



**CAMPUS SECURITY REPORT
2025**

Reporting Period

January 1, 2024 to December 31, 2024

Tennessee College of Applied Technology-Northwest
Main Campus

340 Washington Street
Newbern, Tennessee 38059

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Introduction

The following is the annual Campus Security Report for Tennessee College of Applied Technology- Northwest (TCAT for calendar year 2024. The Office of the President or 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 <https://tcatnorthwest.edu/about/safety-and-security>. This report contains security policies, procedures, and guidelines. Crime statistics for calendar years 2022 - 2024 are included in the report as Appendices A-E. These statistics are based on incidents reported at five campus locations. You may request a paper copy of this report from the Student Services Office on the TCAT campus located at 340 Washington Street, Newbern, Tennessee 38059.

Statement Concerning Law Enforcement (All Campuses)

Dyersburg State Community College Police Department assumed jurisdiction over the TCAT on June 5, 2023, on which an officer was hired for the TCAT Northwest. Officers employed by the Dyersburg State Community College Police Department are commissioned officers with full police powers on the TCAT campus and certain other areas. Security officers, unless they are off-duty police officers, are not armed and do not have arrest authority. The contact information for the Dyersburg State Community College Police Department is 1510 Lake Road, Dyersburg, Tennessee 38024, (731) 288-7797.

Prior to the Dyersburg State Community College Police Department assuming jurisdiction, the local law enforcement agency listed below had jurisdiction over the TCAT. The TCAT maintains a close working relationship with local law enforcement agencies and may work with such agencies as deemed necessary if criminal activity occurs or is suspected. The following is a list of TCAT campuses along with the local law enforcement agency with jurisdiction over each one:

- The Newbern main campus is in the City of Newbern and is under the jurisdiction of the Newbern Police Department, 121 E. Main Street, Newbern, TN 38059, (731) 627-2571.
- The Covington Branch Campus is in the City of Covington, and is under the jurisdiction of:

Covington Police Department, 211 S. Main Street, Covington, TN 38019,
(901) 476-5282

Tipton County Sheriff's Office, 1801 South College Street Suite 106, Covington,
TN 38019, (901) 475-3300.

- The Ripley Campus is in the City of Ripley and is under the jurisdiction of: Ripley Police Department, 110 Washington Street, Ripley, TN 38063, (731) 635-1515.
Lauderdale County Sheriff's Office, 675 U.S. 51, Ripley, TN 38063, (731) 635-1311.

- The Bells Instructional Service Center is in the City of Bells and is under the jurisdiction of the Bells Police Department, 12987 Highway 79, Bells, TN 38006, (731) 663-3131.
- The Union City campus is in the city of Union City and is under the jurisdiction of the Union City Police Department, 221 Harrison Street, Union City, TN 38261, (731) 885-1515.

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

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

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

To report an emergency, always dial 911. To report a crime to the Dyersburg State Community College Police Department, call (731) 288-7797. You may also contact the local law enforcement agency at the phone 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 may also be reported to one of the Campus Security Authorities listed below.

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

Local Law Enforcement Agency Contacts by Campus Location:

Newbern Main Campus	Newbern Police Department	(731) 627-2571
Bells Campus	Bells Police Department	(731) 663-3131
Union City Campus	Union City Police Department	(731) 885-1515
Covington Campus	Covington Police Department	(901) 476-5282
	Covington Sheriff's Department	(901) 475-3330
Ripley Campus	Ripley Police Department	(731) 635-1515
	Lauderdale County Sheriff	(731) 635-1311

Campus Security Authorities:

In addition to reporting crimes to the Dyersburg State Community College Police Department or local law enforcement, a crime may be reported to a college campus security authority (CSA). The CSAs for the TCAT are listed below:

Dr. Youlanda Jones, President
yjones@tcatnorthwest.edu
 (731) 410-7781

Dr. Jamie Frakes, Vice President of Academic Affairs
Jfrakes@tcatnorthwest.edu
(731) 410-7914

Amanda Heath, Vice President of Student Affairs
Amanda.heath@tcatnorthwest.edu
(901) 538-6104

Erika Smith, Director of Nursing and Allied Health
esmith@tcatnorthwest.edu
(731) 410-7182

Randy Wolf, Lead Maintenance & Custodian
rwolf@tcatnorthwest.edu
(731) 410-7938

Dottie Webb, Lead Student Services Coordinator
dottie.webb@tcatnorthwest.edu
(731) 313-7199

Emergency Notifications and Timely Warning Notices [34 CFR §668.46(b)(2)(i)] (All Campuses)

The TCAT will issue an emergency notification in the event of an immediate threat to the health or safety of students or employees occurring on campus. Examples include a building fire, hazardous material spill affecting a large area, tornadoes or other severe weather events, or an active shooter on campus.

The TCAT will issue a timely warning notice to the campus community in a timely manner of specific crimes that occurred on campus. The purpose of a timely warning notice is to offer safety tips and information to aid in the prevention of similar crimes. A timely warning notice will not be issued for the circumstances that led to issuance of an emergency notification.

Process for Confirmation

The President of the institution (or designee in the President's absence) is responsible for confirming emergencies or dangerous situations after receiving input from knowledgeable sources pertaining to the situation at hand. Once confirmed, the President will issue orders to release emergency notifications and/or timely warning notices as needed. In addition to the President, the following individuals may be involved in the decision whether to issue timely warning notifications and/or emergency notifications, as well as the preparation and dissemination of the notifications.

Dr. Youlanda Jones,
President
yjones@tcatnorthwest.edu
(731) 410-7781

Dr. Jamie Frakes,
Vice President of Academic Affairs
jfrakes@tcatnorthwest.edu
(731) 410-7914

Ms. Amanda Heath,
Vice President of Student Affairs
amanda.heath@tcatnorthwest.edu
(901) 538-6104

Ms. Erika Smith,
Director Nursing and Allied Health
esmith@tcatnorthwest.edu
(731) 410-7182

Mr. Randy Wolf,
Lead Maintenance and Custodian
rwolf@tcatnorthwest.edu
(731) 410-7938

Ms. Dottie Webb,
Lead Student Services Coordinator
dottie.webb@tcatnorthwest.edu
(731) 313-7199

DSCC Police Department
(731) 288-7797

All employees can contact the President directly with information related to emergencies and dangerous situations, or information may be submitted to the CSAs identified above.

Decisions to Notify Certain Campuses

The TCAT will notify students, employees, and staff based on the assessed need. In the case of large segments of the TCAT population being affected, notifications may be made to all campuses. Notifications may be made to individual campuses when conditions causing the notice are localized; however, a continuing assessment of situations may warrant additional notifications to other segments of the community.

Content of Notifications

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

Means of Communication

Notifications will be disseminated using methods likely to reach members of the campus community. Those include electronic communication (email, text, cell), through RAVE and ALERTUS messaging systems, via students' email and text messaging. Warnings may also be posted via TCAT Northwest's Facebook page, and/or the school's website.

Timeliness

The TCAT will inform the community of a confirmed significant emergency or dangerous situation in a timely manner (as soon as pertinent information is available). The institution will take into consideration the safety of the community, will determine the content of any notifications, and will initiate the notification system. The institution may withhold a notification in situations where the professional judgment of responsible authorities indicates that issuing a notification will compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

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

TCAT Northwest Main Campus in Newbern maintains a plan for each campus. 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.

The emergency plan and procedures is also available <https://tcatnorthwest.edu/about/policies-and-guidelines>.

In the event of a serious incident that poses an immediate threat to members of the TCAT community, TCAT Northwest 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 RAVE and ALERTUS messaging systems, via students' email and text messaging. Warnings may also be posted via TCAT Northwest's Facebook page, and/or the school's website.

TCAT Northwest will, considering the safety of the community, determine the content of the notification and initiate the notification system, unless the notification issued will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

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

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

The Department of Education requires under 34 CFR §668.46(b)(14) that any institution providing 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. TCAT Northwest does not provide any on-campus student housing facilities.

Preparation of Disclosure of Crime Statistics [34 CFR §668.46(b)(1) and (b)(2)(ii)] (All Campuses)

The Vice President of Academic Affairs prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. Copies of the crime statistics for the reporting period covered under this report have been included as Appendix A-C of this report. The statistics contained in this report are prepared in cooperation with the Dyersburg State Community College Police Department and local law enforcement agencies surrounding our main campus and alternate sites. Campus crime, arrest, and referral statistics include those reported to the campus security authorities and local law enforcement agencies when reported to the TCAT. 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 from the TCAT Northwest Administration office located at 340 Washington Street, Newbern, TN 38059, or by calling (731) 627-2511.

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

The TCAT encourages anyone who is the victim or witness or has knowledge of any crime to promptly report the incident to one of the Campus Security Authorities described above. The confidentiality of people reporting criminal activity can be requested and will be respected when possible but cannot be assured, as police reports for closed cases are generally available under the Tennessee Public Records Act. The annual crime statistics do not include personally identifiable information.

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

During business hours, the college will be open to students, parents, employees, contractors, guests and invites. During non-business hours, access to all college facilities is by key or access card, 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.

The TCAT examines security issues such as landscaping, locks, alarms, lighting, and communications. Any maintenance needs are reported to the Lead Maintenance and Custodian, Mr. Randy Wolf. Any identified security concern will be evaluated by Lead Maintenance and Custodian, Mr. Randy Wolf.

Memorandum of Understanding/Mutual Aid Agreement with Local Law Enforcement [34 CFR §668.46(b)(4)(i and ii)] (All Campuses)

The Dyersburg State Community College Police Department and TCAT staff at each campus location maintain 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.

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

The campus community (students, faculty and staff), as well as others, are encouraged to report any criminal behavior or suspected criminal acts promptly to the Dyersburg State College Police Department, to a local law enforcement agency identified above, or to a Campus Security Authority identified above. In the event an emergency occurs call 911 to obtain immediate assistance from local law enforcement and then contact a CSA. It is a core objective of the TCAT to maintain a safe environment for the entire campus population and visitors. To help achieve this goal, each person is encouraged to promptly and accurately report criminal activity.

Security Awareness Programs for Students and Employees [34 CFR §668.46(b)(5) and (6)] (All Campuses)

During orientation, staff and students are informed of the need to exercise personal safety and help maintain security at TCAT Northwest Newbern Campus including but not limited to:

- General Safety and Security Considerations
- Emergency Procedures
- Sexual Misconduct Procedures
- Alcohol and Drug Prevention

Once enrolled in class, all students receive a program orientation that promotes personal security and safety. Using common sense safety practices such as walking in groups, reporting suspicious activities, keeping money, books and other personal items protected, locking car and office doors when leaving, observing speed limits and generally being alert to personal welfare will ensure personal safety on and off campus.

TCAT Northwest Newbern Campus provides information on how to prevent crime through the prevention of workplace violence policy, firearms and other weapons policy, bystander intervention strategies, and risk reduction strategies. These resources are available on the school's web site.

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

The student and employee orientation program at TCAT Northwest is designed to provide an overview of student conduct expectations and crime prevention.

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

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

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

TCAT students and employees are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, use of or being under the influence of illicit drugs as defined in the Controlled Substances Act, 21 U.S.C. § 812 and/or alcohol on any TCAT campus, property owned or controlled by the TCAT, or as part of any TCAT activity. The possession or consumption of alcoholic beverages on property owned or controlled by the college is prohibited, except as provided in TBR Policy 1.07.00.05, General Policy on Alcoholic Beverages. Students are subject to TBR Policy 3.02.00.01, General Policy on Student Conduct and Disciplinary Sanctions.

Violation of TCAT policies is grounds for disciplinary action, up to and including discharge of an employee and permanent dismissal of a student. Federal and state laws provide additional penalties for such unlawful activities, including fines and imprisonment, as do some local ordinances. See 21 U.S.C. § 812, T.C.A. § 39-6-401 et seq.

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 as 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. § 39-17-310).

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 disorders 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 because 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/Human Resources 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 <https://Here4TN.com>. Information concerning the EAP is available from Human Resources.

Sexual Misconduct [34 CFR §668.46(b)(11)] (All Campuses)

Sexual misconduct, including sexual assault, dating violence, domestic violence, and stalking, 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. The purpose and link to the Sexual Misconduct Policy is contained in Appendix A and may also be found in the TCAT Northwest Handbook at <https://tcatnorthwest.edu/current-students/student-handbookcatalog>.

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

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

1. Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct.
2. Defines what behavior constitutes domestic violence, dating violence, sexual assault and stalking.
3. Defines what behavior and actions constitute consent to sexual activity.
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.

The following programs include:

1. Student - Vector LMS, Higher Education Sexual Assault Prevention for Undergraduates
2. Employee – Catharsis Report = Support

Assistance for Victims of Sexual Misconduct: Rights and Options

A. Regardless of whether a victim elects to pursue a criminal complaint or whether the offense occurred on or off campus, the College will assist victims of sexual misconduct and will provide each victim with a written explanation of her/his rights as a member of the College.

B. Additionally, in the Tennessee court system, a victim of domestic violence, dating violence, sexual assault and stalking has the following rights: the right to confer with the prosecution, right to be free from intimidation, harassment and abuse throughout the criminal justice system, the right to be present at all proceedings where the defendant has the right to be present, the right to be heard, when relevant, at all critical stages of the criminal justice process as defined by the General Assembly, the right to be informed of all proceedings, and of the release, transfer or escape of the accused or convicted person, the right to a speedy trial or disposition and a prompt and final conclusion of the case after the conviction or sentence, the right to restitution from the offender and the right to be informed of each of the rights established for victims. Information related to these rights may be found at: <https://www.tn.gov/correction/victim-services.html>.

C. Protection from abuse orders may be available through <http://www.tncourts.gov/programs/self-help-center/forms/order-protection-forms> and additional information related to such orders may be found at <https://tncoalition.org/get-help/legal-services>.

D. The College does not publish the name of crime victims nor maintain identifiable information regarding victims in the Daily Crime Log or in the release of timely warnings.

Reporting Confidentially

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

Wo/Men's Resource & Rape Assistance Program,

Jackson, TN 38305,

(731) 668-0411 or Hotline 1 (800) 273-8712.

Website <http://wraptn.org>

Sexual Assault Center, Counseling & Education

101 French Landing Dr., Nashville, TN 37228; (615) 259-9055

24-hour hotline 1 (866) 811-7473.

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

www.sacenter.org

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

Additional information about confidential reporting of sexual assault, sexual harassment, dating violence, domestic violence, and stalking can be found in the Sexual Misconduct Policy attached as Appendix A and available at <https://tcatnorthwest.edu/current-students/student-handbookcatalog>.

Reporting Sexual Misconduct [34 CFR §668.46(b)(11)(ii)]

TCAT Northwest encourages victims of sexual violence to speak with someone about what happened so they can receive the support they need and so the institution can respond appropriately. Reports will be kept confidential. TCAT Northwest cannot guarantee the confidentiality of every report or complaint. The following information details the options available to individuals.

- A. TCAT Northwest 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.

- B. TCAT Northwest institutional policy explains how to report Sexual Misconduct 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 listed for the Title IX Coordinator.

Title IX Coordinator

Erika Smith

340 Washington Street

Newbern, TN 38059

esmith@tcatnorthwest.edu

(731) 410-7182

- C. The College 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.
- D. The College 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.

Investigation Requirements & Procedures

- 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). If a Formal Complaint includes some allegations that, if proved, constitute Sexual Misconduct and some that do not meet that definition, the Title IX Coordinator will decide whether allegations will be investigated pursuant to this policy or whether the allegations will be investigated according to another policy or guideline. 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:

2. an explanation of the investigation and grievance process, including a copy of or link to institutional policy, as well as any other applicable policies.

- a. Availability of an informal resolution process.
- b. 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.
- c. The identity of the Parties involved in the incident, if known, and the date and location of the alleged incident.
- d. A statement that the Respondent is presumed not responsible for the alleged conduct unless and until a Determination of responsibility has been issued.
- e. A statement that the Parties may have an advisor of their choice at meetings they are permitted to attend. The advisor may be, but is not required to be, an attorney. (Parties may hire their own attorneys. At a live hearing only, TBR institutions will provide advisors to Parties who do not have their own).
- f. Any statements in TBR institutional policies, procedures, or guidelines that prohibit knowingly making false statements or knowingly submitting false information during the process; and
- g. 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.

If, during an investigation, the institution decides to investigate allegations about the Complainant or Respondent that are not included in the Notice of Allegations, the institution will provide additional written Notice of Allegations to known Parties.

Outcome of Investigation and Determination

At the conclusion of the investigation, the investigator will prepare written report. The report shall:

1. identify the allegations.
2. identify relevant policies, guidelines, and other standards.
3. 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
4. Summarize the relevant evidence.
5. The written report shall not make findings of fact or conclusions regarding the application of facts to this policy.
6. 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 review and written response. Unless a Party requests the institution not do so, the institution will also send the investigation report to an advisor whom the Party has been identified.
7. 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.

Timeframe for Conducting an Investigation

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 time 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 extend 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.

Institutional Hearing

1. The institution will conduct a live hearing of Formal Complaints not dismissed pursuant to this policy to decide whether this policy has been violated. The decision-maker appointed by the Title IX Coordinator has the authority to maintain order at the hearing and make all decisions necessary for the fair, orderly, and expeditious conduct of the hearing. The decision-maker shall be the final decider concerning all aspects of the hearing, including prehearing matters and at the hearing, how evidence is examined and the order of witnesses.

2. At the request of either Party, the institution will provide for the live hearing to be conducted with the Parties located in separate rooms with technology enabling the decision-maker and Parties to simultaneously see and hear the Party or the witness answering questions.
3. In cases involving more than one Respondent, any Party may request separate hearings by submitting a request at least five (5) business days before the hearing. The Title IX Coordinator will decide whether to grant the request.
4. Live hearings may be conducted with all Parties physically present in the same geographic location or, at the institution's discretion, any or all Parties, witnesses and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.
5. At least ten (10) business days prior to a live hearing, the institution will provide both Parties with written notice of the following:
 - a. The time, place, date of the hearing, and electronic access information, if applicable.
 - b. The name of each witness the institution expects to present or be present at the hearing and those the institution may present if the need arises.
 - c. The right to request a copy of the investigative file (other than portions that are protected by law or privilege), which includes all the evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint.
 - d. The right to request copies of all documents, copies of electronically stored information, and access to tangible evidence that the institution has in its possession, custody, or control and may use to support claims or defenses.
 - e. The right to have an advisor of the Party's choice, who may be, but is not required to be an attorney, and that if the Party does not have an advisor present at the hearing, the institution will provide an advisor of the institutions' choice, without fee or charge, to ask the other Party and any witnesses all relevant questions and follow-up questions on behalf of that Party.
 - f. Any Party in need of an institution-provided advisor must inform the Title IX Coordinator at least five (5) business days before the hearing.
 - g. Any cross-examination of any other Party or witness must be conducted by the advisor; additional information may be included in the notice of hearing.
6. When notice is sent by U.S. mail or courier service, the notice is effective on the date the notice is mailed or delivered to the courier service. When notice is hand delivered by the institution, notice is effective on the date that the notice is delivered to a Party. When notice is sent by email, the notice is effective on the date that the email is sent to the Parties' institution-provided email account.
7. The decision-maker may conduct a pre-hearing meeting or conference with the Parties and their advisors to discuss pre-hearing issues, including any technology to be used at the hearing and the general rules governing the hearing.
8. The decision-maker may allow a temporary delay of the process or the limited extension of time frames for good cause with written notice to the Parties of the delay or extension and the reasons for the action. Good cause may include, but is not limited to, considerations such as the absence of a Party, a Party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

9. If a Party fails to attend a hearing, the decision-maker may proceed without that Party's participation.
10. During the hearing, the decision-maker will make evidence subject to review and inspection during the investigation phase available to give each Party equal opportunity to refer to that evidence, including for purposes of cross-examination.
11. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to provide that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
12. Only relevant cross-examination and other 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 presentations of arguments or evidence, including opening statements, closing arguments, or direct examinations.
15. If a Party does not have an advisor at the live hearing, the institution will provide without fee or charge to that Party an advisor. The institution will choose the advisor.
16. 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.
17. The institution will create an audio or audiovisual recording, or transcript, of a live hearing and make it available to the Parties for inspection and review.
18. The decision-maker may dismiss the Formal Complaint or any allegations therein, if at any time during the hearing a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw a Formal Complaint or any allegations therein, the Respondent is no longer enrolled or employed by the institution, or specific circumstances prevent the institution from gathering evidence sufficient to reach a Determination as to the Formal Complaint or allegations therein.
19. 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 therefore simultaneously to the Parties.

Written Determination

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

Appeal of Hearing Decision

1. Parties are permitted to appeal to the institution's President (or other person appointed by the Title IX Coordinator) from a Determination regarding responsibility (or no responsibility) and from a dismissal of a Formal Complaint or of any allegations in a Formal Complaint on the basis of:
 - a. Procedural irregularity that affected the outcome of the matter.
 - b. New evidence that was not reasonably available at the time the Determination or dismissal was made, but only if that new evidence could affect the outcome of the matter.
 - c. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome.
 - d. 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.
 - e. As to all appeals, the Title IX Coordinator will:

2. Notify the other Party in writing when an appeal is filed.
3. 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.

Effect of Finding a Violation

Remedies and Disciplinary Action Following Determinations of Violations

1. The institution will provide remedies where a Determination of responsibility for Sexual Misconduct has been made. The institution will follow this policy before the imposition of any disciplinary sanctions for Sexual Misconduct that are not supportive/interim measures.
2. Remedies will be designed to restore or preserve equal access to education programs and activities and will include discipline under the applicable policies and procedures. Remedies may include verbal warnings, written warnings, final written warnings, suspension, termination of employment (including of tenured faculty), non-renewal of appointment, or dismissal from the institution.
3. Remedies should also consider improvements to the campus-wide environment. It is the intent of TBR that institutions consider the impact of an incident of Sexual Misconduct on the campus as a whole or specific groups or areas of campus. For example, specific training may be needed for a student group.
4. The Title IX Coordinator is responsible for ensuring effective implementation of the remedies.

Interim Measures

1. After receiving a report on potential Sexual Misconduct, whether 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 of 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.
3. They are designed to restore or preserve equal access to the institution's programs or activities without unreasonably burdening the other Party and may include measures

designed to protect the safety of all Parties or the institution's educational environment or deter Sexual Misconduct.

4. 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.
5. The institution will attempt to maintain the confidentiality of such Interim/Supportive Measures, to the extent that it can do so without impairing its ability to effectuate the Interim/Supportive Measures or to investigate and adjudicate the complaint.

Existing On Campus and Off Campus Counseling Services

The resources listed below are not exhaustive or limited to victims who wish to make an official report or participate in an institutional hearing, police investigation or criminal prosecution. However, in cases where a victim wishes to maintain complete confidentiality, the victim should review carefully the section "Reporting Confidentially" below related to the limits on the College's ability to maintain confidentiality. Victims can seek information on 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) from the resources listed in this section.

On campus resources

Amanda Heath
Vice President of Student Affairs
340 Washington Street
Newbern, TN 38059
(901) 538-6104
amanda.heath@tcatnorthwest.edu

On-line Resources

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

Phone Number Resources:

Free National Resources

National Domestic Violence Hotline ----- 1-800-799-SAFE (7233)
National Sexual Assault Hotline ----- 1-800-656-HOPE (4673)
National Stalking Resources ----- 1-800-FYI-CALL (1-800-394-2255)
National Teen Dating Abuse ----- 1-866-331-9474

Local Resources

[Family Justice Centers \(tn.gov\)](http://www.tn.gov):

- Safe Hope Center (Jackson)
 - https://jacksontn.gov/government/departments/police/divisions/special_operations/criminal_investigations/special_investigations
- 1Safe Place Family Justice Center (Brownsville/Haywood County)
 - <https://www.facebook.com/1SafePlaceTN>
- Family Safety Center Of Memphis and Shelby County
 - <http://www.familysafetycenter.org/>

Role of Title IX Coordinator

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

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

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

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

Erika Smith
Title IX Coordinator
340 Washington Street
Newbern, TN 38059
esmith@tcatnorthwest.edu
(731) 410-7182

Bystander Intervention and Risk Reduction

Helping prevent sexual harassment is everyone's responsibility. Bystander intervention is one means of prevention and reducing risks. Bystander intervention essentially means interrupting problematic behavior. Bystanders can help prevent sexual harassment in a safe way by being involved before, during, or after a situation where an individual may make inappropriate jokes or comments, may make threats, or may behave in a way that is harmful to another person. Individuals are encouraged to review bystander tips and strategies published by national resources.

[Prevention Links | National Sexual Violence Resource Center \(NSVRC\)](#)

<https://www.rainn.org/articles/practicing-active-bystander-intervention>
[Prevention Strategies | Violence Prevention|Injury Center|CDC](#)

Definitions [34 CFR §668.46(j)]

The TCAT prohibits Sexual Misconduct, which includes rape, fondling, incest, statutory rape, dating violence, domestic violence, and stalking. Those terms are defined in the Sexual Misconduct policy (Appendix A) in accordance with federal Title IX and Clery Act regulations. The crime statistics reported in Appendices B-D are based on the Clery Act. Crimes as defined by the Tennessee criminal code differ from the definitions in the Clery Act (and are not used for purposes of Clery Act reporting). Tennessee's criminal code includes the following definitions:

Stalking (T.C.A. § 39-17-315) is 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 causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

- A "Course of conduct" means a pattern of conduct composed of a series of two or more separate, noncontinuous acts evidencing a continuity of purpose, including, but not limited to, acts in which the defendant directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to a person, or interferes with a person's property.

- “Emotional distress” means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.
- “Harassment” means conduct directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable person to suffer emotional distress, and that causes the victim to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose.
- “Unconsented contact” means any contact with another person that is initiated or continued without that person's consent, or in disregard of that person's expressed desire that the contact be avoided or discontinued. Unconsented contact includes, but is not limited to, any of the following: (1) following or appearing within the sight of that person; (2) approaching or confronting that person in a public place or on private property; (3) appearing at that person's workplace or residence; (4) entering onto or remaining on property owned, leased, or occupied by that person; (5) contacting that person by telephone; (6) sending to that person mail or any electronic communications, including, but not limited to, electronic mail, text messages, or any other type of electronic message sent using the Internet, web sites, or a social media platform; or (7) placing an object on, or delivering an object to, property owned, leased, or occupied by that person.
- “Victim” means an individual who is the target of a willful course of conduct involving repeated or continuing harassment.

Sexual Assault is not specifically defined in the Tennessee Code, but several sexual offenses are defined.

- **Rape** (T.C.A. § 39-13-503) is the unlawful sexual penetration of a victim by the defendant or of the defendant by a victim accompanied by any of the following circumstances: (1) Force or coercion is used to accomplish the act; (2) The sexual penetration is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the penetration that the victim did not consent; (3) The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or (4) The sexual penetration is accomplished by fraud.
- **Sexual Battery** (T.C.A. § 39-13-505) is unlawful sexual contact with a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances: (1) force or coercion is used to accomplish the act; (2) the sexual contact is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the contact that the victim did not consent; (3) the defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or (4) the sexual contact is accomplished by fraud.
- **Statutory Rape** (T.C.A. § 39-13-506) is the unlawful sexual penetration of a victim by the defendant or of the defendant by the victim when: (1) the victim is at least thirteen but less than fifteen years of age and the defendant is at least four years but less than ten years older than the victim; or (2) the victim is at least fifteen but less

than eighteen years of age and the defendant is more than five but less than ten years older than the victim.

- **Incest** (T.C.A. § 39-15-302) is sexual penetration as defined in T.C.A. § 39-13-501, with a person, knowing the person to be, without regard to legitimacy: (1) the person's natural parent, child, grandparent, grandchild, uncle, aunt, nephew, niece, stepparent, stepchild, adoptive parent, adoptive child; or (2) the person's brother or sister of the whole or half-blood or by adoption.
- **Other sexual offenses** are included in T.C.A. § 39-13-501 through § 39-13-511.

Domestic Violence and **Dating Violence** are not defined in the Tennessee criminal code, but the **Domestic Assault** and domestic abuse victim (T.C.A. § 39-13-111) are defined as any person who falls within the following categories: (1) adults or minors who are current or former spouses; (2) adults or minors who live together or who have lived together; (3) adults or minors who are dating or who have dated or who have or had a sexual relationship, but does not include fraternization between two individuals in a business or social context; (4) adults or minors related by blood or adoption; (5) adults or minors who are related or were formerly related by marriage; or (6) adult or minor children of a person in a relationship that is described in subdivisions (1)-(5).

- For purposes of these definitions, as defined in T.C.A. § 39-13-101 a person commits **Assault** who: (1) intentionally, knowingly or recklessly causes bodily injury to another; (2) intentionally or knowingly causes another to reasonably fear imminent bodily injury; or (3) intentionally or knowingly causes physical contact with another and a reasonable person would regard the contact as extremely offensive or provocative.
- **Abuse** (T.C.A. § 36-3-601) means inflicting, or attempting to inflict, physical injury on an adult or minor by other than accidental means, placing an adult or minor in fear of physical harm, physical restraint, malicious damage to the personal property of the abused party, including inflicting, or attempting to inflict, physical injury on any animal owned, possessed, leased, kept, or held by an adult or minor, or placing an adult or minor in fear of physical harm to any animal owned, possessed, leased, kept, or held by the adult or minor.
- **Adult** means any person eighteen (18) years of age or older, or who is otherwise emancipated.

Consent is not specifically defined in the Tennessee criminal code, but with respect to most criminal offenses relating to sexual activity, sexual activity is criminal if: (1) the activity was accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the activity that the victim did not consent; (2) force or coercion is used to accomplish the activity; (3) the defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated, or physically helpless; or (4) the sexual activity is accomplished by fraud.

- “Coercion” (T.C.A. § 39-13-501(1)) means a threat of kidnapping, extortion, force, or violence to be performed immediately or in the future.
- “Mentally defective” (T.C.A. § 39-13-501(3)) means that a person suffers from a mental disease or defect which renders that person temporarily or permanently incapable of appraising the nature of the person's conduct.

- “Mentally incapacitated” (T.C.A. § 39-13-501(4)) means that a person is rendered temporarily incapable of appraising or controlling the person's conduct due to the influence of a narcotic, anesthetic or other substance administered to that person without the person's consent, or due to any other act committed upon that person without the person's consent.
- “Physically helpless” (T.C.A. § 39-13-501(5)) means that a person is unconscious, asleep or for any other reason physically or verbally unable to communicate unwillingness to do an act.
- Consent is not relevant to sexual activity with a person under the age of eighteen (18) years of age because under Tennessee law a minor cannot consent to sexual activity. Tennessee law, however, provides a close-in-age exception that allows minors who are at least thirteen (13) and less than eighteen (18) to give consent to sexual acts with another person who is less than four (4) years older than the minor.

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

In accordance with 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 State of Tennessee’s website listing of sex offenders located at <https://sor.tbi.tn.gov/home>.

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

Statistics for the last three calendar years from all five TCAT Northwest locations, Newbern, Ripley, Covington, Bells, and Union City, are combined in the following reports.

APPENDIX A

SEXUAL MISCONDUCT POLICY

Sexual Misconduct 6.03.00.00

Sexual Discrimination/Harassment/Misconduct

Applicable Divisions

TCATs, Community Colleges, System Office

Purpose

It is the intent of the Tennessee Board of Regents that the institutions under its jurisdiction shall fully comply with Title IX of the Education Amendments of 1972, §485(f) of the HEA, as amended by § 304 of the Violence Against Women Reauthorization Act of 2013, the regulations implementing these Acts found at 34 CFR §668.41, §668.46, and Appendix A to Subpart D of Part 668. This policy addresses the offenses defined herein as "Sexual Misconduct." Sexual Misconduct is a subset of a broader category of sexual harassment. Allegations of sexual harassment that do not meet the definition of Sexual Misconduct will be handled in accordance with TBR Guideline P-080 and applicable institutional policy.

The Tennessee Board of Regents intends for each institution to provide a single, easily accessible and user-friendly document to advise students, employees, and others affected by Sexual Misconduct of each institution's rules and procedures. Institutions under the Tennessee Board of Regents system shall ensure that the sexual misconduct policy is in a format or formats that make it readily available. The following policy and procedures are adopted by the Board to assist the institutions in such compliance.

Sources/Authority

T.C.A. § 49-8-203; All State and Federal Statutes, Acts, Codes, Rules and Regulations referenced in this policy.

Related Policies

6.01.00.00	Sex Discrimination, Sexual Harassment or Sexual Misconduct
P-080	Discrimination & Harassment - Complaint & Investigation Procedure
5.01.02.00	Equal Employment Opportunity and Affirmative Action
3.02.00.01	General Policy on Student Conduct & Disciplinary Sanctions

Link

[6.03.00.00 Sexual Misconduct v.1](#)

APPENDIX B

YEAR: 2024	Location: TCAT Northwest (Newbern, Ripley, Covington, Bells Union City)		
OFFENSE	ON-CAMPUS PROPERTY	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
Murder/Non-Negligent Manslaughter	0	0	0
Manslaughter by Negligence	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0
Arrests: Weapons, carrying, possessing, etc.	0	0	0
Disciplinary Referrals: Weapons, carrying, possessing, etc.	0	0	0
Arrests: Drug Abuse Violations	0	0	0
Disciplinary Referrals: Drug Abuse Violations	0	0	0
Arrests: Liquor Law Violations	0	0	0
Disciplinary Referrals: Liquor Law Violations	0	0	0

APPENDIX C

YEAR: 2023	Location: TCAT Northwest (Newbern, Ripley, Covington, Bells Union City)		
OFFENSE	ON-CAMPUS PROPERTY	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
Murder/Non-Negligent Manslaughter	0	0	0
Manslaughter by Negligence	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0
Arrests: Weapons, carrying, possessing, etc.	0	0	0
Disciplinary Referrals: Weapons, carrying, possessing, etc.	0	0	0
Arrests: Drug Abuse Violations	0	0	0
Disciplinary Referrals: Drug Abuse Violations	0	0	0
Arrests: Liquor Law Violations	0	0	0
Disciplinary Referrals: Liquor Law Violations	0	0	0

APPENDIX D

YEAR: 2022	Location: TCAT Northwest (Newbern, Ripley, Covington, Bells Union City)		
OFFENSE	ON-CAMPUS PROPERTY	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
Murder/Non-Negligent Manslaughter	0	0	0
Manslaughter by Negligence	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0
Arrests: Weapons, carrying, possessing, etc.	0	0	0
Disciplinary Referrals: Weapons, carrying, possessing, etc.	0	0	0
Arrests: Drug Abuse Violations	0	0	0
Disciplinary Referrals: Drug Abuse Violations	0	0	0
Arrests: Liquor Law Violations	0	0	0
Disciplinary Referrals: Liquor Law Violations	0	0	0