



**TENNESSEE COLLEGE
OF APPLIED TECHNOLOGY**
NEWBERN

CAMPUS SECURITY REPORT 2019

Reporting Period January 1, 2018 to December 31, 2018

**Tennessee College of Applied Technology (TCAT) Newbern
340 Washington Street, Newbern, TN 38059**

The Tennessee College of Applied Technology Newbern does not discriminate on the basis of race, color, national origin, sex, disability or age in its programs or activities.

The following person has been designated to handle inquiries regarding the non-discrimination policies:

Title VI and Title IX Coordinator 340 Washington Street, TN 38059 Phone Number (731) 627-2511

See <https://tcatnewbern.edu/about/non-discrimination-statement> for full non-discrimination policy.

TABLE OF CONTENTS

Crime Statistics: Statement Concerning Law Enforcement (All Campuses)	3
Crime Statistics [34 CFR §668.46(b)(1)] (All Campuses).....	3
How to Report Criminal Offenses [34 CFR §668.46(b)(2)] (All Campuses).....	4
Timely Warnings [34 CFR §668.46(b)(2)(i)] (All Campuses).....	4
Preparation of Disclosure of Crime Statistics [34 CFR §668.46(b)(2)(ii)] (All Campuses)	5
Voluntary Confidential Reporting of Crimes [34 CFR §668.46(b)(2)(iii)] (All Campuses)	5
Security and Access [34 CFR §668.46(b)(3)] (All Campuses).....	5
Campus Law Enforcement Authority [34 CFR §668.46(b)(4)(i)] (All Campuses).....	5
Memorandum of Understanding (MOU) with Local Law Enforcement [34 CFR §668.46(b)(4)(i)] (All Campuses).....	6
Encouragement of Accurate and Prompt Crime Reporting [34 CFR §668.46(b)(4)(ii)] (All Campuses).....	6
Security Awareness Programs for Students and Employees [34 CFR §668.46(b)(5)] (All Campuses).....	7
Programs Designed to Inform Students and Employees About Prevention of Crime [34 CFR §668.46(b)(6)] (All Campuses).....	7
Monitoring Off-campus Student Organizations [34 CFR §668.46(b)(7)] (All Campuses)	7
Alcohol and Illegal Drugs [34 CFR §668.46(b)(8) & (b)(9)] (All Campuses).....	7
Policy Statement Addressing Substance Abuse Education [34 CFR §668.46(b)(10)].....	9
Sexual Misconduct [34 CFR §668.46(b)(11)] (All Campuses).....	10
Definitions	10
Sexual Misconduct Educational Programs And Campaigns [34 CFR §668.46(b)(11)(i)]	12
Procedures Students Should Follow If A Sex Offense Occurs [34 CFR §668.46(b)(11)(ii)]	12
Reporting Sexual Misconduct [34 CFR §668.46(b)(11)(ii)]	13
Investigation Requirements And Procedures [34 CFR §668.46(b)(11)(ii)]	15
Outcome Of Investigation And Determination Of Appropriate Action.....	17
Timeframe For Conducting The Investigation	17
Institutional Hearing [34 CFR §668.46(b)(11)(vi)]	18
Appeal Of Hearing Decision	19
Effect Of A Finding Of A Violation Of This Policy [34 CFR §668.46(b)(11)(vii)]	19
Interim Measures [34 CFR §668.46(b)(11)(v)]	21
Sex Offender Registration [34 CFR §668.46(b)(12)] (All Campuses).....	21
Emergency Response and Evacuation Procedures [34 CFR §668.46(b)(13)].....	22
Missing Student Notification Procedures [34 CFR §668.46(b)(14)]	22
Appendix A: On-Campus/Off-Campus/Non-Campus Crime Statistics	

The following is the annual Campus Security Report for TCAT Newbern for the year 2018. The Office of the President or 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 Newbern web page at <https://tcatnewbern.edu/about/safety-and-security>. This report contains security policies, procedures, and guidelines. Crime statistics for the period of 2015-2017 are included in the report. These statistics are based on incidents reported at five campus locations. You may request a paper copy from the Student Services office on the TCAT Newbern campus located at 340 Washington Street, Newbern, TN 38059.

Crime Statistics: Statement Concerning Law Enforcement (All Campuses)

TCAT Newbern 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 Newbern, and is under the jurisdiction of the Newbern Police Department, 121 E. Main Street, Newbern, TN 38059, 731-627- 2571.
- The Bells campus is located 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 located in the city of Union City, and is under the jurisdiction of the Union City Police Department, 408 S. Depot Street, #2, Union City, TN 38261, 731-885-1515.
- The Dyersburg Transportation campus is located in the City of Dyersburg, and is under the jurisdiction of the Dyersburg Police Department, 425 W. Market Street, Dyersburg, TN 38024, 731-285-1212.
- The Dyersburg High School campus is located in the City of Dyersburg, and is under the jurisdiction of the Dyersburg Police Department, 425 W. Market Street, Dyersburg, TN 38024, 731-285-1212.

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

TCAT Newbern 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.tcatnewbern.edu. 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 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 President, Vice President, or designee.

Law Enforcement Agency Contacts by Campus Location:

Newbern Campus—Newbern Police Department—731-2571

Bells Campus—Bells Police Department—731-663-3131

Union City Campus—Union City Police Department—731-1515

Dyersburg Transportation Campus—Dyersburg Police Department—731-285-1212

Dyersburg High School Campus—Dyersburg Police Department—731-285-1212

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:

Youlanda Jones, President

yjones@tcatnewbern.edu

731-627-2511

Christie Hudnall, Vice President

chudnall@tcatnewbern.edu

731-627-2511

Deica Disney, Student Services Coordinator

ddisney@tcatnewbern.edu

731-627-2511

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

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. The warning will be issued through Schoolcast via students’ email and text messaging. Warnings may also be posted via TCAT Newbern’s Facebook page, Twitter page, and/or the school’s website. The President, Vice President or designee should be contacted to initiate a timely warning at any of the five campuses. Timely warnings may also be issued by the Student Services Office.

Anyone with information warranting a timely warning should report the circumstances to the President, Vice President, or designee at 731-627-2511.

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

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 <https://tcatnewbern.edu/about/safety-and-security>. The report is prepared in cooperation with the local law enforcement agencies surrounding our main campus and alternate sites. Campus crime, arrest, and referral statistics include those reported to the campus officials and local law enforcement agencies. Upon completion of the Annual Security Report, an e-mail notification is made to all enrolled students, faculty and staff that provide the website to access this report. Copies of the report may also be obtained at TCAT Newbern 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)(iii)] (All Campuses)

TCAT Newbern 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 arises, timely reports or warnings will be issued. All reports will be investigated.

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

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

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

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

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

TCAT Newbern staff members do not possess arrest power. Criminal incidents are referred to the local law enforcement agencies that have jurisdiction on the campuses. The TCAT personnel maintain a highly professional working relationship with the local law enforcement agencies in

the communities of each campus location. All crime victims and witnesses are strongly encouraged to report the crime to a CSA and the appropriate police agency immediately. Prompt reporting will assure timely warning notices on-campus and timely disclosure of crime statistics.

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

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

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

The campus community (students, faculty and staff) are to report any criminal behavior or suspected criminal acts promptly to the President, Vice President, or designee for investigation. In the event an emergency is occurring, call 911 to obtain immediate assistance from local law enforcement agencies, and then contact the President, Vice President, or designee. It is a core objective of TCAT Newbern 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 Office of 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 student services and/or human resources.

If you are the victim of a crime and do not want to pursue action within the college system or the criminal justice system, you may still want to consider making a confidential report. With your permission, the law enforcement agency can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, TCAT Newbern 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, Vice President, or designee in a timely manner. Your promptness in reporting a crime increases the chance of the suspect being apprehended and preventing future criminal activity.

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

Campuses)

During orientation, the Office of Student Services informs students of safety and security procedures including but not limited to:

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

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

- Student and employee orientation program is designed to review student conduct and crime prevention

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

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

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

TCAT Newbern 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 Newbern campus, property owned or controlled by the TCAT, or as part of any TCAT activity.

A. Penalties for Violation

1. Legal Sanctions under Federal, State or Local Law

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

greater extent as provided by statute. Further, a civil penalty of up to \$10,000 may be

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

2. Students

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

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

3. Employees

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

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

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

B. Dissemination of Policy

1. Employees

- a. The human resources office will provide new employees with the location to

- review this policy, as part of the new employees' orientation.
- b. New employees will sign orientation forms acknowledging that the policy was reviewed 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 Newbern "Student Handbook" and on the college's web page for students' review.
- b. The student services and enrollment management office will provide new students with the location to review this policy, as part of the new students' orientation.

C. 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.

2. Employees Funded by Federal Grants

The President, Vice President, or designee 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

TCAT Newbern 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. Alcoholic Beverages 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 855-437-3486 or on the web at www.here4tn.com. Information concerning the EAP is available in the administration offices.

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

Sexual misconduct is a form of sex discrimination prohibited by Title IX. TCAT Newbern 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. TCAT Newbern 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)(11)(i)]

TCAT Newbern 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)(11)(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. TCAT Newbern strongly advocates that a victim of sexual assault report the incident in a timely manner. Time is a critical factor for evidence collection and preservation. An assault can be reported directly 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 TCAT Newbern, 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. TCAT Newbern 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. TCAT Newbern will further provide written notification to victims about options for, and available assistance in, changing academic, transportation, and working situations. TCAT Newbern 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 TNCOURTS.gov, with forms found at: www.tncourts.gov/programs/self-help-center/forms/order-protection-forms, and additional information related to such orders may be found at www.tncoalition.org/resources/legal-resources.html.

Regardless of whether an offense occurred on or off campus, TCAT Newbern 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)(11)(ii)]

TCAT Newbern encourages victims of sexual violence to talk to somebody about what happened so they can get the support they need and so the institution can respond appropriately. Though reports will be kept as confidential as possible, TCAT Newbern 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 person who is a licensed counselor 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 800-2783-8712. Website <http://wraptn.org>

B. Filing an Institutional Complaint

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

1. TCAT Newbern 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 TCAT Newbern 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:
JacQuene Rainey
340 Washington Street
Newbern, TN 38059
731-627-2511
jacquene.rainey@tcatnewbern.edu

Vice President:
Christie Hudnall
340 Washington Street
Newbern, TN 38059
731-627-2511
chudnall@tcatnewbern.edu

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 Newbern Police Department – 731-627-2571; Union City Police Department, 731-885-1515; Bells, Tennessee Police Department, 731-663-3131; or Dyersburg Police Department, 731- 285-1212 (depending on where the assault occurred), 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 TCAT Newbern. If the subject'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 President or Vice President for recording and tracking of incidents on and around

TCAT Newbern.

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

by mail to:

Title IX Coordinator
JacQuene Rainey
340 Washington Street
Newbern, TN 38059

Or by phone by dialing 731-627-2511 and ask for extension 104. You will be connected to the Title IX Coordinator, or you may leave an anonymous voicemail.

- E. TCAT Newbern will, to the extent possible, complete publicly available record-keeping, including Clery reporting, without identifying information about the victim.
- F. TCAT Newbern 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)(11)(ii)]

- A. All proceedings will include a prompt, fair, and impartial investigation and result. The College will provide the respondent and complainant equitable rights during the investigative process.
- B. All complaints of sexual misconduct shall be presented to the Title IX Coordinator or designee for investigation and appropriate disposition, subject to the confidentiality policy.
- C. Mediation between the complainant and respondent will never be considered an appropriate resolution in sexual misconduct cases.
- D. 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.

E. 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. TCAT Newbern 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 or Vice President if the respondent is an employee;
 2. The Title IX Coordinator 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 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 TCAT Newbern'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. TCAT Newbern 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 Director.

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 TCAT Newbern's final decision on the complaint.

Effect of A Finding of A Violation of This Policy [34 CFR §668.46(b)(11)(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 Title IX Coordinator. If the respondent is an employee, the matter will also be referred to the President or Vice President.
- C.** If the respondent is a student, TCAT Newbern will follow the procedures for disciplining students as described in Policy 3:02:00:01 General Policy on Student Conduct & Disciplinary

Sanctions.

- D. If the respondent is an employee, TCAT Newbern 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)(11)(v)]

In situations that require immediate action because of safety or other concerns, TCAT Newbern 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)] (All Campuses)

In accordance to the *Campus Sex Crimes Prevention Act of 2000*, which amends the *Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Act*, the *Jeanne Clery Act* and the *Family Educational Rights and Privacy Act of 1974*, TCAT Newbern 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 http://www.tbi.state.tn.us/sex_ofender_reg/sex_ofender_reg.shtml.

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

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

TCAT Newbern maintains a plan for each campus. Please see links below for complete plan/procedures.

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

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

In the event of a serious incident that poses an immediate threat to members of the TCAT Newbern community, the institution 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 the use of emails and/or text messaging by use of the program Schoolcast.

TCAT Newbern 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.

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. TCAT Newbern does not provide any on-campus student housing facilities.

Clery Crime Statistics	2016					2017					2018					2016		2017		2018	
	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	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	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	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	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
Dating Violence	0	0	0	0	0	0	0	0	0	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	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	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

The local law enforcement agencies have been requested to forward TCAT Newbern President's Office their reports of all criminal activity occurring on off-campus properties belonging to campus. These along with crimes occurring on campus are reported monthly to the FBI, TBI and annually to the Department of Education (DOE) as required by the "Jeanne Clery Act". The annual report is prepared for publication on October 1, based on the statistical information for the previous year.

Copies of the Annual Security Report are available on TCAT Newbern's website www.tcatnewbern.edu and in the Student Services office.

TCAT Newbern makes available crime rates and statistics as well as security policies and procedures to interested parties.