

# **Tennessee College of Applied Technology-McKenzie**

## **CAMPUS SECURITY REPORT 2021**

Reporting Period January 1, 2020 to December 31, 2020

Tennessee College of Applied Technology-McKenzie  
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The following is the annual Campus Security Report for the Tennessee College of Applied Technology McKenzie for the year 2020. The office of the Vice President prepares this report to comply with the *Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act*. The report can also be accessed on the TCAT's web page at [www.tcatmckenzie.edu](http://www.tcatmckenzie.edu). This report contains security policies, procedures, and guidelines. Crime statistics for the period of 2018-2020 are included in the report. These statistics are based on incidents reported at our main campus location. You may request a paper copy from the Vice President's office on the TCAT campus located at 16940 Highland Drive in McKenzie TN.

### **Crime Statistics: Statement Concerning Law Enforcement**

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

- The main campus is located in the City of McKenzie, and is under the jurisdiction of
- McKenzie Police Department (731)-352-2265, 2470 Cedar Street, McKenzie, TN 38201

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

The TCAT has published the crime statistics described in 34 CFR 668.46(c) for the last three reporting periods for all campuses on its website at [www.tcatmckenzie.edu](http://www.tcatmckenzie.edu). Additionally, copies of the crime statistics for the reporting period covered under this report have been included at the end of this report.

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

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

Law Enforcement Agency Contacts by Campus Location:

TCAT McKenzie                      McKenzie Police Department 731-352-2265

Campus Security Authorities:

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

Willie Huffman	President	731-352-5364
Dr. Jan Latimer	Vice President	731-352-5364

Timely Warnings [34 CFR §668.46(b) (2) (i)]

In the event that a situation arises- either on or off campus, that, in the judgment of the TCAT President or campus management -constitutes an ongoing or continuing threat, a campus wide "timely warning" will be issued. Currently, the notification systems utilized by TCAT-M include: e-mail, siren, text messages, fire alarm notification systems, public address systems, web pages, and Facebook. The Administrative office should be contacted to initiate a timely warning. Anyone with information warranting a timely warning should report the circumstances to Willie Huffman at 731-352-5364.

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

The Vice President prepares this report to comply with the *Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act*. The full text of this report can be located on our website at [www.tcatmckenzie.edu](http://www.tcatmckenzie.edu). The report is prepared in cooperation with the local law enforcement agencies surrounding our main campus. Campus crime, arrest, and referral statistics include those reported to the campus officials and local law enforcement agencies. Upon completion of the Annual Security Report, an e-mail notification is made to all enrolled students, faculty and staff that provide the website to access this report. Copies of the report may also be obtained in the Vice President's office located at 16940 Highland Drive in McKenzie or by calling 731-352-5364.

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

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

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

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

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

Safety and security have been considered in the landscape and lighting of the campus. Any maintenance needs are reported to the Vice President. Any identified security concern will be evaluated by the President's office. These evaluations examine security issues such as landscaping, locks, alarms, lighting, and communications.

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

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

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

The TCAT staff at each campus location maintains a close working relationship with their local law enforcement agencies. There is not a written memorandum of understanding between the TCAT and law enforcement agencies at each campus location.

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

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

All incident reports are forwarded to the President for review and potential action. Local law enforcement will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the student services and/or human resources offices.

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

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

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

Students and Faculty are informed in new student/employee orientation about security plans on campus. Also, every month a safety and security meeting is held to bring up concerns on campus.

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

TCAT-McKenzie Student Services personnel welcome new students each trimester during the orientation function. A New Employee Orientation is offered to all new employees by Human Resources Services. Both orientation sessions provide an overview of the campus and the many services available to its students and employees

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

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

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

TCAT students and employees are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, use of or being under the influence of illicit drugs and/or alcohol on any TCAT campus, property owned or controlled by the TCAT, or as part of any TCAT activity.

### **A. Penalties for Violation**

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

Various federal, state, and local statutes make it unlawful to manufacture, distribute, dispense, deliver, sell, or possess with intent to manufacture, distribute, dispense, deliver or sell, controlled substances. The penalty imposed depends upon many factors which include the type and amount of controlled substance involved; the number of prior offenses, if any; whether death or serious bodily injury resulted from the use of such substance; and whether any other crimes were committed in connection with the use of the controlled substance. Possible maximum penalties for a first-time violation include imprisonment for any period of time up to a term of life imprisonment, a fine of up to \$4,000,000, supervised release, any combination of the above or all three. These sanctions are doubled when the offense involves either: (1) distribution or possession at or near a school or college campus; or (2) distribution to persons less than 21 years of age. Repeat offenders may be punished to a greater extent as provided by statute. Further, a civil penalty of up to \$10,000 may be assessed for simple possession of "personal use amounts" of certain specified substances under federal law. Under

state law, the offense of possession or casual exchange is punishable as a Class A misdemeanor; if there is an exchange between a minor and an adult at least two (2) years the minor's senior, and the adult knew that the person was a minor, the offense is classified a felony as provided in T.C.A. 39-17-417. (21 U.S.C. 801, et. Seq.; T.C.A. 39-12-417) It is unlawful for any person under the age of twenty-one (21) to buy, possess, transport (unless in the course of his or her employment), or consume alcoholic beverages, wine or beer, such offenses being classified as Class A misdemeanors punishable by imprisonment for not more than 11 months, 29 days, or a fine of not more than \$2,500, or both. (T.C.A. 1-3-113 and T.C.A. 57-5-301) It is further an offense to provide alcoholic beverages to any person under the age of twenty-one (21), such offense being classified a Class A misdemeanor. (T.C.A. 39-15-404) The offense of public intoxication is a Class C misdemeanor punishable by imprisonment of not more than 30 days or a fine of not more than \$50, or both. (T.C.A S39-17-310)

## 2. Students

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

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

## 2. Employees

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

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

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

## C. Dissemination of Policy

### 1. Employees



- a. The human resources office will provide new employees with a copy of this policy, as part of the new employees' orientation.
  - b. New employees will sign orientation forms acknowledging that the policy was disseminated as part of their orientation.
  - c. The human resources office will send e-mail copies of this policy annually to all employees with e-mail access. Supervisors of employees without e-mail access will distribute paper copies to those employees.
2. Students
- a. A copy of this policy will be included in the TCAT "Student Handbook" and on the college's web page.
  - b. The student services and enrollment management office will provide new students with a copy of this policy, as part of the new students' orientation.
- D. Violations

1. Supervisor Notification of Human Resources

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

2. Employees Funded by Federal Grants

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

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

**A. General**

Drug and Alcohol Awareness

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

A synopsis of those health risks is presented below.

**B. Alcohol**

Alcoholism is a complex, progressive disease that interferes with health, social and economic functioning. Untreated alcoholism results in physical incapacity, permanent mental damage and/or premature death. Alcohol is involved in one-third of all suicides, one-half of all traffic accidents and one-fourth of all other accidents and is involved in over 50% of all arrests. Alcohol is the third leading cause of birth defects involving mental retardation. Use during pregnancy may cause spontaneous abortion, various

birth defects or fetal alcohol syndrome. Drinking is implicated in cancer, heart disease, gastrointestinal disease and other illnesses. Alcoholism has been estimated to reduce life expectancy by twelve years. Alcohol Beverage can damage all body organs, leading to liver, heart and digestive problems, circulatory system interference, change in personality, reproductive problems and central nervous system disorder such as poor vision, loss of coordination, memory loss, loss of sensation, mental and physical disturbances and permanent brain damage. The physical and psychological changes that occur as a result of addiction to alcohol can pave the way for addiction to pharmacologically similar drugs.

### C. Illicit Drugs

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

### D. Counseling, Treatment and Rehabilitation Programs

The Student Services office will assist students and/or employees by providing information concerning treatment resources in the surrounding area and assisting individuals in making initial contact with treatment providers. Regular employees may also use the Employee Assistance Program (EAP) by calling 1-855-437-3486 or on the web at [www.Here4TN.com](http://www.Here4TN.com) Information concerning the EAP is available in the Human Resources office.

## **Sexual Misconduct [34 CFR §668.46(b) (11)]**

Sexual misconduct is a form of sex discrimination prohibited by Title IX. The TCAT is committed to eliminating any and all acts of sexual misconduct and discrimination on its campuses. As set forth in this policy, sexual misconduct includes dating violence, domestic violence, stalking, and sexual assault. The TCAT strictly prohibits these offenses.

### **Definitions**

**Consent**—an informed decision, freely given, made through mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity. Consent cannot be given by an individual who is asleep; unconscious; or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason; or, is under duress, threat, coercion, or force. Past consent does not imply future consent. Silence or an absence of resistance does not imply consent. Consent can be withdrawn at any time.

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

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

**Domestic Violence Victim**—violence against a person when the accuser and accused:

1. Are current or former spouses'
2. Live together or have lived together;
3. Are related by blood or adoption;
4. Are related or were formally related by marriage; or,
5. Are adult or minor children of a person in a relationship described above.

**Domestic Violence** - includes, but is not necessarily limited to:

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

**Sexual Assault**—the nonconsensual sexual contact with the accuser by the accused, or the accused by the accuser when force or coercion is used to accomplish the act, the sexual contact is accomplished without consent of the accuser, and the accused knows or has reason to know at the time of the contact that the accuser did not or could not consent.

**Sexual Misconduct**—for the purposes of this policy, "sexual misconduct" is defined as dating violence, domestic violence, stalking, and sexual assault.

**Stalking**—a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the accuser to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

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

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

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

## **Procedures Victims Should Follow If A Sex Offense Occurs [34 CFR §668.46(b)(II)(ii)]**

If you are a victim of a sexual assault, your first priority should be to get to a place of safety. You should then obtain necessary medical treatment. The TCAT strongly advocates that a victim of sexual assault should report the incident in a timely manner. Time is a critical factor for evidence collection and preservation. An assault can be reported directly by calling 9-1-1 or to a local law enforcement agency. If the victim wishes to make a confidential notification, the victim should follow the procedure outlined below for confidentially reporting sexual misconduct. The victim may be assisted by campus authorities in notifying local law enforcement. The victim should contact the Student Services office or the Title IX Coordinator for assistance.

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

- ensure that a victim of sexual assault receives the necessary medical treatment and tests, at no expense to the victim;

- provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam); and
- ensure the victim has access to confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

When a victim of sexual misconduct presents to the TCAT, the institution will provide written information about the importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order. The TCAT will also provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available for victims, both on our campus and in the community. The TCAT will further provide written notification to victims about options for, and available assistance in, changing academic, transportation, and working situations. The TCAT must make such accommodations if the victim requests them and they are reasonably available, regardless of whether the victim chooses to report the crime to local law enforcement.

Protection from abuse orders may be available through [tncourt.gov](http://tncourt.gov), with forms found at: [www.tncourts.gov/programs/self-help-center/forms/order-protection-forms](http://www.tncourts.gov/programs/self-help-center/forms/order-protection-forms), and additional information related to such orders may be found at <https://tncoalition.org/resources/legal-%0bresources>

Regardless of whether an offense occurred on or off campus, the TCAT will provide a student or employee a written explanation of their rights and options when a student or employee reports to the institution that they have been a victim of dating violence, domestic violence, sexual assault, or stalking.

### **Reporting Sexual Misconduct [34 CFR §668.46(b)(II)(ii)]**

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

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

If a victim chooses to report an incident of sexual misconduct in a confidential manner, the victim can report the incident to the following agency that has licensed counselor on staff and is required by Tennessee State law to maintain confidentiality of a victim:

WRAP (Wo/Men's Resource & Rape Assistance Program)  
512 Roland Avenue Jackson, TN 1-800-273-8712

## **B. Filing an Institutional Complaint**

Reports of acts of sexual misconduct to any other employee of the TCAT must be reported to the Title IX Coordinator, and the TCAT will take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

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

Title IX Coordinator:

Julia Kelley      [julia.kelley@tcatmckenzie.edu](mailto:julia.kelley@tcatmckenzie.edu) 731-352-5364

## **C. Filing a Criminal Complaint**

Contact local law enforcement where the assault occurred. The local law enforcement agency will determine the subsequent steps. An advocate from WRAP or the TCAT's Title IX Coordinator can assist in the reporting process.

## **D. Filing an Anonymous Complaint**

Filing an anonymous report will assist the institution with compiling statistical information that can call attention to the number of incidents that occur at the TCAT. If the survivor's identity is not known, no subsequent appropriate services will be made available. The suspect will not be notified that a report was filed if no name is revealed. The report will be sent to the Vice President's office for recording and tracking of incidents on and around the TCAT.

To file an anonymous report, use one of the following ways:

Call the Sexual Violence Hotline at 1-800-273-8712

Send by mail to:

Title IX Coordinator  
16940 Highland Drive  
McKenzie, TN 38201

- E. The TCAT will, to the extent possible, complete publicly available record-keeping, including Clery reporting, without identifying information about the victim.
- F. The TCAT will, to the extent possible, maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

#### **Investigation Requirements And Procedures [34 CFR §668.46(b)(II)(ii)]**

- B. All proceedings will include a prompt, fair, and impartial investigation and result. The College will provide the respondent and complainant equitable rights during the investigative process.
- C. All complaints of sexual misconduct shall be presented to the Title IX Coordinator or designee for investigation and appropriate disposition, subject to the confidentiality policy.
- D. Mediation between the complainant and respondent will never be considered an appropriate resolution in sexual misconduct cases.
- E. Initiating an investigation
  - 1. Immediately upon receipt of a complaint, the Title IX Coordinator shall communicate with the complainant to identify and implement any reasonable interim measures necessary. Absent good cause, within three (3) business days of receipt of a report of sexual misconduct the Title IX Coordinator or designee shall attempt to get a written statement from the complainant that includes information related to the circumstances giving rise to the complaint, the dates of the alleged occurrences, and names of witnesses, if any. The complainant should complete a complaint form and submit a detailed written report of the alleged incident.
  - 2. When the complainant chooses not to provide or sign a written complaint, the Title IX Coordinator or designee will investigate to the extent possible and take appropriate action.

3. In addition to immediate interim measures, the Title IX Coordinator shall consider what, if any, interim measures may be necessary during the pendency of the investigation.
4. Complaints made anonymously or by a third party will be investigated to the extent possible.
5. After consultation with TBR General Counsel, if the Title IX Coordinator determines that the complaint contains an allegation of sexual misconduct, the Title IX Coordinator shall follow the procedures set forth in this policy to investigate and adjudicate the complaint.
6. The Title IX Coordinator may appoint a qualified, sufficiently trained person to investigate the allegations made in the complaint.
7. Only one person shall be identified as the investigator for a complaint, though the investigator may have a second person present during interviews to take notes.
8. Investigations shall be conducted by officials who do not have a conflict of interest or bias for or against the complainant or respondent.
9. If the complainant or respondent believes the assigned investigator has a conflict of interest, that party must submit a written explanation of the reason for that belief to the President. The explanation must be submitted within three (3) business days, absent good cause, of the time when the party knew or should have known the facts that would give rise to the alleged conflict of interest. The President will determine if the facts warrant the appointment of a different investigator and respond to the party in writing within three (3) business days, absent good cause. The decision of the President shall be final.

F. What the investigation should and should not entail

1. Once the investigator receives the complaint, the investigator shall notify the victim (Complainant) in writing of his/her rights and request a meeting.
2. The investigator shall also notify the accused (Respondent) in writing of the complaint and his/her rights and request a meeting with the respondent.
3. The investigator shall notify the complainant, respondent and all individuals interviewed during the investigation that retaliation is strictly prohibited and may be grounds for disciplinary action. In addition, the investigator shall advise all interviewees that they should contact the investigator immediately if they believe they are being retaliated against.
4. The investigation shall include interviews with both the complainant and respondent, unless either declines an in-person interview.
5. The complainant and respondent shall be provided with the same opportunities to have others present during any interview, including the opportunity to be accompanied by the advisor of their choice to any related meeting or proceeding.
6. The TCAT will not limit the choice of advisor for either the complainant or respondent.
7. The investigation shall include interviews with relevant witnesses identified by the complainant and respondent or any other potential, relevant witness made known to the investigator via other means.



8. The investigation shall include the gathering and reviewing of any documentary, electronic, physical, or other type of relevant evidence.
9. The investigator is expected to request a list of relevant witnesses and evidence from complainant and respondent and take such into consideration.
10. The investigator shall not consider any evidence about the complainant's prior sexual conduct with anyone other than the respondent. Evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply consent or preclude a finding of sexual misconduct.

### **Outcome Of Investigation And Determination Of Appropriate Action**

- A. Upon completion of the investigation, the investigator shall prepare a written report that includes the allegations made by the complainant, the response of the respondent, corroborating or non-corroborating statements of the witnesses, review of other evidence obtained, conclusions that may be drawn from the evidence gathered, and recommendations about the disposition of the matter.
- B. It is the responsibility of the investigator to weigh the credibility of all individuals interviewed and to determine the weight to be given to information received during the course of the investigation.
- C. The report shall be delivered to a designated "decision maker."
  1. The President if the respondent is an employee;
  2. The President if the respondent is a student
- D. After review of the report the decision maker shall make a determination based on a preponderance of the evidence presented as to whether or not a violation of this policy occurred.
- E. The decision maker's determination shall be communicated in writing simultaneously to the complainant and respondent, along with notice to the parties of their right to request an institutional hearing on the determination that a policy violation did or did not occur.

### **Timeframe For Conducting The Investigation**

- A. Every reasonable effort shall be made to conclude the investigation and resolve the complaint within sixty (60) calendar days following receipt of the complaint. Within this sixty (60) day timeframe, absent good cause, it is expected that the investigator will conclude the investigation, that the investigator will present a report to the, and that the investigator will notify the parties in writing of decision maker's determination.

- B.** If the investigator or decision maker determines that additional time is needed, both parties shall be notified in writing of the delay, the anticipated date that the investigation will be concluded, and the reasons for such delay.
- C.** If either party determines that additional time is needed, that party shall request such in writing to either the investigator (if the decision maker has not yet made a determination). The written request for additional time shall include the reasons for the requested delay and the number of additional days needed.
- D.** The investigator shall make every reasonable effort to respond to the request for additional time within two (2) business days following receipt of the request and shall notify both parties in written as to whether or not the request is granted.

#### **Institutional Hearing [34 CFR §668.46(b) (11) (vi)]**

- A.** Either party may request an institutional hearing on the determination that a policy violation did or did not occur by providing written notice of the request to the investigator within ten (10) business days of receipt of the decision makers' decision.
- B.** If a request is not received within ten (10) days, the decision maker's determination is final.
- C.** The hearing may be held before either a hearing officer or hearing committee. The President shall determine whether to proceed with a hearing officer or hearing committee and shall appoint individuals to serve in those capacities.
- D.** If the complainant or respondent believes the hearing officer has or the hearing committee member(s) have a conflict of interest, that party must submit a written explanation of the reason for that belief to the appropriate decision maker. The explanation must be submitted within three (3) business days, absent good cause, of the time when the party knew of or should have known the facts that would give rise to the alleged conflict of interest. The decision maker will determine if the facts warrant the appointment of a different investigator and respond to the party in writing within three (3) business days, absent good cause. The decision of the decision maker shall be final.
- E.** If such a hearing is requested, every reasonable effort shall be made to conclude the hearing and resolve the appeal, including any appeal to the President, within thirty (30) days following the TCAT's receipt of the party's request for a hearing.
- F.** The parties to the hearing may not engage in formal discovery.

- G.** Each party is entitled to have an advisor of choice available; however, the advisor may not participate in the proceeding other than to render advice to the party.
- H.** The TCAT will not limit the choice of advisor for either the complainant or respondent.
- I.** The complainant and respondent shall be timely notified of all meetings relevant to the proceeding.
- J.** The hearing officer or chair of the hearing committee shall control the procedures of the hearing with due consideration given to the parties' requests related to procedures such as, but not limited to, limitations on cross-examinations, recesses so the parties may consult with their advisors, and scheduling of hearings.
- K.** The hearing officer or hearing committee shall use a preponderance of the evidence standard when reaching a decision.
- L.** Absent good cause, within five (5) business days of the close of evidence, the hearing officer or committee shall issue a written determination as to whether or not a violation of this policy occurred and the justification for this decision.
- M.** Each party shall be simultaneously notified of the hearing officer or committee's decision in writing, which shall include notice of their rights to appeal the hearing officer's or committee's determination to the President.

### **Appeal Of Hearing Decision**

- A.** If either party chooses to appeal the hearing officer's/committee's decision, the party shall notify the investigator in writing of the decision to appeal within five (5) business days of receipt of the hearing officer's/committee's determination.
- B.** If a written request for appeal is not received within five (5) days, the decision of the hearing officer/committee is final.
- C.** The appealing party(ies) must explain why it is believed the factual information was incomplete, the analysis of the facts was incorrect, and/or the appropriate legal standard was not applied, and how this would change the determination in the case.
- D.** The President will issue a written response to the appeal as promptly as possible. This decision will constitute the TCAT's final decision on the complaint.

### **Effect Of A Finding Of A Violation Of This Policy [34 CFR §668.46(b)(II)(vii)]**

- A.** If a final decision has been made that a policy violation occurred, the respondent shall be referred to the appropriate personnel for a determination of discipline.

- B. The appropriate personnel will be determined by the status of the respondent. For example, if the respondent is a student, then the matter may be referred to the Student Services office. If the respondent is an employee, the matter may be referred to the President's office.
- C. If the respondent is a student, the TCAT will follow the procedures for disciplining students as described in the TCAT-McKenzie Student Handbook.
- D. If the respondent is an employee, the TCAT will follow the procedures related to disciplining employees as described in applicable employee policies.
- E. Notwithstanding any policy to the contrary, the following additional requirements apply to disciplinary actions related to violations of this policy:
  - 1. The complainant shall receive sufficient notice of and be allowed to attend any meeting or hearing during the disciplinary process.
  - 2. The complainant shall be allowed to have an advisor of her/his choice attend any meeting or hearing.
  - 3. The complainant shall be allowed to testify at any hearing during the disciplinary process, even if neither party intends to call the complainant as a witness during the case-in-chief.
  - 4. The complainant shall be allowed access, consistent with FERPA requirements, to any evidence presented during any disciplinary meeting or hearing.
  - 5. The Title IX Coordinator or designee shall be appointed as the complainant's contact person for any questions or assistance during the disciplinary process.
  - 6. The complainant shall receive written notice, consistent with FERPA, of the outcome of the disciplinary process.
- F. If a final decision has been made that a policy violation occurred, the Title IX Coordinator or designee shall determine any remedies required to address the campus-wide environment, taking into consideration the impact of an incident of sexual misconduct on the campus as a whole and on specific groups or areas on campus. For example, the Title IX Coordinator or designee may determine that specific training is needed for a student group whose members have been accused of sexual assault.
- G. Subject to federal law, state law, and TBR policies, the following sanctions may be imposed by the institution following the results of any institutional disciplinary proceeding for an allegation of dating violence, domestic violence, sexual assault, or stalking:
  - 1. Restitution
  - 2. Warning.
  - 3. Reprimand.
  - 4. Service to the institution or community.
  - 5. Specified educational/counseling program.

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

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

In situations that require immediate action because of safety or other concerns, the TCAT will take any reasonable administrative action that is appropriate. Examples of such interim actions include, but are not limited to:

- A.** Providing an escort to ensure that the complainant can move safely between classes and activities;
- B.** Ensuring that the complainant and respondent do not attend the same classes;
- C.** Providing referrals or access to counseling services;
- D.** Providing referrals to medical services;
- E.** Providing academic support services, such as tutoring;
- F.** Issuing no contact orders; and
- G.** Arranging for the complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant's academic record.

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

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

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

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

The TCAT maintains a plan for emergency responses. The plan for each campus location is included in the TCAT-McKenzie Student Handbook. In addition, the TCAT safety committee meets monthly to go over plans and drills for what to do in an emergency.

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

In the event of a serious incident that poses an immediate threat to members of the TCAT community, the TCAT has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of an immediate threat to the campus community. These methods of communication include campus wide email, text alerts, and intercom paging.

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

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

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

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

Clery Crime Statistics	2018					2019					2020					2018		2019		2020				
	On Campus	Student Residences	Non-Campus	Public Property	Total	On Campus	Student Residences	Non-Campus	Public Property	Total	On Campus	Student Residences	Non-Campus	Public Property	Total	Hate Crime (National Origin)	Hate Crime (Gender Identity)	Hate Crime (National Origin)	Hate Crime (Gender Identity)	Hate Crime (National Origin)	Hate Crime (Gender Identity)			
Murder/Non-negligent Manslaughter	0	0	0	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	0	0	0			
Sex Offenses-Forcible	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
Sex Offenses-Non-forcible	0	0	0	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	0	0	0			
Aggravated Assault	0	0	0	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	0	0	0			
Motor Vehicle Theft	0	0	0	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	0	0	0			
Larceny	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
Intimidation	0					0					0					0	0	0	0	0	0	0	0	0
Vandalism	0					0					0					0	0	0	0	0	0	0	0	0
Liquor Law Violations	0					0					0					0	0	0	0	0	0	0	0	0
Drug Violations	0					0					0					0	0	0	0	0	0	0	0	0
Weapons Violations	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
Domestic Violence	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

**Disciplinary Referrals**

Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

## Hate Crimes

<b>Bias Motivated Offenses (Hate Crimes)</b>	
2018	No (0) Hate Crimes Reported.
2019	No (0) Hate Crimes Reported.
2020	No (0) Hate Crimes Reported.