



TENNESSEE COLLEGE  
OF APPLIED TECHNOLOGY  
— HARTSVILLE —

# Campus Security Report

2020

Reporting Period January 1, 2019 to December 31, 2019

716 McMurry Blvd E  
Hartsville, TN 37074

*Tennessee College of Applied Technology Hartsville, a Tennessee Board of Regents institution, is an equal opportunity, non-racially identifiable, educational institution that does not discriminate against individuals with disabilities.*

# Annual Security Report

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# ANNUAL SECURITY REPORT

## Emergency Numbers:

Always call 911 in case of emergency.

## Non-Emergency Numbers:

TROUSDALE/HARTSVILLE METRO POLICE .....	615-374-3994
HARTSVILLE FIRE DEPARTMENT .....	615-374-0115
TROUSDALE COUNTY SHERIFF'S DEPARTMENT .....	615-374-2114
MACON COUNTY SHERIFF'S DEPARTMENT .....	615-666-3325
RED BOILING SPRINGS FIRE DEPARTMENT .....	615-699-2011
LEBANON POLICE DEPARTMENT .....	615-444-2323
LEBANON FIRE DEPARTMENT .....	615-443-2904
MAINTENANCE .....	615-374-2147

## Campus Numbers:

FISCAL OFFICE .....	615-374-2147 Ext: 110
STUDENT SERVICES .....	615-374-2147 Ext: 128
FISCAL OFFICE (SECONDARY) .....	615-374-2114 Ext: 135
PRESIDENT .....	615-374-2147 Ext: 114
VICE PRESIDENT .....	615-374-2147 Ext: 112
STUDENT SERVICES COORDINATOR .....	615-374-2147 Ext: 115
HEALTH SCIENCES EDUCATION COORDINATOR .....	615-374-2147 Ext: 117
TRI-COUNTY CAMPUS COORDINATOR.....	615-699-2224 Ext: 103
MAINTENANCE .....	615-374-2147 Ext: 110

If you have any questions about this report or any of our services, please feel free to stop by or contact our College Administration by calling (615) 374-2147. More information is located on our health and safety webpage at: <https://tcathartsville.edu/about/safety-and-security>.

### **Clery Act Requirements**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, more commonly known as the Clery Act, requires higher education institutions to:

- Collect, classify and count crime reports and crime statistics.
- Issue campus alerts. To provide the campus community with information necessary to make informed decisions about their health and safety:
  - Issue a timely warning for any crime that represents an ongoing threat to the safety of students or employees;
  - Issue an emergency notification upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.
- Submit crime statistics to the Department of Education.

### **Introduction to the Clery Act Policies and Procedures**

The Tennessee College of Applied Technology Hartsville, TCAT Hartsville, is committed to disseminating relevant and pertinent information regarding reported criminal activities in a reasonable manner to its community and to interested parties. To that end, TCAT Hartsville is implementing and maintaining policies and procedures in compliance with the University reporting requirements of the Clery Act and the Higher Education Opportunity Act, HEOA, two pieces of federal legislation that provide guidance in disseminating certain types of information to campus communities and to the general public.

### **Policies for Preparing the Annual Disclosure of Crime Statistics**

Crime statistics which are provided in this institution's Annual Security Report are based upon incidents reported by campus security authorities and local police agencies. TCAT Hartsville Administration shall annually report statistics for the three most recent calendar years concerning the occurrence on campus, in or on non-campus buildings or property and on public property (as those terms are defined and interpreted for purposes of the Clery Act) for three general categories of crime:

- **Criminal Offenses:** Criminal Homicide, including: a) Murder and Non-negligent Manslaughter, and b) Negligent Manslaughter; Sex Offenses including: a) Forcible, and b) Non-forcible; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson.
- **Hate Crimes:** Any of the above-mentioned offenses, and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property<sup>1</sup> that were motivated by bias; and
- **Sexual Misconduct:** Offenses involving dating violence, domestic violence, stalking and sexual assault.
- **Arrests and Referrals for Disciplinary Action for Weapons:** Carrying, Possessing, Etc., Drug Abuse Violations and Liquor Law Violations.

TCAT Hartsville will make the determination as to whether a reportable offense has occurred. These reports will be compiled to prepare the annual Campus Crime and Security Survey for submission to the United State Department of Education, Office of Postsecondary Education.

This report will be made available to the public by October 1<sup>st</sup> of each year. This report will be posted to the TCAT Hartsville health and safety website for viewing at: <https://tcathartsville.edu/about/safety-and-security>.

### **TCAT Hartsville Facts (Student Enrollment/Employment Information)**

The number of students enrolled:

There are more than 500 full and part-time students enrolled at TCAT Hartsville at the main campus, the extension campus and at the Wilson County campus.

The total number of non-student employees working on the campus:

There are more than 30 regular full-time and part-time, non-student and student employees working at TCAT Hartsville locations. For more information about TCAT Hartsville, click on the following URL:

<http://www.tcathartsville.edu>

### **Law Enforcement on Campus**

#### **TCAT Hartsville Public Safety**

TCAT Hartsville has no campus security, nor do any personnel at TCAT Hartsville have law

enforcement authority, as such, other than the legal authority of responsibility for campus security as part of the job responsibility. TCAT Hartsville personnel have good relationships with local police departments police patrol the campuses regularly. Local enforcement may be contacted at any time if needed. State enforcement officers will be contacted at any time the need arises. All staff and students are requested to report any criminal activity to the proper Tennessee College of Applied Technology Hartsville's officials as promptly and as accurately as possible. The local police will be notified immediately of any such occurrence.

### **Possession and Use of Weapons**

The unapproved possession, use or sale of firearms, ammunition, fireworks, major or minor explosives, or any lethal weapon on campus is forbidden, and subject to discipline as well as to criminal sanctions. **No individual is permitted to carry a weapon on campus** unless within the allowable exceptions contained within T.C.A. 39-17-1309, e.g. law enforcement officials in the actual discharge of official duties. Notification of the felony provision of T.C.A. 39-6-1718 and T.C.A. 39-17-1359 are posted throughout TCAT Hartsville locations. T.C.A. 39-6-1718 states that it is a "Felony: State law prescribes a maximum penalty of six (6) years imprisonment and a fine not to exceed \$3,000 for carrying weapons on state-owned or controlled property."

T.C.A. 3-6-1359 states "A...state or federal government entity or agent thereof is authorized to prohibit possession of weapons by any person at meetings conducted by, or on the premises owned, operated, managed, or under control of such...government entity." Any violation of these laws should be reported to your instructor, College Administration or local law enforcement.

Effective July 1, 2016, Tennessee Code Annotated (TCA) 39-17-1309 has been amended to allow full-time employees of public institutions of higher education to carry concealed handguns if they have a valid Tennessee handgun permit or a handgun carry permit issued by another state that has been given reciprocity under TCA 39-17-1351(r); are not enrolled as a student; and have provided written notification to the proper law enforcement agency. This exception applies only to the Main Campus in Hartsville, Tennessee.

The staff at Tennessee College of Applied Technology Hartsville is committed to preserving a safe and secure environment for students, faculty, staff and guests of the college. In accordance with the Tennessee College and University Security Information Act of 1989 and the Student Right-To-Know and Campus Security Act, the Tennessee College of Applied Technology Hartsville has prepared a report containing campus security policies and procedures, data on campus crimes and other related information. A copy of this report may be obtained in the Student Services Office.

While on campus, all students, faculty and staff are expected to assume reasonable responsibility

for personal safety. By 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 ensure personal safety on and off campus. Buildings layout and emergency exit plans are located on the back cover of the student handbook and catalog. Emergency exit plans are posted throughout TCAT Hartsville locations and on the health and safety webpage: <https://tcathartsville.edu/about/safety-and-security>.

Pursuant to the provisions of Tennessee Public Chapter No. 317, an act known and cited as the "College and University Security Information Act," the following information is available and will be provided to you upon request:

- Annual crime statistics and crime rates for crimes occurring on campus as reported to and compiled by the Tennessee Bureau of Investigation for each of the most recent three (3) years.
- Copies of Board of Regents policies and procedures on campus security may be obtained by contacting the President, Tennessee College of Applied Technology Hartsville, 716 McMurry Blvd E, Hartsville, TN 37074. Telephone: (615) 374-2147.

### **Relationship with Local Authorities**

Local law enforcement agencies have been requested to forward Public Safety copies of their reports of all criminal activity occurring on off campus properties belonging to campus affiliated organizations recognized by TCAT Hartsville.

The College relies on its working relationships with the local law enforcement agencies to receive information about incidents involving students off campus. TCAT Hartsville Administration will cooperate with local law enforcement to investigate any crime information received concerning or involving a member of the campus community or it will supply information regarding the incident as needed or required to local, state or federal law enforcement authorities.

### **Victim's Rights**

#### **Crimes of Violence Notification**

The College will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary proceeding conducted by TCAT Hartsville against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for notification purposes.



Other resources for victims of crimes of violence can be located at the applicable County District Attorney Victim/Witness Office or click here for their website:

<http://www.tndagc.org/contact.htm>

Victims of sex crimes are afforded specific rights. Please see the Sexual Misconduct Section of this report for more information on students' rights.

## **Students or Employees with Criminal Records**

TCAT Hartsville does not collect information on criminal records on applications for admission of students to the College. The College no longer asks the applicant to state whether or not he/she has been convicted of a misdemeanor or felony per the "Ban the Box" legislation passed in Tennessee in 2016; however, the application for employment of all employees requires that the applicant state whether he/she is required to register as a sex offender under TCA Title 40, Chapter 39, Part 2. Acknowledged conviction of any crime results in an evaluation of the applicant's fitness for employment in consultation with legal staff. TCAT Hartsville requires that employees notify the institution of any drug convictions resulting from a violation in the workplace no later than five days after the conviction.

Current College students convicted of a violation of a law or ordinance off-campus, whose violation also adversely affects the college's pursuit of its educational objectives, will become subject to judicial sanction by TCAT Hartsville Administration. Students committing a crime on campus are subject to arrest and prosecution, and are subject to judicial sanction by the TCAT Hartsville Administration.

## **Timely Warnings and Emergency Notifications**

An Emergency Notification or a Timely Warning will be distributed campus wide by Administration when it could be reasonably believed that a reported violent crime may endanger additional campus citizens, i.e., employees, students and guests. Victim's names will not be included in any Emergency Notification or Timely Warnings issued by TCAT Hartsville.

### **Making Timely Warnings**

A Timely Warning will be issued by TCAT Hartsville when a crime is reported and determined to be an on-going or continuous threat to the campus.

It is the intent of TCAT Hartsville to make timely warnings to all members of its community of incidents and situations that pose a potential on-going threat or risk in which the threat or risk is

not likely to require immediate notification in order to greatly reduce the victimization risk to individuals or groups.

## **Emergency Response and Evacuation**

### **Emergency Notification**

An Emergency Notification will be distributed by TCAT Hartsville when there is confirmation of a violent crime or a threatening event that immediately endangers the campus community.

### **Issuing Emergency Notification**

TCAT Hartsville is committed to notifying persons regarding significant types of threatening events or situations that may occur on or near its campus properties. TCAT Hartsville defines ***emergency notification*** as the attempt to properly and to immediately notify affected persons of events, incidents, or situations that potentially threaten or endanger lives or significant property, and in such cases that the information contained within the notification may substantially reduce the likelihood of individuals or groups being victimized. “Properly” is defined as the reasonable issuance of information given the capabilities of the College and its notification systems. “Immediately” is defined as the release of information as soon as verifiable or credible information can be reasonably received, understood, formatted and delivered via useable mass notification systems. This definition takes into account the fact that everything cannot happen at once: information must be received by decision-makers, a determination must be made that the information should be released, the material must be put together in an understandable manner, and the information must be released and received by viable stakeholders. “Affected persons” includes members of the campus community (i.e., TCAT Hartsville employees and TCAT Hartsville students) and visitors while on the TCAT Hartsville campus. For this designation, members of the TCAT Hartsville campus community include any currently employed TCAT Hartsville employee and any currently enrolled TCAT Hartsville student.

It is the intent of TCAT Hartsville to immediately notify all members of its community of incidents and situations on or near TCAT Hartsville campus property that have the potential to immediately threaten or endanger lives or that threaten severe bodily injury or extensive loss of property. These incidents and situations will typically be characterized as: on-going in nature in that they continue to pose a real or likely threat; they may be mitigated by the quick release of information to the campus community; or the release of information regarding the possible threats in a more immediate fashion may significantly reduce the chances of individuals or groups becoming victims.

Notification for those previously described incidents that pose a grave and immediate threat to people and/or property will be made using any number of notification systems currently employed by Tennessee College of Applied Technology Hartsville. Currently, the notification

systems utilized by TCAT Hartsville include: phone calls, fire alarm notification systems, the TCAT Hartsville alert system and public address systems.

### **Who May Issue Emergency Notification**

The decision to immediately notify the TCAT Hartsville campus community will be made on a case-by-case basis by either the President of the College (or his/her designee). These decision-makers may also determine that a particular building or structure on campus, an area of TCAT Hartsville campus, the entire TCAT Hartsville campus, or other TCAT Hartsville property should be immediately evacuated in order to create or maintain a safer situation for persons inhabiting those areas. In these instances, the aforementioned authorities may require evacuated persons to temporarily refrain from remaining or entering specified areas of campus or TCAT Hartsville property for safety purposes. In those cases, TCAT Hartsville employees, TCAT Hartsville students and visitors may be informed as to how to leave TCAT Hartsville campus or TCAT Hartsville property. They may also be informed as to where they should assemble or disperse.

In making the decision about whether or not to activate emergency notification systems or to order an evacuation of TCAT Hartsville campus and/or property, a decision-maker should consider:

- Does the event pose a significant or likely threat to the general campus community?
- Is the threat from the event likely to still exist?
- Is there evidence that the threat has subsided or moved away thereby no longer posing a danger or a hazard?
- Has there been a significant amount of time transpired from the time of the incident to the present that would reasonably lead one to presume that the threat or the danger is no longer in the area?
- Will notification about the incident provide persons with knowledge that, if utilized, would likely reduce or reasonably eliminate the possibility that they would be victimized by the threat?

Each situation requires that decisions regarding the public's safety be measured and determined on a case-by-case basis. If an emergency arises, notify Administration. If neither the President nor the Vice President is available, then College emergency backup procedures shall be followed as installed. At the Tri-County Extension Campus or the Wilson County Campus, the Campus Coordinator or Administration shall be notified; if the Campus Coordinator or Administration is not available, then emergency backup procedures shall be notified as installed. Specific emergency procedures for any instructional service center are contained in their applicable safety manuals.

If an emergency is a serious medical problem, fire or other life threatening emergency, notify 911 immediately and then notify Administration; Administration will activate 911 procedures as appropriate.

For facility maintenance problems contact complete a “Maintenance Work Order Request” and submit to Administration.

Administration 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 judgment of the first responders (including, but not limited to: TCAT Hartsville Administration, local law enforcement and/or Fire and Emergency Medical Services), compromise the efforts to assist a victim, to conduct an adequate and competent criminal investigation or to contain, respond to, or otherwise mitigate the emergency.

### **Informing the Larger Community**

Critical incidents on-campus may have an impact on the larger community. If media personnel arrive in the area as a result of an emergency at the College, the Extension Campus or one of its instructional service colleges, all faculty and staff will refer them to the President for information. If the President is unavailable, after consultation with the President, the President’s designee will make comment to media personnel as instructed by the President. **Faculty and staff are not to give interviews or to make comments unless instructed to do so by the President.**

TCAT Hartsville Administration will work with news agencies to distribute TCAT Hartsville press releases, as they are made available, concerning critical incidents.

### **Local Agency Cooperation**

TCAT Hartsville has met with local law enforcement agencies requesting their cooperation in informing the institution about situations reported to them that may warrant an emergency response.

### **Testing Response and Procedures**

In an effort to better prepare for emergencies all locations participate in emergency drills at least annually. Drills are both announced and unannounced. The purpose of these drills is to prepare building occupants for an organized evacuation in case of fire or other emergencies. Information about fire drills is published in the Health and Safety Plan. Students are also informed of emergency procedures within their educational program areas, as well as provided a student copy of the health and safety procedures. This information can also be found in the Student Health and Safety Plan handbook on the Health and Safety website or click on the website below:

<https://tcathartsville.edu/about/safety-and-security>

Tornado drills are also done periodically. These drills are typically announced with one drill simulating an actual warning requiring students, faculty, and staff to take shelter in their designated “safe place”. The other drill is performed as a “stay in place” exercise. Community

members are not required to leave their classrooms or offices, but are asked to review emergency procedures.

All faculty and staff are trained to develop proficiency in building evacuations and in the possibility of using fire extinguishers. Periodic meetings will be held to inform faculty and staff of the latest developments and policies affecting evacuation activities.

## **Emergency Situations on Campus**

**(Extensive listing contained within the Health and Safety Handbook)**

### **Fires or Fire Alarms: CODE RED**

UPON DISCOVERY OF A FIRE:

1. Pull the nearest fire alarm, if the fire alarm has not sounded (fire alarm pull stations are shown on the emergency exit diagram). If possible, close the doors around the fire to contain it.
2. Notify Administration of the location of the fire and any other information available.
3. Building evacuation should begin as soon as the alarm is activated or evacuation notice is given (the alarm is intermittent for both the Hartsville campus and the Tri-County Extension Campus), whether automatically or manually. Follow your building's evacuation procedures. At an instructional service college, call 911 and evacuate; notify local administration.

### **Medical Emergencies: CODE BLUE**

1. Notify Administration immediately.
2. Give the following information, at least:
  - a. LOCATION of the emergency.
  - b. DETAILS available regarding the accident/emergency.
3. Try to keep the victim(s) comfortable and calm by reassuring them that help is on the way.

### **Bomb Threats: CODE ORANGE**

Report bomb threats or the discovery of suspicious objects or devices on campus by notifying Administration. State the following: "I have received a bomb threat." (Give the name and location of the person receiving the call.)

## **Tornadoes: CODE BLACK**

Alert other building occupants and move to the safest place in your building and/or complex. DO NOT PULL A FIRE ALARM - do not leave the safety of the building unless it is to seek shelter in a designated "safer place" in a nearby structure or building. If a tornado designated "safer place" is unavailable, seek shelter in the middle of the building. Take cover next to heavy furniture or in an interior hallway against a strong, inside wall on the lowest floor. Do not leave a relatively safe place nor get in a vehicle and attempt to drive. Follow the instructions of emergency response personnel or remain in your area until Administration or other emergency response personnel give the all clear signal.

**Other Emergencies:** All other emergencies on campus may also be reported by contacting Administration. *Be prepared to state your location.*

**PERSONS WITH DISABILITIES:** If you have a disability you should notify your instructor in each of your classes or your supervisor that you have a disability and will require assistance in case of an emergency. Instructors or supervisors must notify emergency response personnel, either police or fire department, of any persons with disabilities in their classes or area of responsibility.

For more information, see the TCAT Hartsville Health & Safety website or click on:

<https://tcathartsville.edu/about/safety-and-security>

## **Reporting Crimes and Other Emergencies on Campus**

### **Report All Crimes to Campus Administration**

In addition to all faculty, staff, students and general visitors are urged to report crime and suspicious activity to Administration as soon as possible. This allows law enforcement officers and/or the appropriate personnel to respond and assist. Administration may be reached at 615-374-2147 Ext. 110.

TCAT Hartsville Administration responds to all calls for assistance that involve potential criminal incidents, medical injuries or other emergencies that occur on TCAT Hartsville's campus. TCAT Hartsville personnel will also contact other agencies, such as the local county emergency medical services or the local Fire Department, to assist with ongoing or reported incidents that require additional resources, expertise, or specialized assistance.

## **Anonymous Reporting**

TCAT Hartsville encourages anyone who is the victim or witness to any crime to promptly report the incident to the local law enforcement. Because police reports are public records under state law, College Administration cannot hold reports of crime in confidence. To report a crime:

Contact Administration at 615-374-2147 Ext 110 (non-emergencies), dial 911 (emergencies only), or by using any campus telephones and dialing 911. Any suspicious activity or person seen in the parking lots or loitering around vehicles, inside buildings should be reported to the Administration. Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made to other TCAT Hartsville authorities as identified below. TCAT Hartsville Authorities are:

- Individuals having responsibility for campus security, who are not members of the college law enforcement department, such as those responsible for monitoring the access to college facilities or property.
- All employees, including student employees, who work in a position where they control or monitor access to some part of campus.
- Any person or organization specified in the Department of Public Safety campus security policy as one to which student and employees should report criminal offenses.
- All college officials who have significant responsibility for student and campus activities, except pastoral and professional counselors when functioning as such.

## **Campus Security Authorities**

President	615-374-2147 ext: 114
Vice President	615-374-2147 ext: 112
Health Sciences Education Coordinator	615-374-2147 ext: 117
Student Services Coordinator	615-374-2147 ext: 115
TCEC Campus Coordinator	615-699-2224 ext: 103
WCC Administration	615-547-1128 ext: 202
Faculty Advisor, Skills USA	615-374-2147 ext: 137
Faculty Advisor, NTHS	615-374-2147 ext: 137

Students may report incidents to the Campus Security Authorities listed above. Incidents reported to these organizations or individuals will be included in Clery Statistics, even if no criminal action can be taken.

### **Pastoral and Professional Counselors**

TCAT Hartsville does not employ any pastoral counselors; as well, TCAT Hartsville professional counselors are not mental health counselors but are counselors for educational purposes only. However, crimes disclosed to a pastoral or mental health counselor, serving in that capacity at the time of disclosure, are not subject to mandatory reporting. The term "pastoral counselor" is defined as a person who is associated with a religious order or denomination that recognizes him/her as someone who provides confidential counseling.

The term "mental health counselor" is defined as a fully qualified and/or licensed professional whose official responsibilities include providing mental health counseling to members of the university's community and is functioning within the scope of his/her license or certification.

This exemption does not relieve counselors of the duty to exercise reasonable care to protect a foreseeable victim from danger posed by the person being counseled. When speaking to a victim or witness to a crime, counselors are encouraged to inform the individual of voluntary disclosure procedures.

## **Security Of and Access to Campus Facilities**

### **Security of the Campus and Facilities**

The campus and facilities of the College are restricted to students, faculty, staff, guests, and invitees of the College, except when part or all of the campus, buildings, or facilities, are open to the general public for an approved and designated time and purpose. All persons on the campus of the College, including faculty, staff, guests, and invitees, shall be subject to all rules and regulations of the College and the Tennessee Board of Regents which are applicable to the conduct of students on campus, and to all applicable federal and state laws and regulations. For security reasons, not all TCAT Hartsville offices are open to the public. The campus and facilities of TCAT Hartsville are governed by the Tennessee Board of Regents (Policy No. 3:02:02:00). Furthermore, most buildings open to the public are closed and locked after regular business hours.

All persons on the campus of the College shall provide adequate identification upon request to appropriate officials and security personnel of the College. All students, faculty and staff are issued a TCAT Hartsville/TBR Identification Card and are required to carry it while on campus. Personnel and students of the College who refuse to provide such identification may be subject



to disciplinary action; other persons who refuse to provide such identification shall be requested to leave campus, and if they refuse, may be subject to lawful removal and prosecution.

### **Security considerations used in the maintenance of campus facilities**

Maintenance personnel report all hazardous or unsafe campus conditions found to exist. These conditions may include overgrown trees or landscaping and a lack of outdoor lighting or inoperable lights. These reports are sent directly to each respective department or to central work orders to ensure expeditious corrective measures are taken. Safety inspections will be conducted on a monthly basis in all apartments according to an announced schedule. Maintenance inspections will be conducted by Maintenance personnel during reasonable hours.

TCAT Hartsville administration processes and coordinates all work requests for the campus. College administration strives to ensure that all buildings and structures are properly maintained to meet fire, safety, health and other required codes and regulations. This includes providing climate controlled, clean, properly supplied facilities, so that faculty, staff and students have comfortable surroundings in which to live, work, and receive training and education.

## **Crime Prevention**

### **Type and Frequency of Programs**

TCAT Hartsville Administration and Student Services Personnel welcome new students each semester during the orientation function. A safety and security program is presented and a student health and safety plan is contained within the student catalog and handbook is distributed to all new students who attend the orientation sessions. This information is also available on the website.

A New Employee Orientation is offered to all new employees by Tennessee Board of Regents TCAT System Office as well as on campus by the Personnel Office. The orientation is an overview of the TCAT Hartsville campus and the many services available to its employees; the employee health and safety plan is distributed to all new employees.

While on campus, all students, faculty and staff are expected to assume reasonable responsibility for personal safety. By 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 ensure personal safety and can help to prevent crimes on and off campus.

## **Monitoring and Recording Criminal Activity Off-Campus**

Any monitoring of crime off-campus is done by the agency of jurisdiction where the crime took place.

## **Alcohol and Drugs**

### **Use, Possession, Sale of Alcoholic Beverages**

In accordance with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989, Tennessee College of Applied Technology Hartsville attempts to maintain a safe and healthful environment for its students and employees. Therefore, College policy prohibits the unlawful use, manufacture, possession, distribution, or dispensing of drugs ("Controlled Substances" as defined in the Controlled Substances Act) and alcohol on College property.

It is the policy of the Tennessee College of Applied Technology Hartsville that the unlawful manufacture, distribution, possession, use or abuse of alcohol and illicit drugs on the campus, on property owned or controlled by the College, or as part of any activity of the College is strictly prohibited. All employees and students are subject to applicable federal, state, and local laws related to this matter.

### **Use, Possession, Sale of Legal Drugs and Alcohol**

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 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 if any individual, 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 under 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" if 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 years the minor's senior, and the adult knew that the person was a minor, the offense is classified as a felony as provided in T.C.A. 39-17-417, (21 U.S.C. 801, et. Seq; T.C.A. 39-17-417).

## **Sanctions**

The Tennessee College of Applied Technology Hartsville will impose the appropriate sanction(s) on any employee or student, who fails to comply with the terms of this policy. Sanctions for students using or possessing illegal drugs or alcohol include disciplinary probation and, in appropriate cases, suspension from the College. Referral for criminal prosecution may be made in appropriate cases. Individuals involved in the sale or distribution of illegal drugs will be suspended from the College and referred to the appropriate authorities for criminal prosecution. All employees, including students, agree as a condition of employment to abide by this policy. Sanctions against employees for use or possession of illegal drugs or alcohol in the workplace include termination of employment. Additionally, employees are required to notify the institution of any drug convictions resulting from a violation in the workplace no later than five days after the conviction.

No alcoholic beverages, illegal drugs, or drug paraphernalia are permitted on the campus of TCAT Hartsville.

## **Drug free workplace**

In accordance with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989, the Tennessee College of Applied Technology Hartsville attempts to maintain a safe and healthful environment for its students and employees. Therefore, College policy prohibits the unlawful use, manufacture, possession, distribution, or dispensing of drugs ("Controlled Substances" as defined in the Controlled Substances Act) and alcohol on school property.

## **Health Risks**

Serious health and personal risks are associated with the use of illegal drugs, prescription drugs and abuse of alcohol. Most people take prescription medication responsibly. When misused or abused, prescriptions drugs can be as dangerous as illegal drugs. They may include temporary or permanent physical or mental impairment, and injury or death. Use and abuse of such substances may also give rise to conduct which causes injury, death or damage to the user/abuser or to the person or property of others, resulting in criminal or civil prosecution and liability. Use and abuse of such substances may also lead to unsafe and/or nonconsensual sex, unwanted pregnancy, and may cause defects, injury or death in unborn children. Consequences may also include temporary or permanent loss of educational or employment opportunities.

## **Drug and Alcohol Abuse Programs**

The Employee Assistance Program (EAP) is a short-term counseling service available to employees and their immediate family members who may be experiencing personal or workplace problems. The EAP is also a part of the Blue Cross and Blue Shield health insurance plan which provides mental health and substance abuse benefits.

Eligible employees may participate in the statewide EAP to receive consultation and referral for alcoholism or substance abuse. All college employees are eligible for referral assistance through the State Employee Assistance Program, coordinated by TCAT Hartsville Personnel Office. TCAT Hartsville recognizes that the use of alcohol and drugs can have a negative impact on students and the learning process.

TCAT Hartsville does not currently provide drug/alcohol counseling, treatment, or rehabilitation programs for students; however, referral to community treatment facilities may be made in appropriate cases.

1. Area Mental Health Departments
2. State Employee Assistance Program (faculty and other employees only)  
Call: 1-800-468-8369
3. Further information is available in the Coordinator of Student Service's office

### **Campus Sexual Misconduct Policy**

TCAT-Hartsville complies with TBR Policy No. 6.03.00.00 regarding Sexual Misconduct. All other forms of sex discrimination including sexual harassment are also strictly prohibited. Allegations that are not within the scope of this policy are subject to the procedures described in TBR Policies 6.01.00.00 & 6.02.00.00 and TBR Guideline P-080 located at <https://policies.tbr.edu/policies/sexual-discriminationharassmentmisconduct>.

- I. Prohibition of Sexual Misconduct and General Information
  - A. Sexual Misconduct is a form of sex discrimination prohibited by Title IX. TCAT Hartsville is committed to eliminating any and all acts of Sexual Misconduct. As set forth in this policy, Sexual Misconduct includes Title IX Sexual Harassment, Dating Violence, Domestic Violence, Stalking, and Sexual Assault. TCAT Hartsville strictly prohibits these offenses.
    1. Because Sexual Misconduct is a subset of the broader category of sexual harassment, not all sexual harassment allegations will be handled according to this policy. Allegations of sexual harassment that do not fall within the more limited definition of Sexual Misconduct or otherwise do not meet the criteria for filing a Formal Complaint will be handled in accordance with TBR Guideline P-080 and institutional policy.
    2. With respect to allegations of Sexual Misconduct against faculty and staff in which a student is not the Complainant, additional laws and policies apply, most notably Title VII and anti-discrimination policies. In such situations and absent unusual circumstances, the Complainant may file a Formal Complaint pursuant to this policy or proceed pursuant to TBR Guideline P-080 and the appropriate institutional policy.
    3. With respect to allegations of Sexual Misconduct in which a student is either a Complainant or Respondent and meets the criteria for filing a Formal Complaint, absent

unusual circumstances, pursuing a Formal Complaint pursuant to this policy will be the appropriate method of addressing the allegations.

4. Upon receiving and assessing a report of Sexual Misconduct and/or sexual harassment, the Title IX Coordinator will decide whether the criteria for proceeding under this policy are met and whether another policy may apply. If there is a possibility of proceeding pursuant to TBR Guideline P-080 and another institutional policy, the Title IX Coordinator will explain the options.
5. This policy applies to conduct by third parties. An example of a third party is a vendor with whom the institution contracts to provide services.
6. This policy applies to all students and employees, regardless of sexual orientation or gender identity.

#### B. Title IX Coordinator

Complaints of Sexual Misconduct (or any sexual harassment or sex discrimination) should be made to:

TCAT Hartsville Title IX Coordinator  
716 McMurry Blvd E, Hartsville, TN 37074  
Office of the Vice President  
[Jonathan.smallwood@tcathartsville.edu](mailto:Jonathan.smallwood@tcathartsville.edu)

#### C. Lack of Bias and Equitable Treatment

1. Neither the Title IX Coordinator, any investigator, any decision-maker, any person designated to facilitate an informal resolution process, nor anyone deciding an appeal will have a conflict of interest or bias for or against complainants or respondents generally, or against an individual Complainant or Respondent.
2. The Title IX Coordinator is responsible for appointing investigators, decision-makers, and appellate reviewers, and may appoint someone from another institution or someone not employed by a TBR institution in order to avoid potential bias or for other reasons. In the event of potential bias of the Title IX Coordinator, or if the Title IX Coordinator believes that another person should serve in that role for other reasons, the Title IX Coordinator should report the matter to TBR Central Office.
3. TCAT Hartsville will provide a prompt, fair, and impartial investigation, adjudication, and, if applicable, disciplinary process. TCAT Hartsville will treat Complainants and Respondents equitably, which includes an objective evaluation of all relevant evidence, including both evidence that tends to prove or disprove the allegations.
4. Credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.
5. The investigation will proceed with a presumption that the Respondent is not responsible for the alleged conduct unless and until a Determination of responsibility for a violation

of this policy is made at the conclusion of the decision-making process. It is the institution's responsibility to establish Sexual Misconduct by a preponderance of the evidence.

6. The institution shall provide simultaneous written notification to the Parties of (1) any initial, interim, or final decision by an official authorized to resolve disciplinary matters, (2) any available appeal procedures for that decision, (3) any change to that decision, and (4) when that decision becomes final. The Parties will receive timely and equal access to information.

## II. How to Report Sexual Misconduct

- A. TCAT Hartsville takes 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.

1. Sexual Misconduct should be reported to the Title IX Coordinator. Such a report can be made at any time, including during non-business hours, by using the telephone number or electronic mail address, or office mail address. The contact information for TCAT Hartsville's Title IX Coordinator is:

Jonathan Smallwood, Vice President, 716 McMurry Blvd E, Hartsville, TN 37074, 615-374-2147, [jonathan.smallwood@tcathartsville.edu](mailto:jonathan.smallwood@tcathartsville.edu)

2. TCAT Hartsville recommends that reports and complaints of all Sexual Misconduct be made to the Title IX Coordinator so that the institution can respond appropriately. Although reports and complaints of Sexual Misconduct may be made at any time, reports should be made as soon as possible so that the institution is best able to address the allegation.
3. TCAT Hartsville encourages anyone who witnesses, experiences, or has information about possible Sexual Misconduct to take reasonable actions to prevent or stop such actions. This may include speaking up while the behavior is taking place or immediately afterwards, reporting the behavior (in accordance with the reporting options outlined in this policy), directly intervening when it is safe and reasonable to do so, contacting law enforcement, or other means. A person who has been subjected to any type of Sexual Misconduct need not confront the other Party. The appropriate process to address the conduct is through this or other applicable policy.

### B. Supportive and Interim Measures

1. 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.

2. 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. These measures 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.
3. These measures may include, but are not limited to: mutual no-contact directives; access to counseling services and assistance in setting up an initial appointment; changing schedules, assignments, or job/study locations to lessen or minimize contact; extensions of deadlines and course-related adjustments; limiting or barring an individual's or organization's access to certain institutional facilities or activities; providing an escort to ensure safe movement on campus; providing academic support services, such as tutoring; arranging for a Party to re-take a course or withdraw from a class without penalty; administrative leave; leave of absence; institution-imposed leave or physical separation from individuals or locations.
4. TCAT Hartsville 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.

C. Formal Complaint

1. Any person who has been a victim of Sexual Misconduct that took place within an education program or activity of TCAT Hartsville in the United States may file a Formal Complaint under this policy.
2. A Complainant who wants TCAT Hartsville to conduct an investigation and take action in accordance with this policy must file a Formal Complaint alleging Sexual Misconduct.
3. 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 their TCAT Hartsville 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.
4. Although TCAT Hartsville will attempt to consider the wishes of Complainants, including that no investigation be conducted, TCAT Hartsville 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.

5. 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 Hartsville 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.
- D. Confidential Resources (who will not share information with Title IX Coordinator)
  1. TCAT Hartsville encourages victims of Sexual Misconduct to talk to someone about what happened, whether they want their report to be investigated or not, so that they can get the support they need. Some resources are confidential and should be considered if the Complainant does not want the institution to investigate the matter. 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 to maintain confidentiality in accordance with Tennessee State law:

Sexual Assault Center (All Tennessee Counties)

101 French Landing Dr, Nashville, TN 37228  
24-Hour Crisis & Support Line  
1.800.879.1999  
Email: [abunch@sacenter.org](mailto:abunch@sacenter.org)  
<http://www.sacenter.org/>

Genesis House (Jackson, Macon & Smith)

E. Broad St, Cookeville, TN 38501  
24-Hour Crisis & Support Line  
1.800.707.5197  
Email: [info@genesishouseinc.com](mailto:info@genesishouseinc.com)

<http://www.genesishouseinc.com/getting-help>

Other Support Agencies:

HomeSafe (615) 452-4315

Tennessee Task Force Against Domestic Violence

(615) 386-9406

Tennessee Department of Human Services Family Violence Division

(615) 313-4764

Macon County Department of Human Services

(615) 666-6041

Wilson County Department of Human Services

(615) 443-2746

Trousdale County Department of Human Services

(615) 374-3513

2. TCAT Hartsville contracts with WellVia to provide virtual telehealth and mental health services. Should a victim choose to utilize such services, WellVia will not report any information about an incident to the Title IX Coordinator without the victim’s



permission. 1-855-WELLVIA or <https://tcathartsville.edu/current-students/student-services>

3. Counselors and health care providers not affiliated with TCAT Hartsville 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.
- E. Reporting by Employees
1. 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.
  2. 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.
- F. Anonymous and Third-Party/Bystander Reporting
1. TCAT Hartsville encourages third parties to report incidents of Sexual Misconduct to the Title IX Coordinator. TCAT Hartsville 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.
  2. 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.
- G. Abuse of Minors
1. 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.
  2. 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.

3. In addition, TCAT Hartsville 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 TCAT Hartsville law enforcement or security agency is not sufficient to comply with state law.

H. Law Enforcement

1. The following law enforcement agencies listed in this policy are available for emergency response, facilitating medical transport, investigating incidents of a criminal nature, referrals, and preserving evidence. Law enforcement may be required to report potential violations of this policy to the Title IX Coordinator and to report incidents of sexual assault and other criminal acts of a serious nature to other law enforcement authorities.

**Hartsville (Main) Campus:**

Trousdale County Sheriff's Office, 315 East Main St, Hartsville, TN 37074/615-374-2114

**Wilson County Campus:**

Lebanon Police Department, 406 Tennessee Blvd, Lebanon, TN 37087/615-444-2323

Wilson Co Sheriff's Office, 105 East High Street, Lebanon, TN 37087/615-444-1412

**Tri-County Ext. Campus:**

Red Boiling Springs Police Dept., 361 Lafayette Rd, RBS, TN 37150/615-699-2011

Macon Co Sheriff's Office, 902 Hwy 52 Bypass E, Lafayette, TN 37083/615-666-3325

I. Reporting Pursuant to the Nottingham Act.

1. Unless the victim of a rape does not consent to the reporting of an offense, the chief security officer or chief law enforcement officer of each institution shall immediately notify the local law enforcement agency with territorial jurisdiction over the institution if the officer is in receipt of a report from the victim alleging that any degree of rape has occurred on the property of the institution. The chief security officer or chief law enforcement officer shall designate one (1) or more persons who shall have the authority and duty to notify the appropriate law enforcement agency in the absence of the chief security officer or chief law enforcement officer. In the case of an alleged rape, the institution's law enforcement agency shall lead the investigation. After notifying the local law enforcement agency, the institution shall cooperate in every respect with the investigation conducted by the law enforcement agency. T.C.A. § 49-7-129.
2. If the victim does not consent to the reporting, the security officer at TCAT Hartsville shall not report the offense to the local law enforcement agency. T.C.A. § 49-7-2207; T.C.A. § 49-7-129.

III. Additional Information

A. No Retaliation

1. 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.

2. In order to help prevent retaliation, TCAT Hartsville's 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 TCAT Hartsville's responsibilities under this policy, as permitted by FERPA, or as required by law.
  3. Anyone who wishes to file a complaint of retaliation should contact the Title IX Coordinator.
- B. Emergency Removal/Administrative Leave
1. 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, TCAT Hartsville 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.
  2. TCAT Hartsville may place employees on administrative leave or similar action while addressing allegations of Sexual Misconduct.
  3. Visitors, vendors, and other third Parties may be removed from the premises consistent with applicable policies and procedures.
- C. Court Orders
1. Individuals may seek orders of protection, restraining orders, or other similar orders from a court of law.
- D. Participation in the Formal Complaint process by a Complainant, Respondent, institution, or other person does not waive applicable privileges, including attorney-client privilege, doctor-patient privilege, the peer review/quality improvement privilege, etc. The holder of a privilege may waive it in certain circumstances.
- IV. Investigation and Outcomes
- A. The Office of General Counsel shall always be consulted prior to investigation.
- B. 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.

C. 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:
  1. an explanation of the investigation and grievance process, including a copy of or link to TCAT Hartsville I policy, as well as any other applicable policies;
  2. the availability of an informal resolution process;
  3. 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;
  4. the identity of the Parties involved in the incident, if known, and the date and location of the alleged incident;
  5. a statement that the Respondent is presumed not responsible for the alleged conduct unless and until a Determination of responsibility has been issued;
  6. 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, TCAT Hartsville will provide advisors to Parties who do not have their own);
  7. any statements in TBR institutional policies, procedures, or guidelines that prohibit knowingly making false statements or knowingly submitting false information during the process; and
  8. 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, TCAT Hartsville decides to investigate allegations about the Complainant or Respondent that are not included in the Notice of Allegations, TCAT Hartsville will provide additional written Notice of Allegations to known Parties.
- D. 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 a 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 TCAT Hartsville will investigate or respond to the allegations under another policy, guideline, or process and the availability of other methods to address the allegations.
- E. 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 TCAT Hartsville. Informal resolutions may include meetings facilitated by TCAT Hartsville 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 TCAT Hartsville 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.

F. Investigation of Formal Complaints

1. TCAT Hartsville will investigate all Formal Complaints, unless dismissed or resolved through an informal resolution. During the investigation:
  - a. TCAT Hartsville 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;
  - b. 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;
  - c. Although the Parties are encouraged to provide TCAT Hartsville with information and evidence related to the allegations, TCAT Hartsville is ultimately responsible for gathering evidence sufficient to reach a Determination regarding responsibility;
  - d. TCAT Hartsville 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;
  - e. 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 IV.H. below;

- f. When a Party is invited or expected to participate in a meeting, TCAT Hartsville 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;
  - g. 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 TCAT Hartsville does not intend to rely in reaching a Determination regarding responsibility. TCAT Hartsville 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;
  - h. Prior to the completion of an investigative report, TCAT Hartsville will send to each Party the evidence subject to inspection and review. Unless a Party requests that TCAT Hartsville not do so, TCAT Hartsville will also send the evidence to each advisor who has been identified. TCAT Hartsville 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
  - i. TCAT Hartsville 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.
- G. 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 TCAT Hartsville not do so, TCAT Hartsville 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.

#### H. 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 TCAT Hartsville 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 TCAT Hartsville 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. TCAT Hartsville 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.

#### I. Recordings

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

#### J. 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.



K. Standard of Evidence

1. TCAT Hartsville 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 TCAT Hartsville through the Determination.

L. 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.

M. Parallel Investigations with Law Enforcement

1. The filing of a police report or the pendency of civil or criminal proceedings does not preclude TCAT Hartsville 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 TCAT Hartsville may proceed with an investigation, but TCAT Hartsville generally will not wait for the conclusion of any criminal proceeding.
3. Civil or criminal proceedings are separate and distinct from internal TCAT Hartsville proceedings, and they may or may not run parallel to one another. However, TCAT Hartsville may be required by law to provide information in civil or criminal proceedings.
4. TCAT Hartsville 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).

N. Live Hearings

1. TCAT Hartsville 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, TCAT Hartsville 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 TCAT Hartsville'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, TCAT Hartsville will provide both Parties with written notice of the following:
  1. The time, place, date of the hearing, and electronic access information, if applicable;
  2. The name of each witness TCAT Hartsville expects to present or be present at the hearing and those TCAT Hartsville may present if the need arises;
  3. 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;
  4. The right to request copies of all documents, copies of electronically stored information, and access to tangible evidence that TCAT Hartsville has in its possession, custody, or control and may use to support claims or defenses;
  5. 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, TCAT Hartsville will provide an advisor of TCAT Hartsville's 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;
  6. Any Party in need of a TCAT Hartsville -provided advisor must inform the Title IX Coordinator at least five (5) business days before the hearing;
  7. Any cross-examination of any other Party or witness must be conducted by the advisor; and
  8. 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 TCAT Hartsville, 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' TCAT Hartsville -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, TCAT Hartsville will provide without fee or charge to that Party an advisor. TCAT Hartsville 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. TCAT Hartsville 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 TCAT Hartsville, or specific circumstances prevent TCAT Hartsville 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.
- O. 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 TCAT Hartsville 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 TCAT Hartsville 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.
- P. Remedies and Disciplinary Action Following Determinations of Violations
1. TCAT Hartsville will provide remedies where a Determination of responsibility for Sexual Misconduct has been made. TCAT Hartsville 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 TCAT Hartsville. 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 TCAT Hartsville 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.

#### Q. Appeals/Post-Determination Procedures

1. Parties are permitted to appeal to the TCAT Hartsville'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.

#### V. Victim Services

- A. 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 carefully review Section II above related to the limits on the College's ability to maintain confidentiality.

1. On Campus Resources

Office of the Title IX Coordinator	716 McMurry Blvd E Hartsville, TN 37074	Jonathan Smallwood 615-374-2147
Student Services Coordinator	716 McMurry Blvd E Hartsville, TN 37074	Annette Bohanan 615-374-2147

2. 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.pandys.org/malesurvivors.html> - Website for male survivors

<http://www.rainn.org> – Rape, Abuse, and Incest National Network

<http://www.justice.gov/ovw> - Department of Justice

<https://www2.ed.gov/about/offices/list/ocr/index.html> - Department of Education Office of Civil Rights

VI. Victim Services Policy

A. The following individuals may be able to assist in the event of an emergency

1. On Campus (615) 374-2147

Mae R. Wright – President, ext: 114

Jonathan Smallwood – Vice President, ext: 112

Lou Ann Hall – Health Sciences Education Coordinator, ext: 117

Annette Bohanan – Student Services Coordinator, ext: 115

Kevin Harrison – Academic Affairs & Community Relations Coordinator, ext: 137

2. Off Campus

TROUSDALE/HARTSVILLE METRO POLICE, 615-374-3994

TROUSDALE COUNTY SHERIFF’S DEPARTMENT, 615-374-2114

MACON COUNTY SHERIFF’S DEPARTMENT, 615-666-3325

LEBANON POLICE, 615-444-2323

A. The following health care options are available to seek treatment for injuries, preventative treatment for sexually transmitted diseases, and where and how to get a rape kit or find a Sexual Assault Nurse Examiner (SANE).

1. Regional Hospitals:

a. Trousdale Medical Center, (615) 374-2221

b. Macon County General Hospital, (615) 666-2147

c. Sumner Regional Hospital, (615) 328-8888

d. Vanderbilt Wilson County Hospital, (615) 444-8262

2. Where to go for a Sexual Assault Forensic Exam in Tennessee:

[125b86bc97ef.filesusr.com/ugd/40dfdf\\_a13931824aba475b983e7cacbcd51c3.pdf](https://125b86bc97ef.filesusr.com/ugd/40dfdf_a13931824aba475b983e7cacbcd51c3.pdf)

- B. It is very important for the Complainant to seek medical attention immediately so that the Complainant can be screened for sexually transmitted diseases/pregnancy/drugs that may have been used to incapacitate, obtain emergency contraception, and receive treatment for any injuries. Valuable physical evidence can be obtained from the Complainant and the Complainant's clothing. Even those who are unsure whether to make a police report or take action may wish to have a forensic examination, which will facilitate the identification and preservation of physical evidence;
  - 1. To help preserve evidence in the event of a sexual assault, it is important for the Complainant not to change clothes or bedding and not take a shower, douche, use the toilet, brush their teeth, or clean up until police have had a chance to gather evidence. 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. Parties should not delete or destroy any text messages, social media, emails, voicemails, written notes, or any other documents that may be relevant.
  - 2. The following sources are available to accompany a victim to the hospital or health provider;

These services are available for victims of Sexual Misconduct whether or not a victim chooses to make an official report or participate in the institutional disciplinary or criminal process.

#### VII. Education, Training, and Awareness

- A. TCAT Hartsville offers educational programming and training to their students, faculty, and staff that are intended to end Sexual Misconduct.
- B. TCAT Hartsville utilizes the student handbook, orientation sessions, email notifications and etc.; to provide user friendly materials to explain the policy and how victims can get help and provides these online and through other strategies appropriate for the campus such as student awareness training. TCAT Hartsville provides online training for sexual assault and misconduct prevention education to incoming students to promote awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking. This education also includes information on how to prevent sexual assault, such as information on bystander intervention, as well as how to recognize abusive behavior and avoid potential abusive relationships. Within this training, students are given information the procedures for filing a report, as well as procedures for institutional disciplinary action in cases of alleged sexual violence. The training also informs students of the sanctions and protective measures that the institution may impose once a report of sexual violence has been made.

#### VIII. Effective Date

- A. This policy is effective August 14, 2020.

- B. If any provision of the Title IX regulations on which this policy is based is enjoined or held invalid as it applies to the TBR institution or the Title IX regulations' application to any person, act, or practice is enjoined or held invalid as it applies to the TBR institution, the remainder of this policy or the application of its provisions to any person, act, or practice shall not be affected thereby.
  - C. For conduct that occurs across multiple versions of this policy, complaints of Sexual Misconduct will be addressed utilizing the procedures outlined in the version of this policy in effect as of the date of the Notice of Allegations. The "Definitions" and "Clarifications" sections of the policy in effect as of the date of the alleged incident will be used. Complaints and reports of conduct spanning more than one version of the policy will be addressed using the "Definitions" and "Clarifications" sections in the version of the policy in effect at the time of the most recent alleged incident.
- IX. Clarifications
- A. Consent
    - 1. Consent means an active agreement to participate in sexual activity. An active agreement is words and/or conduct that communicate a person's willingness to participate. The following individuals cannot give valid Consent:
      - a. A person who is Incapacitated, if either the person claiming to have obtained Consent knows that the other person is Incapacitated or a reasonable person would know that the other person is Incapacitated;
      - b. A person who is Forced; or
      - c. A person who is under the age of eighteen (18), unless the person giving Consent is at least the age of thirteen (13) and the other person is less than four (4) years older than the person giving Consent.
    - 2. During a sexual encounter, each person has responsibility for obtaining Consent from the other person. During an investigation, the institution has the burden of obtaining evidence whether Sexual Misconduct occurred without Consent. During any hearing, the institution has the burden of proving that Sexual Misconduct occurred without Consent. (In other words, it is not a Respondent's burden to prove Consent during an investigation or hearing). Whether a person has communicated Consent generally is evaluated from the perspective of what a reasonable person who perceived the individual's words and/or nonverbal conduct would have understood; however, in the context of a relationship that has involved sexual activity and a pattern of communicating Consent, whether Consent has been communicated may be evaluated based on a subjective standard (i.e., what did the specific person who initiated the sexual activity conclude based on the pattern of communication?).
    - 3. A verbal "no" (or words equivalent to "no") or the nonverbal communication of "no," even if it sounds or appears insincere or indecisive, means that Consent has not been communicated, or if previously communicated, has been withdrawn. The absence of a verbal "no" or the absence of a nonverbal communication of "no" does not necessarily mean that Consent has been communicated.



4. Consent must exist from the beginning to the end of each sexual encounter and for each sexual act that occurs during a sexual encounter. A person has a right to change their mind; thus, Consent may be withdrawn at any time. A withdrawal of Consent is communicated through clear words and/or conduct that indicate that a person no longer agrees to participate in sexual activity. Once a person's withdrawal of Consent has been communicated, the other person must cease the sexual act for which Consent was withdrawn and must obtain Consent before reinitiating that sexual act. Consent is automatically withdrawn when a person becomes incapacitated or is forced to participate in sexual activity.
5. Consent to one type of sexual activity (e.g., oral sex) does not constitute or imply Consent for another type of sexual activity (e.g., vaginal intercourse), whether during a sexual encounter or based on a previous sexual encounter.
6. The following do not communicate a person's willingness to participate in sexual activity:
  - a. Silence, unless accompanied by non-verbal conduct conveying a willingness to participate in sexual activity;
  - b. Consent communicated by the person on a previous occasion;
  - c. Consent communicated to a third person;
  - d. The person's failure to resist physical force (however, for purposes of the Policy, the person's resistance to physical force will be viewed as a clear demonstration that the person has not communicated Consent);
  - e. A current or previous dating, romantic, intimate, or sexual relationship with the other person;
  - f. Currently or previously cohabitating with the other person;
  - g. The person's attire, reputation, giving or acceptance of gifts, sexual arousal, or extension or acceptance of an invitation to go to a private residence, room, or other location.
  - h. One's own use of alcohol, drugs, or other substances does not diminish one's responsibility to obtain Consent from the other person. Another person's use of alcohol, drugs, or other substances does not diminish one's responsibility to obtain Consent from that person.
- B. Force
  1. Force includes physical force (such as pushing, hitting, pinning down), threats (direct or indirect expressions of intent to inflict harm to self or others), intimidation (implied or indirect threats), and/or other forms of coercion. To coerce is to attempt to cause another person to act or think in a certain way by use of force, pressure, threats, or intimidation; to compel is to coerce.
- C. Incapacitation
  1. A person violates this policy when they engage in sexual activity with another person who is incapacitated under circumstances in which a reasonable person would have known the other person to be Incapacitated. For evaluating Incapacitation, a "reasonable person" means a sober, objectively reasonable person in the same situation, with ordinary sensitivities, and with similar identities as the Respondent.

2. Incapacitation can be voluntary or involuntary. Signs of Incapacitation may include, without limitation: sleep; total or intermittent unconsciousness; lack of control over physical movements (e.g., inability to dress/undress without assistance; inability to walk without assistance); lack of awareness of circumstances or surroundings; emotional volatility; combativeness; vomiting; incontinence; unresponsiveness; and inability to communicate coherently. Incapacitation is an individualized determination based on the totality of the circumstances.
  3. Blacking out is an amnesia-like state that may be brought on by drugs, heavy drinking, or intoxication; blacking out is not necessarily incompatible with the ability to engage in simple or even complex behavior. After blacking out, a person has no recollection of all or part of the events that occurred during the blackout. There is a distinction between passing out (falling asleep or becoming unconscious) due to drug or alcohol use and blacking out in that a person in a blackout remains conscious and operative.
  4. Incapacitation or Incapacitated means a person's inability, temporarily or permanently, to communicate a willingness to participate in an activity (e.g., sexual activity) because of mental or physical helplessness, sleep, unconsciousness, or other lack of awareness that the activity is taking place. Incapacitation can be voluntary or involuntary. Signs of Incapacitation may include, without limitation: sleep; total or intermittent unconsciousness; lack of control over physical movements (e.g., inability to dress/undress without assistance; inability to walk without assistance); lack of awareness of circumstances or surroundings; emotional volatility; combativeness; vomiting; incontinence; unresponsiveness; and inability to communicate coherently. Incapacitation is an individualized determination based on the totality of the circumstances. Alcohol and drugs (including "date rape" drugs) are common causes of Incapacitation. When alcohol or drugs are involved, Incapacitation is a state beyond mere drunkenness or intoxication.
- D. Severe and Pervasive
1. Severe and Pervasive. 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.

## **Sex Offender Registration Information**

Any person who is required under the laws of the state of Tennessee to register as a sex offender is also required to provide notice that they are enrolled as a student, carry on a vocation, or are employed by Tennessee College of Applied Technology Hartsville. Furthermore, the student or employee is required to provide written notice of each change in enrollment or employment to their local county Sheriff's Office. The Sex Offender registry for the State of Tennessee is located on the Tennessee Bureau of Investigation website or click on the link below:

[http://www.tbi.state.tn.us/sex\\_ofender\\_reg/sex\\_ofender\\_reg.shtml](http://www.tbi.state.tn.us/sex_ofender_reg/sex_ofender_reg.shtml)

Clery Crime Statistics	2017 THRT		2018 THRT		201 THRT		2017 TCEC		2018 TCEC		2019 TCEC		2017 WCC		2018 WCC		2019 WCC	
	On Campus	Public Property	On Campus	Public Property	On Campus	Public Property	On Campus	Public Property	On Campus	Public Property	On Campus	Public Property	On Campus	Public Property	On Campus	Public Property	On Campus	Public Property
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses - Forcible - Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses - Forcible - Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses – Non-Forcible - Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses – Non-Forcible - Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>ARRESTS ON CAMPUS</b>																		
Weapons: carrying, possession, etc.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>DISCIPLINARY ACTIONS</b>																		
Weapons: carrying, possession, etc.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>VAWA Offenses</b>																		
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>UNFOUNDED CRIMES</b>																		
Total unfounded crimes	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

## Hate Crimes

The Clery act requires that TCAT Hartsville disclose hate or bias motivated offenses. A hate crime is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation or ethnicity/national origin.

Hate Crimes on Campus	2019 TCAT Hartsville								2018 TCAT Hartsville							
	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Destruction/damage/vandalism of property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Hate Crimes on Campus	2017 TCAT Hartsville								2019 TCEC							
	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Destruction/damage/vandalism of property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Hate Crimes on Campus	2018 TCEC								2017 TCEC							
	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Destruction/damage/vandalism of property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Hate Crimes on Campus	2019 WCC								2018 WCC							
	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Destruction/damage/vandalism of property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Hate Crimes on Campus	2017 WCC							
Criminal Offense	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0
Destruction/damage/vandalism of property	0	0	0	0	0	0	0	0



**Violence Against Women (VAWA Violence Against Women Act, i.e. sexual misconduct)**

The Clery act requires that TCAT Hartsville disclose sexual assault occurrences; sexual misconduct is a form of sex discrimination prohibited by Title IX. TCAT Hartsville 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 dating violence, domestic violence and stalking.

VAWA Offenses	2019 (TCAT Hartsville)				VAWA Offenses	2018 (TCAT Hartsville)				VAWA Offenses	2017 (TCAT Hartsville)			
	Sexual Assault	Domestic Violence	Dating Violence	Stalking		Sexual Assault	Domestic Violence	Dating Violence	Stalking		Sexual Assault	Domestic Violence	Dating Violence	Stalking
Offense					Offense					Offense				
ARRESTS ON CAMPUS	0	0	0	0	ARRESTS ON CAMPUS	0	0	0	0	ARRESTS ON CAMPUS	0	0	0	0
PUBLIC PROPERTY	0	0	0	0	PUBLIC PROPERTY	0	0	0	0	PUBLIC PROPERTY	0	0	0	0

VAWA Offenses	2019 (TCAT Hartsville - TCEC)				VAWA Offenses	2018 (TCAT Hartsville - TCEC)				VAWA Offenses	2017 (TCAT Hartsville - TCEC)			
	Sexual Assault	Domestic Violence	Dating Violence	Stalking		Sexual Assault	Domestic Violence	Dating Violence	Stalking		Sexual Assault	Domestic Violence	Dating Violence	Stalking
Offense					Offense					Offense				
ARRESTS ON CAMPUS	0	0	0	0	ARRESTS ON CAMPUS	0	0	0	0	ARRESTS ON CAMPUS	0	0	0	0
PUBLIC PROPERTY	0	0	0	0	PUBLIC PROPERTY	0	0	0	0	PUBLIC PROPERTY	0	0	0	0

VAWA Offenses	2019 (TCAT Hartsville - Wilson County Campus)				VAWA Offenses	2018 (TCAT Hartsville - Wilson County Campus)				VAWA Offenses	2017 (TCAT Hartsville - Wilson County Campus)			
Offense	Sexual Assault	Domestic Violence	Dating Violence	Stalking	Offense	Sexual Assault	Domestic Violence	Dating Violence	Stalking	Offense	Sexual Assault	Domestic Violence	Dating Violence	Stalking
<b>ARRESTS ON CAMPUS</b>	0	0	0	0	<b>ARRESTS ON CAMPUS</b>	0	0	0	0	<b>ARRESTS ON CAMPUS</b>	0	0	0	0
<b>PUBLIC PROPERTY</b>	0	0	0	0	<b>PUBLIC PROPERTY</b>	0	0	0	0	<b>PUBLIC PROPERTY</b>	0	0	0	0