordination and oversight of training for employees related to their responsibility when they are aware of sexual misconduct;
6. Coordination and oversight of annual training for investigators, decision makers, hearing officers and hearing committee members on the issues related to sexual misconduct and on how to conduct an investigation and hearing process that protects the safety of Complainants and promotes accountability; and
7. Attending appropriate training annually on topics related to responding to or investigating allegations of sexual misconduct.

**B.** The Title IX Coordinator may designate deputies and investigators ("designees") to assist in carrying out any of the responsibilities related to implementing this policy.

The Title IX Coordinator shall report at the beginning of each new school year, or any time there is a change in the assignment, to TBR's Office of General Counsel and the TCAT System Office the name of and contact information for the College's Title IX Coordinator.

### **Investigation Requirements And Procedures For Crimes of Violence and Sexual Misconduct [34 CFR §668.46(b)(11)(ii)]**

**A.** All proceedings will include a prompt, fair, and impartial investigation and result. The College

will provide the Respondent and Complainant equitable rights during the investigative process.

- B.** All complaints of sexual misconduct shall be presented to the Title IX Coordinator or designee for investigation and appropriate disposition, subject to the confidentiality policy.
- C.** Mediation between the Complainant and Respondent will never be considered an appropriate resolution in sexual misconduct cases.
- D.** The Office of General Counsel shall always be consulted prior to investigation.

**E. Intake and Assessment of Formal Complaints**

1. The Title IX Coordinator will assess the nature of reports and Formal Complaints, including whether one or more allegations meet the criteria for the filing of a Formal Complaint (e.g., whether the allegations include conduct that, if proven, took place in the United States and will constitute Sexual Misconduct in an education program or activity by a participant or someone attempting to participate in the education program or activity). Formal Complaints that include some allegations that, if proved, constitute Sexual Misconduct and some that do not meet that definition, will be handled pursuant to this policy. As appropriate, the Title IX Coordinator may initiate proceedings under another policy, refer the matter to another department, and/or inform the Complainant about the availability of other methods to address the allegations.
2. As part of the assessment, the Title IX Coordinator or designee may contact the Complainant and ask for information about the allegations. Supporting documents, such as emails, photos, text messages, and any other evidence should be preserved. If witnesses were present or have relevant knowledge, it is important to identify them, state what they may know, and inform the investigator how they can be contacted.
3. Where Formal Complaints involving more than one Complainant and/or more than one Respondent arise out of the same facts and circumstances, the Title IX Coordinator may consolidate Formal Complaints.

**F. Notice of Allegations**

1. Upon receipt of a Formal Complaint, the Title IX Coordinator will provide written notice to known Parties. (A Notice of Allegations will be provided even if the Formal Complaint is dismissed at the same time or shortly after the Notice of Allegations issues (e.g., the allegations if proven do not meet the definition of Sexual Misconduct)). The Notice of Allegations will enable both Parties to appeal the dismissal or to proceed under another policy.) The Notice of Allegations shall contain:
  - a. an explanation of the investigation and grievance process, including a copy of or link to institutional policy, as well as any other applicable policies;
  - b. the availability of an informal resolution process;
  - c. explanation of the allegations potentially constituting Sexual Misconduct in sufficient detail and with sufficient time to prepare a response before any initial interview. A Respondent will have at least three (3) business days after issuance of a Notice of Allegations prior to an initial interview, but depending

- on the nature of the allegations, additional time may be offered or requested;
- d. the identity of the Parties involved in the incident, if known, and the date and location of the alleged incident;
- e. a statement that the Respondent is presumed not responsible for the alleged conduct unless and until a Determination of responsibility has been issued;
- f. a statement that the Parties may have an advisor of their choice at meetings they are permitted to attend. The advisor may be, but is not required to be, an attorney. (Parties may hire their own attorneys. At a live hearing only, TBR institutions will provide advisors to Parties who do not have their own);
- g. any statements in TBR institutional policies, procedures, or guidelines that prohibit knowingly making false statements or knowingly submitting false information during the process; and  
a statement that retaliation against a person who makes a report or files a complaint, participates or assists in an investigation, encourages another to file a complaint, or opposes Sexual Misconduct is prohibited and will result in disciplinary measures, up to and including termination or dismissal.
- 2. If, during the course of an investigation, the institution decides to investigate allegations about the Complainant or Respondent that are not included in the Notice of Allegations, the institution will provide additional written Notice of Allegations to known Parties.

#### **G. Dismissal of Formal Complaints**

1. The Title IX Coordinator shall obtain advice from the Office of General Counsel before dismissing a Formal Complaint.
2. If the Title IX Coordinator concludes that the Complainant was not participating in or attempting to participate in an institutional education program or activity at the time of the Formal Complaint or that the conduct alleged in a Formal Complaint would not constitute Sexual Misconduct even if proved, did not occur in an institution's education program or activity, or did not occur against a person while in the United States, the Title IX Coordinator shall dismiss the Formal Complaint.
3. The Title IX Coordinator has discretion to dismiss a Formal Complaint or any allegations in it, if at any time during the investigation or hearing a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations in it; the Respondent is no longer enrolled by, employed by, or associated with the TBR institution; or specific circumstances prevent the TBR institution from gathering evidence sufficient to reach a Determination as to the Formal Complaint or allegations therein.
4. The Title IX Coordinator may decide to dismiss a Formal Complaint of Sexual Misconduct and refer the matter for disposition pursuant to a different policy, guideline, or process when an allegation of Sexual Misconduct is dismissed or when a Formal Complaint ceases to include an allegation of Sexual Misconduct.
5. Upon dismissal of a Formal Complaint for any reason, the Title IX Coordinator will promptly send written notice explaining the reasons for dismissal to the Parties. The dismissal notice will also explain whether the TBR institution will investigate or respond to the allegations under another policy, guideline, or process and the availability of other methods to address the allegations.

## H. Informal Resolution

1. Because a full investigation and adjudication process may not be in the best interests of all concerned, the Title IX Coordinator may decide to offer an informal resolution process. The informal resolution process is designed to provide flexibility in crafting a resolution to a Formal Complaint that meets the needs of the Parties and the institution. Informal resolutions may include meetings facilitated by the TBR institution or third parties, resolutions facilitated by the Title IX Coordinator without formal meetings, mediations, and/or restorative justice concepts. Disciplinary action may or may not be part of any informal resolution. Both Parties must agree in writing to participate in any informal resolution process that the Title IX Coordinator may offer.
2. An informal resolution process is only available after the filing of a Formal Complaint and prior to a Determination regarding responsibility. If the Title IX Coordinator believes an informal resolution may be appropriate, the Title IX Coordinator will propose an informal resolution process in either the initial Notice of Allegations or a subsequent written document. The Title IX Coordinator may discuss with the Parties the details of how the process will work. The written notice will contain the allegations or refer to the Notice of Allegations, set out the informal resolution process, explain that at any time prior to agreeing to a resolution, the Complainant, Respondent, or the institution may withdraw from the informal resolution process and resume the investigation and adjudication process under this policy, and identify any records that will be maintained or shared related to the process.
3. The Title IX Coordinator will not offer or facilitate an informal resolution process to resolve allegations that an employee engaged in Sexual Misconduct against a student.

## I. Investigation of Formal Complaints

The TBR institution will investigate all Formal Complaints, unless dismissed or resolved through an informal resolution. During the investigation:

1. The institution will not access, consider, disclose, or otherwise use a Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional acting in the professional's capacity and made or maintained in connection with the treatment to the Party, unless the Party voluntarily consents in writing;
2. The investigator will conduct an investigation that is appropriate under the circumstances. The investigation will include a review of documents and physical evidence, as well as interviews with the Parties and other. The investigator may request access to premises, records, and documents deemed relevant. As the investigation progresses, the investigator may seek clarification, including during a subsequent interview, from any person participating in the investigation regarding the incident or their statement. A Party who learns or remembers any additional information should notify the investigator immediately. The Parties will have an equal opportunity to provide evidence and to identify witnesses, including fact and expert witnesses. Parties are encouraged to provide, as soon as possible, any evidence that the Party believes to be relevant and wants the investigator to consider. If at all

- possible, all evidence should be provided in time for the investigator to make it available for inspection and review;
3. Although the Parties are encouraged to provide the institution with information and evidence related to the allegations, the institution is ultimately responsible for gathering evidence sufficient to reach a Determination regarding responsibility;
  4. The institution will not restrict the Parties from discussing the allegations under investigation or from gathering and presenting relevant evidence. Any restrictions on the ability of the Parties to discuss matters related to the proceeding but which are not under investigation will be explained in the Notice of Allegations;
  5. Each Party will have the opportunity to obtain and to be accompanied to a meeting or proceeding by an advisor of their choice, who may, but is not required to be, an attorney, in accordance with Section K below;
  6. When a Party is invited or expected to participate in a meeting, the institution will provide written notice of the date, time, location, participants, and purpose of the meeting, interview, or hearing, with sufficient time for the Party to prepare to participate;
  7. Both Parties will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including evidence that is directly related to the allegations but upon which the institution does not intend to rely in reaching a Determination regarding responsibility. The institution will include both evidence that tends to prove and disprove the allegations, whether obtained from a Party or other source, so that each Party can meaningfully respond to the evidence prior to the conclusion of the investigation;
  8. Prior to the completion of an investigative report, the institution will send to each Party the evidence subject to inspection and review. Unless a Party requests that the institution not do so, the institution will also send the evidence to each advisor who has been identified. An institution may decide to provide access to evidence through electronic means that is not available for download. In such case, the Parties and their advisors are prohibited from, directly or indirectly, photographing or reproducing such evidence (unless the Party has independent access to the evidence independent of the portal, e.g., documents submitted by the Party or publicly available information); and
  9. The institution will provide at least ten (10) calendar days for the Parties to respond to the evidence provided for inspection and review. The investigator will share any written response with the other Party and will consider any written response prior to completing the investigative report.

#### J. Investigation Report

1. At the conclusion of the investigation, the investigator will prepare written report. The report shall:
  - a. identify the allegations;
  - b. identify relevant policies, guidelines, and other standards;
  - c. explain the procedural steps taken between receipt of the Formal Complaint and the conclusion of the investigation, including all notifications to the Parties, interviews with the Parties, interviews with other witnesses, dates of all

- interviews, any site visits, and the methods used to gather evidence; and
- d. fairly summarize the relevant evidence.
- 2. The written report shall not make findings of fact or conclusions regarding the application of facts to this policy.
- 3. At least (ten) 10 calendar days prior to a hearing, the investigator will send to each Party the investigation report in either electronic or hard copy, for their review and written response. Unless a Party requests that the institution not do so, the institution will also send the investigation report to an advisor whom the Party has been identified.
- 4. The Parties should provide any written response as soon as possible, as the investigator may issue an amended investigation report if the investigator deems appropriate and if a Party provides comments in sufficient time for the investigator to do so. The Parties' written responses and any amended investigation report will be sent to the decision-maker.

#### **K. Advisors**

- 1. Both the Complainant and the Respondent will be permitted to have an advisor of their choosing present during meetings where their attendance is permitted or expected. Nothing in this policy shall be read to require that an institution allow a Party to attend an interview of the other Party or of a witness.
- 2. The advisor may accompany and confer privately with a Party, but the advisor may not interrupt, speak on behalf of a Party, or otherwise actively participate in any meeting, except for conducting cross-examination at a live hearing.
- 3. An advisor's failure to comply with these guidelines may result in the termination of the meeting or the advisor no longer being permitted to be present.
- 4. TBR and institutional personnel employed in the offices responsible for the disciplinary proceedings described in this policy, along with those in the chain of command, personnel employed by OGC, and others whose participation could create a conflict of interest with their duties are not eligible to serve as advisors. The institution shall not otherwise limit the choice of an advisor.
- 5. If there is a question or concern about a possible advisor, the Title IX Coordinator should be consulted. A Party choosing to have an attorney present as an advisor must provide advance notice so that a member of OGC can attend any meeting at which an attorney will be present.

#### **L. Recordings**

- 1. Parties are not permitted to record any meeting conducted pursuant to this policy.
- 2. When a live hearing is conducted, the institution will create an audio recording, audiovisual recording, or transcript and make it available to the Parties for inspection and review.

#### **M. Past Relationships and Conduct**

- 1. Previous sexual relationships of the Complainant and Respondent with third parties generally are irrelevant.
- 2. A past sexual relationship between the Complainant and Respondent may or may not be relevant. For example, past sexual encounters may provide insight on



communication patterns for purposes of determining whether consent was present.

3. Questions and evidence about a Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to Respondent and are offered to prove consent.

**N. Standard of Evidence**

1. TBR institutions use the preponderance of the evidence standard of evidence in evaluating whether Sexual Misconduct occurred. This standard looks at whether it is "more likely than not" that this policy was violated.
2. The burden of proof will remain with the institution through the Determination.

**O. Timeline**

1. Formal Complaints typically will be resolved (exclusive of any appeals) within 90 calendar days of filing.
2. Appeals will be resolved within fifteen (15) calendar days of the filing of an appeal.
3. Given the many variables and factors that may arise in such cases, additional time may be needed in some cases. Any departure from these frames will be for good cause and communicated in writing or by email to both the Complainant and the Respondent simultaneously, along with a new timeline and explanation of the reasons. Good cause to extent the deadlines includes, but is not limited to, the absence of a Party, a Party's advisor, or witness; concurrent law enforcement activity; or the need for language assistance or the accommodation of disabilities.
4. Incompletion of the process within such time frames is not cause for dismissal of a Formal Complaint.

**P. Parallel Investigations with Law Enforcement**

1. The filing of a police report or the pendency of civil or criminal proceedings does not preclude the institution from proceeding with its investigation and Determination.
2. The investigation and Determination may be delayed until law enforcement has finished gathering evidence and indicated that the institution may proceed with an investigation, but the institution generally will not wait for the conclusion of any criminal proceeding.
3. Civil or criminal proceedings are separate and distinct from internal institutional proceedings, and they may or may not run parallel to one another. However, the institution may be required by law to provide information in civil or criminal proceedings.
4. Institutional policies shall set forth parameters and clarify what information may and may not be shared during a parallel investigation with law enforcement (e.g., via a memorandum of understanding with local law enforcement).

**Q. Live Hearings**

1. The institution will conduct a live hearing of Formal Complaints not dismissed pursuant to this policy in order to make a Determination whether this policy has been

- violated. The decision-maker appointed by the Title IX Coordinator has the authority to maintain order at the hearing and make all decisions necessary for the fair, orderly, and expeditious conduct of the hearing. The decision-maker shall be the final decider concerning all aspects of the hearing, including prehearing matters and at the hearing, how evidence is examined and the order of witnesses.
2. At the request of either Party, the institution will provide for the live hearing to be conducted with the Parties located in separate rooms with technology enabling the decision-maker and Parties to simultaneously see and hear the Party or the witness answering questions.
  3. In cases involving more than one Respondent, any Party may request separate hearings by submitting a request at least five (5) business days before the hearing. The Title IX Coordinator will decide whether to grant the request.
  4. Live hearings may be conducted with all Parties physically present in the same geographic location or, at the institution's discretion, any or all Parties, witnesses and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.
  5. At least ten (10) business days prior to a live hearing, the institution will provide both Parties with written notice of the following:
    - a. The time, place, date of the hearing, and electronic access information, if applicable;
    - b. The name of each witness the institution expects to present or be present at the hearing and those the institution may present if the need arises;
    - c. The right to request a copy of the investigative file (other than portions that are protected by law or privilege), which includes all of the evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint;
    - d. The right to request copies of all documents, copies of electronically stored information, and access to tangible evidence that the institution has in its possession, custody, or control and may use to support claims or defenses;
    - e. The right to have an advisor of the Party's choice, who may be, but is not required to be an attorney, and that if the Party does not have an advisor present at the hearing, the institution will provide an advisor of the institutions' choice, without fee or charge, to ask the other Party and any witnesses all relevant questions and follow-up questions on behalf of that Party;
    - f. Any Party in need of an institution-provided advisor must inform the Title IX Coordinator at least five (5) business days before the hearing;
    - g. Any cross-examination of any other Party or witness must be conducted by the advisor; and
    - h. Other information may be included in the notice of hearing.
  6. When notice is sent by U.S. mail or courier service, the notice is effective on the date the notice is mailed or delivered to the courier service. When notice is hand delivered by the institution, notice is effective on the date that the notice is delivered to the Parties. When notice is sent by email, the notice is effective on the date that the email is sent to the Parties' institution-provided email account.
  7. The decision-maker may conduct a pre-hearing meeting or conference with the Parties and their advisors to discuss pre-hearing issues, including any technology to be

- used at the hearing and the general rules governing the hearing.
8. The decision-maker may allow a temporary delay of the process or the limited extension of time frames for good cause with written notice to the Parties of the delay or extension and the reasons for the action. Good cause may include, but is not limited to, considerations such as the absence of a Party, a Party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.
  9. If a Party fails to attend a hearing, the decision-maker may proceed without that Party's participation.
  10. During the hearing, the decision-maker will make evidence subject to review and inspection during the investigation phase available to give each Party equal opportunity to refer to that evidence, including for purposes of cross-examination.
  11. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to provide that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
  12. Only relevant cross-examination questions may be asked of a Party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or question from someone other than the decision-maker, the decision-maker will first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
  13. The decision-maker will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding the privilege has waived the privilege.
  14. The decision-maker will permit each Party's advisor to ask the other Party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing will be conducted directly, orally, and in real time by the Party's advisor and never by a Party personally. Conducting cross-examination will be the advisor's only opportunity to speak. Advisors will not engage in other presentation of arguments or evidence, including opening statements, closing arguments, or direct examinations.
  15. If a Party does not have an advisor at the live hearing, the institution will provide without fee or charge to that Party an advisor. The institution will choose the advisor.
  16. If a Party or witness does not submit to cross-examination at the live hearing, the decision-maker will not rely on any statement of that Party or witness in reaching a Determination regarding responsibility; provided however, that the decision-maker cannot draw an inference about the Determination regarding responsibility based solely on a Party's or witness's absence from the live hearing or refusal to answer cross examination or other questions.
  17. For good cause shown, a decision-maker may permit the participation of witnesses who were not identified by the Party to the investigator, or the inclusion of evidence not provided by the Party to the investigator.
  18. The institution will create an audio or audiovisual recording, or transcript, of a live hearing and make it available to the Parties for inspection and review.
  19. The decision-maker may dismiss the Formal Complaint or any allegations therein, if at

any time during the hearing a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw a Formal Complaint or any allegations therein, the Respondent is no longer enrolled or employed by the institution, or specific circumstances prevent the institution from gathering evidence sufficient to reach a Determination as to the Formal Complaint or allegations therein.

20. If the decision maker dismisses the Formal Complaint during the grievance process, the decision-maker will promptly notify the Title IX Coordinator, who will promptly send written notice of the dismissal and reasons therefor simultaneously to the Parties.

#### **R. Written Determination**

1. Within fifteen (15) business days of the hearing, the decision-maker will issue a written Determination, based on a preponderance of the evidence standard, which will be provided to the Parties simultaneously.
2. The Determination becomes final either on the date that the institution provides the Parties with a written result of an appeal, or if an appeal is available but not filed, the day after the deadline to appeal.
3. The Determination will include:
  - a. Identification of the allegations potentially constituting Sexual Misconduct, as well as identification of any additional allegations that are being resolved but which do not constitute Sexual Misconduct;
  - b. A description of the procedural steps taken between receipt of the Formal Complaint and the Determination, including all notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and any hearings held;
  - c. Findings of fact supporting the Determination;
  - d. Conclusions regarding the application of this policy, as well as any other relevant policy, guidelines, or code, to the facts;
  - e. A statement of, and rationale for, the result as to each allegation before the decision-maker, including a Determination regarding responsibility;
  - f. Any disciplinary action that the decision-maker imposes on the Respondent, including referral to another process, such as tenure termination proceedings;
  - g. Any remedies that the institution will provide designed to restore or preserve equal access to the Complainant; and
  - h. The permissible bases and procedures, including timelines, for appeals by the Parties.

#### **S. Remedies and Disciplinary Action Following Determinations of Violations**

1. The institution will provide remedies where a Determination of responsibility for Sexual Misconduct has been made. The institution will follow this policy before the imposition of any disciplinary sanctions for Sexual Misconduct that are not supportive/interim measures.
2. Remedies will be designed to restore or preserve equal access to education programs and activities and will include discipline under the applicable policies and procedures. Remedies may include verbal warnings, written warnings, final written warnings, suspension, termination of employment, non-renewal of appointment, or dismissal

from the institution. Faculty may be subject to proceedings under TBR Policies 5.02.03.10 and 5.02.03.30.

3. Remedies should also consider improvements to the campus-wide environment. It is the intent of TBR that institutions consider the impact of an incident of Sexual Misconduct on the campus as a whole or specific groups or areas of campus. For example, specific training may be needed for a student group.
4. The Title IX Coordinator is responsible for ensuring effective implementation of the remedies.

**T. Appeals/Post-Determination Procedures**

1. Parties are permitted to appeal to the institution's President (or other person appointed by the Title IX Coordinator) from a Determination regarding responsibility (or no responsibility) and from a dismissal of a Formal Complaint or of any allegations in a Formal Complaint on the basis of:
  - a. procedural irregularity that affected the outcome of the matter;
  - b. new evidence that was not reasonably available at the time the Determination or dismissal was made, but only if that new evidence could affect the outcome of the matter;
  - c. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome.
2. A Party wishing to appeal a Determination regarding responsibility or the dismissal of a Formal Complaint or any allegations therein must file a written appeal with the Title IX Coordinator within seven (7) business days of the date of the Determination or the dismissal. The written appeal must identify the reasons for the appeal.
3. As to all appeals, the Title IX Coordinator will:
  - a. Notify the other Party in writing when an appeal is filed;
  - b. Implement appeal procedures equally for both Parties;
  - c. Ensure that the decision-maker(s) for the appeal is not the same person as the investigator, the decision-maker, or Title IX Coordinator;
  - d. Provide each Party five (5) business days to provide a written statement in support of, or challenging, the Determination.
4. The decider of the appeal will issue a written decision describing the result of the appeal and the rationale for the result, and will provide the written decision simultaneously to the Parties.

**U.. Subject to federal law, state law, and TBR policies, the following sanctions may be imposed by the institution following the results of any institutional disciplinary proceeding for an allegation of a crime of violence or dating violence, domestic violence, sexual assault, or stalking:**

1. Restitution
2. Warning.
3. Reprimand.
4. Service to the institution or community.
5. Specified educational/counseling program.
6. Apology.

7. Fines.
8. Restriction upon privileges.
9. Probation.
10. Suspension.
11. Expulsion.
12. Revocation of admission, degree, or credential.
13. Interim suspension.
14. Suspension of employment.
15. Termination of employment.
16. Demotion.
17. Termination of tenure status.
18. Other sanctions as deemed appropriate by the institution.

### **Sex Offender Registration [34 CFR §668.46(b)(12)] (All Campuses)**

In accordance to the *Campus Sex Crimes Prevention Act of 2000*, which amends the *Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act*, the *Jeanne Clery Act* and the *Family Educational Rights and Privacy Act of 1974*, the TCAT is providing a link to the Tennessee State Sex Offender Registry. This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a state to provide notice of each institution of higher education in that state at which the person is employed, carries a vocation, or is a student. Members of the campus community may obtain the most recent information received from the Tennessee Bureau of Investigation (TBI) concerning sex offenders employed, enrolled, or volunteering at this institution from the TBI's website listing of sex offenders located at <https://www.tn.gov/tbi/general-information/redirect-tennessee-sex-offender-registry-search/sex-offender-registry-search.html>.

Unlawful use of the information for purposes of intimidating or harassing another is prohibited and willful violation shall be punishable as a Class 1 misdemeanor.

### **Emergency Response and Evacuation Procedures [34 CFR §668.46(b)(13)]**

The TCAT maintains emergency plans for each campus. In conjunction with an exercise or drill, TCAT Dickson publicizes via e-mail at least annually the location where TCAT Dickson's emergency response and evacuation procedures can be viewed. These procedures can be viewed by visiting the following link: <https://tcatdickson.edu/about/campus-safety-and-security-disclosures>.

Each of these plans document the procedures that the individual campus will use to immediately notify the campus community of significant emergencies or dangerous situations involving threats to human health or safety of students or employees occurring on campus.

In the event of a serious incident that poses an immediate threat to members of the TCAT community, the TCAT has various systems in place for communicating information quickly. Some

or all of these methods of communication may be activated in the event of an immediate threat to the campus community or the community at large. These methods of communication include the RAVE message system (text/phone/email), the college e-mail system, TCAT Dickson's Facebook page, computer desktop alert software, emergency notification beacons located at various points on campus, and TCAT Dickson's website.

The TCAT will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The TCAT conducts emergency preparedness drills to test the emergency response and evacuation procedures of each facility at all campuses on an at least annual basis. The results of each of these drills are recorded documenting the date, time, and whether it was an announced or unannounced drill.

#### **Missing Student Notification Procedures [34 CFR §668.46(b)(14)]**

Under 34 CFR §668.46(b)(14), the Department of Education requires any institution that provides any on-campus student housing facilities to include in its annual security report a statement of policy regarding missing student notification procedures for students who reside in on-campus student housing facilities. The TCAT does not provide any on-campus student housing facilities.

## 2019 Clery Crime Statistics – Year 2017

Crime Classification	2017				
	Dickson Main (On-Campus)	Dickson Non-Campus*	Dickson Public Property	Clarksville Extension (On-Campus)	Clarksville Ext. Public Property
Murder / Non-negligent Manslaughter	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0
Rape	0	0	0	0	0
Fondling	0	0	0	0	0
Incest	0	0	0	0	0
Statutory Rape	0	0	0	0	0
Robbery	0	0	0	0	0
Aggravated Assault	0	0	0	0	0
Burglary	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0
Arson	0	0	0	0	0
Liquor Law Violations (Arrests)	0	0	0	0	0
Drug Violations (Arrests)	0	0	0	0	0
Weapons Violations (Arrests)	0	0	0	0	0
Domestic Violence	0	0	0	0	0
Dating Violence	0	0	0	0	0
Stalking	0	0	0	1	0
Hate Crimes	0	0	0	0	0
Unfounded Crimes	0	0	0	0	0
<b>DISCIPLINARY REFERRALS</b>					
Liquor Law Violations	0	0	0	0	0
Drug Violations	0	0	0	0	0
Weapons Violations	0	0	0	0	0

\* Dickson Main Campus non-campus sites include the following locations: Franklin, and Advanced Manufacturing Campus (formerly the Green Sustainable Energy Campus). Locations designated as 'non-campus' sites do not have public property as defined by the 2016 edition of the U.S. Dept. of Education's Handbook for Campus Safety and Security Reporting.

Incident reports are requested monthly from local law enforcement agencies with jurisdiction over TCAT Dickson campus locations. Statistics based on those reports are included in the chart above if provided by the law enforcement agencies.



## 2019 Clery Crime Statistics – Year 2018

Crime Classification	2018				
	Dickson Main (On-Campus)	Dickson Non-Campus*	Dickson Public Property	Clarksville Extension (On-Campus)	Clarksville Ext. Public Property
Murder / Non-negligent Manslaughter	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0
Rape	1	0	0	0	0
Fondling	0	0	0	0	0
Incest	0	0	0	0	0
Statutory Rape	0	0	0	0	0
Robbery	0	0	0	0	0
Aggravated Assault	0	0	0	0	0
Burglary	1	1	0	0	0
Motor Vehicle Theft	0	0	0	0	0
Arson	0	0	0	0	0
Liquor Law Violations (Arrests)	0	0	0	0	0
Drug Violations (Arrests)	1	0	0	0	0
Weapons Violations (Arrests)	0	0	0	0	0
Domestic Violence	0	0	0	0	0
Dating Violence	0	0	0	0	0
Stalking	0	0	0	0	0
Hate Crimes	0	0	0	0	0
Unfounded Crimes	0	0	0	0	0
<b>DISCIPLINARY REFERRALS</b>					
Liquor Law Violations	0	0	0	0	0
Drug Violations	0	0	0	0	0
Weapons Violations	0	0	0	0	0

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## 2019 Clery Crime Statistics – Year 2019

Crime Classification	2019				
	Dickson Main (On-Campus)	Dickson Non-Campus*	Dickson Public Property	Clarksville Extension (On-Campus)	Clarksville Ext. Public Property
Murder / Non-negligent Manslaughter	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0
Rape	0	0	0	0	0
Fondling	0	0	0	0	0
Incest	0	0	0	0	0
Statutory Rape	0	0	0	0	0
Robbery	0	0	0	0	0
Aggravated Assault	0	0	0	0	0
Burglary	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0
Arson	0	0	0	0	0
Liquor Law Violations (Arrests)	0	0	0	0	0
Drug Violations (Arrests)	0	0	0	0	0
Weapons Violations (Arrests)	0	0	0	0	0
Domestic Violence	0	0	0	0	0
Dating Violence	0	0	0	0	0
Stalking	0	0	0	0	0
Hate Crimes	0	0	0	0	0
Unfounded Crimes	0	0	0	0	0
<b>DISCIPLINARY REFERRALS</b>					
Liquor Law Violations	0	0	0	0	0
Drug Violations	0	0	0	0	0
Weapons Violations	0	0	0	0	0

\* Dickson Main Campus non-campus sites include the following locations: Franklin and Advanced Manufacturing Campus (formerly the Green Sustainable Energy Campus). Locations designated as 'non-campus' sites do not have public property as defined by the 2016 edition of the U.S. Dept. of Education's Handbook for Campus Safety and Security Reporting.

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