CAMPUS SECURITY REPORT
2026

Reporting Period January 1, 2025 to December 31, 2025

Tennessee College of Applied Technology Jackson
2468 Technology Center Drive
Jackson, TN 38301

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The following is the annual Campus Security Report for Tennessee College of Applied Technology Jackson for calendar year 2026. Vice President for Instruction & Institutional Effectiveness 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://tcatjackson.edu/ . This report contains security policies, procedures, and guidelines. Crime statistics for calendar years 2023-2025 are included in the report as Appendix A. These statistics are based on incidents reported at eight campus locations. You may request a paper copy of this report from Vice President of Instruction & Institutional Effectiveness on the TCAT campus located at 2468 Technology Center Drive, Jackson, TN 38301.

Statement Concerning Law Enforcement (All Campuses)

Jackson State Community College Police Department assumed jurisdiction over the TCAT on July 1, 2022. Officers employed by the Jackson State Community College Policy 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 Jackson State Community College Police Department is 2046 North Parkway, Jackson, Tennessee 38301 or (731)425-2627 or (731) 225-5952.

Prior to the Jackson 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 in the event that 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:

- **MAIN CAMPUS**: Madison County Sheriff's office, 317 Denmark Jackson Rd, Denmark, TN 38391. The phone number is 731-423-6000.
- **BROWNSVILLE/ HAYWOOD EXTENSION CAMPUS:** Brownsville City Police Department, 118 N. Washington Avenue, Brownsville, TN 38012. The phone number is 731-772-1266.
- **LEXINGTON EXTENSION CAMPUS**: Henderson County Sheriff's office, 170-C Justice Center Dr., Lexington, TN 38351. The phone number is 731-965-7777.
- **WHITEVILLE EXTENSION CAMPUS**: Whiteville City Police Department, 204 E. Main St., Whiteville, TN 38075. The phone number is 731-254-9450.
- **STANTON EXTENSION CAMPUS**: Haywood County Sheriff's Office, 100 S Dupree St, Brownsville, TN 38012 The phone number is (731) 772-2412.

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 Jackson State Community College Police Department, call (731) 225-5952. 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:

Main Campus	Madison County Sheriff's Office	(731) 423-6000
Brownsville Extension Campus	Brownsville City Police Dept	(731) 772-1266
Lexington Extension Campus	Henderson County Sheriff's Office	(731) 965-7777
Whiteville Branch Campus	Whiteville City Police Department	(731) 254-9450
Stanton Extension Campus	Haywood County Sheriff's Office	(731) 773-2412

Campus Security Authorities:

In addition to reporting crimes to the Jackson 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:

Main Campus	Facilities Coordinator	david.dean@tcatjackson.edu	(731) 695-0821
Haywood/Brownsville Extension Campus	Campus Coordinator	jennifer.booth@tcatjackson.edu	(731) 772-8160
Lexington Extension Campus	Campus Coordinator	adam.johnson@tcatjackson.edu	(731) 967-1795
Whiteville Extension Campus	Campus Coordinator	erica.pepper@tcatjackson.edu	(731) 254-8521
Stanton Extension Campus	Vice President	patrick.davis@tcatjackson.edu	(731) 298-0746

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, tornado or other severe weather event, 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.

Facilities Coordinator, Main Campus
Chief of Police, Jackson State Community College
Vice President for Student Services
Vice President for Workforce Development
Vice President for Instruction and Institutional Effectiveness
Brownsville, Lexington, and Whiteville Campus Coordinators and Vice President of Stanton Extension Campus.

All employees have the ability to 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), Notifications will be disseminated using methods likely to reach members of the campus community. Those include electronic communication (email, text, cell), via the college e-mail system, SLATE communication system, website, or via alarms based on the timeliness of need for the message being communicated.

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)]

The TCAT maintains at least one version of an Emergency Preparedness Response Guide. The plan is easily recognizable in a red flip book located in a centralized area for faculty, staff, and student access. The Guide contains Emergency Response Plans, Emergency Notifications, Medical Emergency Plan, Active Shelter Protocol, Floor Plans, Evacuation Routes and Safe Places.

In the event of a serious incident that poses an immediate threat to members of the TCAT community, the TCAT has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of an immediate threat to the campus community. These methods of communication include *SLATE communication system, the college e-mail system, social media, and the TCAT website.*

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

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

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

The Vice President for Instruction & Institutional Effectiveness 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 of this report. The statistics contained in this report are prepared in cooperation with the Jackson 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 Student Services, 2468 Technology Center Drive, Jackson, Tennessee 38301 or by calling (731) 424-0691.

Copies of the Daily Crime Log are available for public inspection at Office of the Campus Police Officer. Individuals at other locations may obtain access to the Daily Crime Log by contacting the highest-ranking administrator on the campus. The log is available during normal hours of operation of the college.

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 persons 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 invitees. 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 Facilities Coordinator. Any identified security concern will be evaluated by the Lead Facilities Coordinator.

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

The Jackson State Community College Police Department entered into a Memorandum of Understanding or Mutual Aid Agreement with the Madison County Sheriff's Office that covers the TCAT Jackson Main Campus. The agreement provides for coordination between the Jackson State Community College Police Department and the local law enforcement agency at the identified campus. For campuses not covered by the agreement, the Jackson State Community College Police Department and TCAT staff maintain a close working relationship with local law enforcement.

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 Jackson State Community College Police Department, to a local law enforcement agency identified above, or to a Campus Security Authority identified above. In the event an emergency is occurring, 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 the TCAT. 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.

The TCAT provides information on how to prevent crime through a 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 or through training available on the website.

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 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 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 Counselors 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.

Policy Statement Regarding Hazing and Hazing Prevention [20 U.S.C. § 1092(f)(1)(K and L)]

The College strictly prohibits hazing, both by individuals and student organizations, and regardless of the consent of those involved.

TBR policy defines hazing consistently with state law, Tennessee Code Annotated § 49-7-123(a)(1). Hazing means any intentional or reckless act, on or off the property, of any higher education institution by an individual acting alone, or with others, which is directed against any other person(s) that endangers the mental or physical health or safety of that person(s), or which induces or coerces a person(s) to endanger such person(s) mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization. See TBR Policy 3.02.00.01 General Policy on Student Conduct and Disciplinary Sanctions (attached as Appendix B) and TBR Policy 3.01.01.00 Student Organizations (attached as Appendix C).

Allegations of hazing should be reported to the Vice President of Student Services. Hazing allegations involving both students and student organizations will be investigated and resolved consistent with the disciplinary procedures in Section V of TBR Policy 3.02.00.01 General Policy on Student Conduct and Disciplinary Sanctions. The College will conduct an appropriate investigation, which may include witness interviews and review of documents and other information. The investigator will provide a written notice of the investigation, and at its conclusion, prepare a report summarizing the investigation. The President will review the report and make a written determination whether hazing has occurred and an appropriate disciplinary sanction. Students and student organizations have the ability to contest a determination consistent with TBR Policy 3.02.00.01 General Policy on Student Conduct and Disciplinary Sanctions.

Hazing prevention tools, including primary prevention strategies intended to stop hazing before hazing occurs, may be found in the Hazing Prevention Toolkit.

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. A copy of the Sexual Misconduct Policy is contained in Appendix D to this Annual Security Report and may also be found in the TCAT Handbook at https://tcatjackson.edu/current-students/student-handbook-catalog.

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

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

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

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 Tennessee Crime Victims' Bill of Rights.

C. Protection from abuse orders may be available through Order of Protection--Tennessee Courts

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

Resources for Victims of Sexual Misconduct

The resources listed below are not exhaustive or limited to victims who wish to make an official report or participate in an institutional hearing, police investigation or criminal prosecution. However, in cases where a victim wishes to maintain complete confidentiality, the victim should

review carefully 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

Ryan Arnold	Human Resources/Title IX Coordinator	Ryan.arnold@tcatjackson.edu (731)424-0691
Britney Ward	VP of Student Services	Britney.ward@tcatjackson.edu (731)424-0691

On-line Resources

https://tncoalition.org/get-help/help-in-your-area/National Domestic Violence Hotline for victims of sexual or domestic violence, including support for women, LGBTQ, and minority individuals.
Rape, Abuse and Incest National Network
USDOJ Information for Victims of Sexual Assault
U.S. Department of Education Office for Civil Rights

Futures Without Violence

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 Center for Victims of Crime---------- 1-800-FYI-CALL (1-800-394-2255)
National Teen Dating Abuse ---------- 1-866-331-9474

Local Resources

1Safe Place Family Justice Center
110 North Russell Avenue
Brownsville, TN 38012
(731) 432-4251
Online Access

Family Safety Center
1750 Madison Avenue, Suite 600
Memphis, TN 38104
(901) 222-4400
Online Access

Safe Hope Center
512 Roland Avenue
Jackson, TN 38301
Online Access

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 (WRAP) Program
(800) 273-8712 or (731) 541-6289
Shelby County Crime Victims & Rape Crisis Center
(901) 222-4350
Tennessee Coalition to End Domestic & Sexual Violence
(615) 386-9406
National Helpline
(800) 211-7996

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 C and available at https://tcatjackson.edu/student-handbook/?page-id=4975.

Role of Title IX Coordinator

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

1. Investigation or oversight of investigations of allegations related to Title IX;

2. Coordination and oversight of educational programs including mandatory training for new students and employees and awareness campaigns for current students and employees;

3. Coordination with local law enforcement on matters related to allegations related to sexual misconduct;

4. Coordination and oversight of training for anyone involved in responding to, investigating, or adjudicating sexual misconduct;

5. Coordination and oversight of training for employees related to their responsibility when they are aware of sexual misconduct;

6. Coordination and oversight of annual training for investigators, decision makers, hearing officers and hearing committee members on the issues related to sexual misconduct and on how to conduct an investigation and hearing process that protects the safety of Complainants and promotes accountability; and

7. Attending appropriate training annually on topics related to responding to or investigating allegations of sexual misconduct.

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

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

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

https://www.wraptn.org/

- National Center for Victims of Crime 202-467-8700
- National Sexual Violence Resource Center 877-739-3895
- National Teen Dating Abuse Helpline 866-331-9474 or 866-331-8456 (TTY)

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 C) in accordance with federal Title IX and Clery Act regulations. The crime statistics reported in Appendices A 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 actually 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 actually 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 is not capable of consenting 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 to the *Campus Sex Crimes Prevention Act of 2000*, which amends the *Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act*, the *Jeanne Clery Act* and the *Family Educational Rights and Privacy Act of 1974*, the TCAT is providing a link to the Tennessee State Sex Offender Registry. This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a state to provide notice of each institution of higher education in that state at which the person is employed, carries a vocation, or is a student. Members of the campus community may obtain the most recent information received from the Tennessee Bureau of Investigation (TBI) concerning sex offenders employed, enrolled, or volunteering at this institution from the State of Tennessee's website listing of sex offenders located at Tennessee Sex Offender Registry.

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.

Appendix A

YEAR: 2025	LOCATION: MAIN CAMPUS		
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:	0	0	0
Weapons, carrying, possessing, etc.	0	0	0
Disciplinary Referrals:	0	0	0
Weapons, carrying, possessing, etc.	0	0	0
Arrests:	0	0	0
Drug Abuse Violations	0	0	0
Disciplinary Referrals:	0	0	0
Drug Abuse Violations	0	0	0
Arrests:	0	0	0
Liquor Law Violations	0	0	0
Disciplinary Referrals:	0	0	0
Liquor Law Violations	0	0	0

YEAR: 2024	LOCATION: MAIN CAMPUS		
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:	0	0	0
Weapons, carrying, possessing, etc.	0	0	0
Disciplinary Referrals:	0	0	0
Weapons, carrying, possessing, etc.	0	0	0
Arrests:	0	0	0
Drug Abuse Violations	0	0	0
Disciplinary Referrals:	0	0	0
Drug Abuse Violations	0	0	0
Arrests:	0	0	0
Liquor Law Violations	0	0	0
Disciplinary Referrals:	0	0	0
Liquor Law Violations	0	0	0

YEAR: 2023	LOCATION: MAIN CAMPUS		
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:	0	0	0
Weapons, carrying, possessing, etc.	0	0	0
Disciplinary Referrals:	0	0	0
Weapons, carrying, possessing, etc.	0	0	0
Arrests:	0	0	0
Drug Abuse Violations	0	0	0
Disciplinary Referrals:	0	0	1
Drug Abuse Violations	0	0	2
Arrests:	0	0	0
Liquor Law Violations	0	0	0
Disciplinary Referrals:	0	0	0
Liquor Law Violations	0	0	0

YEAR: 2025	LOCATION: BROWNSVILLE EXTENSION CAMPUS		
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:	0	0	0
Weapons, carrying, possessing, etc.	0	0	0
Disciplinary Referrals:	0	0	0
Weapons, carrying, possessing, etc.	0	0	0
Arrests:	0	0	0
Drug Abuse Violations	0	0	0
Disciplinary Referrals:	0	0	0
Drug Abuse Violations	0	0	0
Arrests:	0	0	0
Liquor Law Violations	0	0	0
Disciplinary Referrals:	0	0	0
Liquor Law Violations	0	0	0

YEAR: 2024	LOCATION: BROWNSVILLE EXTENSION CAMPUS		
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:	0	0	0
Weapons, carrying, possessing, etc.	0	0	0
Disciplinary Referrals:	0	0	0
Weapons, carrying, possessing, etc.	0	0	0
Arrests:	0	0	0
Drug Abuse Violations	0	0	0
Disciplinary Referrals:	0	0	0
Drug Abuse Violations	0	0	0
Arrests:	0	0	0
Liquor Law Violations	0	0	0
Disciplinary Referrals:	0	0	0
Liquor Law Violations	0	0	0

YEAR: 2023	LOCATION: BROWNSVILLE EXTENSION CAMPUS		
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:	0	0	0
Weapons, carrying, possessing, etc.	0	0	0
Disciplinary Referrals:	0	0	0
Weapons, carrying, possessing, etc.	0	0	0
Arrests:	0	0	0
Drug Abuse Violations	0	0	0
Disciplinary Referrals:	0	0	0
Drug Abuse Violations	0	0	0
Arrests:	0	0	0
Liquor Law Violations	0	0	0
Disciplinary Referrals:	0	0	0
Liquor Law Violations	0	0	0

YEAR: 2025	LOCATION: LEXINGTON EXTENSION CAMPUS		
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:	0	0	0
Weapons, carrying, possessing, etc.	0	0	0
Disciplinary Referrals:	0	0	0
Weapons, carrying, possessing, etc.	0	0	0
Arrests:	0	0	0
Drug Abuse Violations	0	0	0
Disciplinary Referrals:	0	0	0
Drug Abuse Violations	0	0	0
Arrests:	0	0	0
Liquor Law Violations	0	0	0
Disciplinary Referrals:	0	0	0
Liquor Law Violations	0	0	0

YEAR: 2024	LOCATION: LEXINGTON EXTENSION CAMPUS		
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:	0	0	0
Weapons, carrying, possessing, etc.	0	0	0
Disciplinary Referrals:	0	0	0
Weapons, carrying, possessing, etc.	0	0	0
Arrests:	0	0	0
Drug Abuse Violations	0	0	0
Disciplinary Referrals:	0	0	0
Drug Abuse Violations	0	0	0
Arrests:	0	0	0
Liquor Law Violations	0	0	0
Disciplinary Referrals:	0	0	0
Liquor Law Violations	0	0	0

YEAR: 2023	LOCATION: LEXINGTON EXTENSION CAMPUS		
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:	0	0	0
Weapons, carrying, possessing, etc.	0	0	0
Disciplinary Referrals:	0	0	0
Weapons, carrying, possessing, etc.	0	0	0
Arrests:	0	0	0
Drug Abuse Violations	0	0	0
Disciplinary Referrals:	0	0	0
Drug Abuse Violations	0	0	0
Arrests:	0	0	0
Liquor Law Violations	0	0	0
Disciplinary Referrals:	0	0	0
Liquor Law Violations	0	0	0

YEAR: 2025	LOCATION: STANTON EXTENSION CAMPUS		
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:	0	0	0
Weapons, carrying, possessing, etc.	0	0	0
Disciplinary Referrals:	0	0	0
Weapons, carrying, possessing, etc.	0	0	0
Arrests:	0	0	0
Drug Abuse Violations	0	0	0
Disciplinary Referrals:	0	0	0
Drug Abuse Violations	0	0	0
Arrests:	0	0	0
Liquor Law Violations	0	0	0
Disciplinary Referrals:	0	0	0
Liquor Law Violations	0	0	0

YEAR: 2024	LOCATION: STANTON EXTENSION CAMPUS		
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:	0	0	0
Weapons, carrying, possessing, etc.	0	0	0
Disciplinary Referrals:	0	0	0
Weapons, carrying, possessing, etc.	0	0	0
Arrests:	0	0	0
Drug Abuse Violations	0	0	0
Disciplinary Referrals:	0	0	0
Drug Abuse Violations	0	0	0
Arrests:	0	0	0
Liquor Law Violations	0	0	0
Disciplinary Referrals:	0	0	0
Liquor Law Violations	0	0	0

YEAR: 2025	LOCATION: WHITEVILLE BRANCH CAMPUS		
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:	0	0	0
Weapons, carrying, possessing, etc.	0	0	0
Disciplinary Referrals:	0	0	0
Weapons, carrying, possessing, etc.	0	0	0
Arrests:	0	0	0
Drug Abuse Violations	0	0	0
Disciplinary Referrals:	0	0	0
Drug Abuse Violations	0	0	0
Arrests:	0	0	0
Liquor Law Violations	0	0	0
Disciplinary Referrals:	0	0	0
Liquor Law Violations	0	0	0

YEAR: 2024	LOCATION: WHITEVILLE BRANCH CAMPUS		
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:	0	0	0
Weapons, carrying, possessing, etc.	0	0	0
Disciplinary Referrals:	0	0	0
Weapons, carrying, possessing, etc.	0	0	0
Arrests:	0	0	0
Drug Abuse Violations	0	0	0
Disciplinary Referrals:	0	0	0
Drug Abuse Violations	0	0	0
Arrests:	0	0	0
Liquor Law Violations	0	0	0
Disciplinary Referrals:	0	0	0
Liquor Law Violations	0	0	0

YEAR: 2023	LOCATION: WHITEVILLE BRANCH CAMPUS		
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:	0	0	0
Weapons, carrying, possessing, etc.	0	0	0
Disciplinary Referrals:	0	0	0
Weapons, carrying, possessing, etc.	0	0	0
Arrests:	0	0	0
Drug Abuse Violations	0	0	0
Disciplinary Referrals:	0	0	0
Drug Abuse Violations	0	0	0
Arrests:	0	0	0
Liquor Law Violations	0	0	0
Disciplinary Referrals:	0	0	0
Liquor Law Violations	0	0	0

Appendix B

3.02.00.01 General Policy on Student Conduct & Disciplinary Sanctions

3.02.00.01 General Policy on Student Conduct & Disciplinary Sanctions

Policy/Guideline Area

Student Policies

Applicable Divisions

TCATs, Community Colleges

Purpose

The Tennessee Board of Regents authorizes the institutions under its jurisdiction to take such action consistent with this policy as may be necessary to maintain campus conditions and preserve the integrity of the institution and its educational environment. Institutional policies on this subject shall be subject to prior review and approval by the TBR Offices of General Counsel and Academic Affairs.

Definitions

- For the purpose of this policy, a “student” shall mean any person
    - who is admitted, enrolled, and/or registered for study (including for non-credit classes) at a Board of Regents institution for any academic period. This shall include any period of time following admission and/or registration, but preceding the start of classes for any academic period, following the end of an academic period through the last day for registration for the succeeding academic period, and during any period while the student is under suspension from the institution; who engaged in academic misconduct as part of the application process; and/or
    - who previously attended a TBR institution and who was found to have violated the institution’s student conduct and disciplinary standards policy during the time of enrollment.

- “Student” shall also include any person subject to a period of suspension or removal from campus resulting from a finding of a violation of this policy;
- Unless explicitly provided otherwise in these rules, the term “student” shall also refer to a student organization.

- Definitions of “Disciplinary Offenses” and “Disciplinary Sanctions” are included in their respective sections, II. and V.

Policy/Guideline

I. Policy Statement

A. Students enrolled in a TBR postsecondary educational institutions are citizens of their civic communities as well as the academic community. As such they are expected to conduct themselves as law-abiding members of each community at all times.

B. Admission to an institution of postsecondary education carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. In recognition of the special relationship that exists between the institution and the academic community which it seeks to serve, the Tennessee Board of Regents (“TBR” or “the Board”) has authorized the presidents of the institutions under its jurisdiction to take such action as may be necessary to maintain conditions on institution-owned and controlled property and to preserve the integrity of the institution and its educational environment.

C. Pursuant to this authorization and in fulfillment of its duties to provide a secure and stimulating atmosphere in which individual and academic pursuits may flourish, the Board has developed the following policy, which is intended to govern student conduct at the institutions under its jurisdiction.

D. Each institution under the jurisdiction of the TBR is directed to implement policies subject to, and consistent with, this policy.

E. In addition, students are subject to all federal, state and local laws and ordinances. If a student's violation of such laws or ordinances also adversely affects the institution's pursuit of its educational objectives, an institution may enforce its own policies regardless of the status or outcome of any external proceedings instituted by other civil or criminal authorities.

F. Students are responsible for compliance with this policy and with institutional policies and regulations.

G. Disciplinary action may be taken against a student for violation of policies and regulations that occur on institutionally owned, leased or otherwise controlled property, while participating in international or distance learning programs, and off campus, when the conduct impairs, interferes with, or obstructs any institutional activity or the mission, processes, and functions of the institution. In the case of violations that occur off institutionally owned, leased, or controlled property, the institution will take into account whether the violation impairs, interferes with, or obstructs any institutional activity, or the mission, processes, and function of the institution, including, but not limited to, conduct that:

1. occurs in connection with any institutional activity, including but not limited to, international, distance, online, or remote learning programs, athletics events and other extracurricular activities, clinical, internship, practicum, and similar activities;
2. occurs while using institutional resources, such as computers and network systems;
3. involves or affects another member of the TBR community (a student, faculty, staff member, or guest of a TBR institution); or
4. poses a credible, serious threat to the health and safety of the TBR community.

H. This policy, and related material incorporated herein by reference, is applicable to student organizations as well as individual students. Whether a student organization will be held responsible for a violation of these rules by one or more of its members will be based on the following considerations:

1. the violation is endorsed by the student organization or any of its officers. "Endorsed by" includes, but is not limited to, active or passive consent or support, having prior knowledge that the conduct was likely to occur, or helping to plan, advertise, or promote the conduct;
2. the violation took place during the course of an activity paid for by the student organization or by members of the student organization to support the activity in question;
3. the prohibited conduct occurred on property owned, controlled, rented, leased, or used by the student organization or any of its members for an organizational event;
4. the prohibited conduct was related to initiation, admission into, affiliation with, or as a condition for continued membership in the student organization; and
5. one or more officers of the student organization had prior knowledge or reasonably should have known the prohibited conduct would likely take place.

I. Confidentiality of Discipline Process. Subject to the exceptions provided pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g, the Tennessee Public Records Act, T.C.A. § 10-7-504, and/or other state and federal law, a student's disciplinary records and files are considered "education records" and are confidential in accordance with those statutes.

J. Matters involving sexual harassment, sexual assault, stalking, domestic violence, and dating violence occurring within an education program or activity, if within the scope of TBR Policy 6.03.00.00, Sexual Misconduct, which implements 34 C.F.R. Part 106 related to Title IX of the Education Amendments of 1972, shall proceed in accordance with TBR Policy 6.03.00.00, Sexual Misconduct, and not this policy.

II. Disciplinary Offenses

A. Disciplinary measures shall be imposed according to this policy and the institution's restatement of this policy and applicable procedures and processes.

B. Institutions shall use the "preponderance of the evidence" standard. A preponderance of the evidence means the greater weight of the evidence or that, according to the evidence, the conclusion sought by the party with the burden of proof is the more probable conclusion.

C. These rules shall not be used to violate rights guaranteed under the constitution of the State of Tennessee or the constitution of the United States.

D. Institutions shall adopt and publish notice of offenses for which both individuals and student organizations may be subject to disciplinary action.

E. Both students and student organizations may be subject to disciplinary action for the following disciplinary offenses identified in this policy:

1. Threatening Conduct. Any conduct, threatened conduct, or attempted conduct that, poses a threat to a person's safety, health, or personal well-being including, but not limited to, endangering the health, safety, or welfare of any person; engaging in conduct that causes a reasonable person to fear harm to his or her health, safety or welfare; or making an oral or written statement that an objectively reasonable person hearing or reading the statement would interpret as a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals;

2. Disruptive Conduct. Any conduct, threatened conduct, or attempted conduct that is disruptive to the institution's learning environment, including, but not limited to, engaging in any action that interferes with the ability of the instructor to teach or other students to learn. Disruptive conduct in the class setting (which includes but is not limited to remote education and off-site locations) includes, but is not limited to, behavior that obstructs or disrupts the learning environment (e.g., offensive language, harassment of students or instructors, repeated outbursts from a student that disrupt the flow of instruction or prevent concentration, failure to cooperate in maintaining class decorum, etc.), text messaging, and the continued use of any electronic or other noise or light emitting device which disturbs others;
3. Hazing. Hazing, as defined in T.C.A. § 49-7-123(a)(1), means any intentional or reckless act, on or off the property, of any higher education institution by an individual acting alone, or with others, which is directed against any other person(s) that endangers the mental or physical health or safety of that person(s), or which induces or coerces a person(s) to endanger such person(s) mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization;
4. Disorderly Conduct. Any individual or group behavior which is abusive, obscene, lewd, indecent (including, without limitation, public exposure of one's sex organs, public urinating, and public sexual acts), violent, excessively noisy, disorderly, or which unreasonably disturbs institutional functions, operations, classrooms, other groups or individuals;

5. Obstruction of or Interference with institutional activities or facilities. Any intentional interference with or obstruction of any institutional, program, event, or facility including but not limited to the following:
    a. Any unauthorized occupancy of facilities owned or controlled by an institution or blockage of access to or from such facilities;
    b. Interference with the right of any institution member or other authorized person to gain access to any activity, program, event or facilities sponsored or controlled by an institution;
    c. Any obstruction or delay of a security officer, public safety officer, police officer, firefighter, EMT, or any official of an institution, or failure to comply with any emergency directive issued by such person in the performance of their duty;
    d. Participation in a demonstration that substantially impedes institutional operations; or
    e. Obstruction of the free flow of pedestrian or vehicular traffic on property owned, leased or controlled by an institution or at an institutional activity.
6. Misuse of or Damage to Property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to the institution or a member of the TBR community including, but not limited to, any personal property, fire alarms, fire equipment, elevators, telephones, institution keys, library materials and/or safety devices;
7. Theft, Misappropriation, or Unauthorized Sale of Property;
8. Misuse of Documents or Identification Cards. Any forgery, alteration of or unauthorized use of institutional documents, forms, records or identification cards, including the giving of any false information, or

withholding of necessary information, in connection with a student's admission, enrollment or status in the institution;

9. Weapons. Possessing, carrying, using, storing, or manufacturing any weapon on institution controlled property or in connection with an institution affiliated activity, unless federal or state law provides a student with an affirmative right to possess or carry a weapon on institution controlled property or in connection with an institution-affiliated activity. (Refer to Guidance on Firearms on Campus, Exhibit #1);
10. Explosives, Fireworks, Flammable, and Hazardous Materials. The unauthorized possession, ignition or detonation of any object or article that represents a potential danger to the TBR community, including, but not limited to, explosives, fireworks, flammable materials, ammunition, hazardous liquids, chemicals, or hazardous materials;
11. Alcoholic Beverages and Alcohol-Related Conduct. The use, possession, and/or sale of alcoholic beverages on institution owned or controlled property or in connection with any institutional activity unless expressly permitted by the institution;
12. Drugs. The unlawful possession, use, sale, or manufacture of any drug or controlled substance (including, but not limited to, any stimulant, depressant, narcotic or hallucinogenic drug, or marijuana). This offense includes using or possessing a prescription drug if the prescription was not issued to the student, as well as the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs;
13. Drug Paraphernalia. The use, possession, distribution, sale, or manufacture of equipment, products or materials that are used or intended for use in manufacturing, growing, using or distributing any drug or controlled substance. This offense includes the violation of any local

ordinance, state, or federal law concerning the unlawful possession of drug paraphernalia;

14. Public Intoxication. Appearing on institution owned or controlled property or at an institutional sponsored event while under the influence of alcohol, a controlled substance, or of any other intoxicating substance;
15. Gambling. Unlawful gambling in any form;
16. Financial Irresponsibility. Failure to meet financial responsibilities to the institution promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the institution;
17. Unacceptable Conduct Related to Disciplinary Proceedings. Any conduct at any stage of an institutional disciplinary proceeding or investigation that is contemptuous, threatening, retaliatory, or disorderly, including false complaints, false testimony or other falsification of evidence, and attempts to influence the impartiality of a member of an adjudicatory body, verbal or physical harassment or intimidation of an institutional official, hearing panel member, complainant, respondent or witness;
18. Failure to Cooperate with Institutional Officials. Failure to comply with reasonable directions of institutional officials acting in the performance of their duties. This includes, but is not limited to, failing to respond to a request to report to an institutional administrative office, failing to cooperate in an institutional investigation, and/or failing to appear at an institutional hearing, including, without limitation, a disciplinary hearing;
19. Attempts, Aiding and Abetting. Any attempt to commit any of the offenses listed under this section or the aiding or abetting of the commission of any of the offenses listed under this section. (An attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission.) Being present during the planning or

commission of any offense listed under this section without having made an immediate report to the institution prior to the commission of the planned offense will be considered as aiding and abetting. Students who anticipate or observe an offense must remove themselves from the situation and are required to report the offense to the institution;

20. Violations of State or Federal Laws. Any conviction of violation of state or federal laws, rules, or regulations prohibiting conduct or establishing offenses;
21. Violation of Imposed Disciplinary Sanctions. Intentional or unintentional violation of a disciplinary sanction imposed through an institutional disciplinary proceeding;
22. Sexual Misconduct. Committing any act of sexual assault, rape, sexual battery, domestic violence, or dating violence as defined by state or federal law;
23. Harassment, Stalking, or Retaliation. Any conduct that falls within T.C.A. § 39-17-308 (Harassment) or T.C.A. § 39-17-315 (Stalking) or “student-on-student harassment,” which means unwelcome conduct directed toward a person that is discriminatory on a basis prohibited by federal, state, or local law, and that is so severe, pervasive, and objectively offensive that it effectively bars the victim’s access to educational opportunity or benefit. Engaging in “retaliation,” which is an act or omission committed by a student because of another person’s participation in a protected activity that would discourage a reasonable person from engaging in protected activity. Retaliation violates these standards regardless of whether the underlying allegation of a violation of policy is ultimately found to have merit. Retaliation can include, without limitation: an act or omission committed against a person’s family, friends, advisors, and or other persons reasonably expected to provide information in connection with an

institutional investigation or hearing, and an act or omission committed by a student through a third party;

24. Discrimination. Any conduct prohibited by any federal or state law, rule, or regulation related to discrimination, harassment, or retaliation;
    a. "Antisemitism" has the same meaning as the working definition of antisemitism adopted by the International Holocaust Remembrance Alliance (IHRA) on May 26, 2016, including the "contemporary examples of antisemitism." See IHRA Definition and Tennessee Code Annotated § 49-50-1801.
    b. Neither TBR nor a TBR College shall interpret the IHRA working definition of antisemitism to prohibit speech or expression that is protected by the First Amendment to the United States Constitution or the Campus Free Speech Protection Act.
25. Academic Misconduct. Any action or attempted action designed to provide an unfair academic advantage or disadvantage for oneself or others. Academic misconduct includes a wide variety of behaviors such as plagiarism, cheating, fabrication, and other academic dishonesty. For purposes of this policy the following definitions apply:
    a. Plagiarism. The adoption or reproduction of ideas, words, statements, images, or works of another person as one's own without proper attribution. Examples include but are not limited to copying of passages from works of others into one's own work without acknowledgment; summarizing or paraphrasing ideas from another source without proper attribution, unless such information is recognized as common knowledge; and using facts, statistics graphs, representations, or phrases without proper attribution;
    b. Cheating. Using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination.

Examples include but are not limited to copying another's work; obtaining or giving unauthorized assistance; unauthorized collaboration or collusion with another person; having another person take a test for a student; and the use of unauthorized materials or devices. The term academic exercise includes all forms of work submitted for credit or hours;

c. Fabrication. Falsifying, fabricating, or misrepresenting data, research results, citations or other information in connection with an academic assignment. Unauthorized falsification or invention of any information or citation in an academic exercise.

26. Unauthorized Duplication or Possession of Keys. Making, causing to be made or the possession of, with the intent to use or make available for use by others, any key for an institutional facility without proper authorization;

27. Litter. Dispersing litter in any form onto the grounds or facilities of the campus;

28. Pornography. Public display of literature, films, pictures or other materials which an average person applying contemporary community standards would find, (1) taken as a whole, appeals to the prurient interest, (2) depicts or describes sexual conduct in a patently offensive way, and/or (3) taken as a whole, lacks serious literary, artistic, political or scientific value;

29. Abuse of Computer Resources and Facilities. Misusing and/or abusing campus computer resources including, but not limited to the following:

a. Use of another person's identification to gain access to institutional computer resources;

b. Use of institutional computer resources and facilities to violate copyright laws, including, but not limited to, the act of unauthorized

distribution of copyrighted materials using institutional information technology systems;

c. Unauthorized access to a computer or network file, including but not limited to, altering, using, reading, copying, or deleting the file;

d. Unauthorized transfer of a computer or network file;

e. Use of computing resources and facilities to send abusive or obscene correspondence;

f. Use of computing resources and facilities in a manner that interferes with normal operation of the institutional computing system;

g. Use of computing resources and facilities to interfere with the work of another student, faculty member, or institutional official; and

h. Unauthorized peer-to-peer file sharing;

30. Unauthorized Access to Institutional Facilities and/or Grounds. Any unauthorized access and/or occupancy of institutional facilities and/or grounds is prohibited, including, but not limited to, gaining access to facilities and grounds that are closed to the public, being present in areas of campus that are open to limited guests only, being present in academic buildings after hours without permission, and being present in buildings when the student has no legitimate reason to be present;

31. Providing False Information. Giving any false information to, or withholding necessary information from, any institutional official acting in the performance of his or her duties in connection with a student's admission, enrollment, or status in the institution;

32. Observation Without Consent. Observation Without Consent, which is prohibited by T.C.A. § 39-13-607 (a criminal statute) for purposes of this policy, means knowingly spying upon, observing, or otherwise viewing an individual, regardless of whether a photo, video, or recording is made,

when the individual is in a place where there is reasonable expectation of privacy, without the prior effective consent of the individual, if the viewing would offend or embarrass an ordinary person if the person knew the person was being viewed. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, living quarters, restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means;

33. Smoking Violations. Smoking or tobacco use in any institution building or facility, in any state-owned vehicle, or on any institution grounds or property, unless in a designated smoking or tobacco use area. For the purposes of these rules, “tobacco use” includes, but is not limited to, the personal use of any tobacco product, whether intended to be lit or not, which includes smoking tobacco or other substances that are lit and smoked, as well as the use of an electronic cigarette or any other device intended to simulate smoking, and the use of smokeless tobacco, including snuff; chewing tobacco; smokeless pouches; any form of loose-leaf, smokeless tobacco; and the use of unlit cigarettes, cigars, and pipe tobacco;

34. Maintenance of Ethical and Professional Standards. Failure to maintain the high ethical and professional standards of the various disciplines of the health professions may subject a student to suspension from a program, dismissal from a program, or other appropriate remedial action.

    a. A student enrolled in a program leading to a degree or certificate in a health profession is subject to disciplinary action up to and including suspension and dismissal from a program for engaging in the following acts of misconduct, regardless of location:

        (1) Commission of an offense classified as a felony by Tennessee or federal criminal statutes;

(2) Unlawful use, possession, or sale of drugs or narcotics, whether or not felonious

(3) Other unprofessional or unethical conduct that would bring disrepute and disgrace upon both the student and profession and that would tend to substantially reduce or eliminate the student's ability to effectively practice the profession in which discipline he or she is enrolled; or

(4) Conduct that is in violation of either a relevant Tennessee statute establishing professional standards or a rule or regulation of a Tennessee regulatory board or other body responsible for the establishment and enforcement of professional standards.

b. A person applying for admission to a health profession program may be denied admission to the program on the basis of his or her violation of the aforementioned ethical and professional standards;

35. Traffic and Parking Fines. Receiving $100.00 or more in traffic and/or parking violations on institution property or institution-controlled property during any semester.

36. Indecent Exposure. Indecent Exposure, which is prohibited by T.C.A. § 39-13-511 (a criminal statute), for purposes of this policy means in a public place intentionally exposing one’s genitals or buttocks to another or engaging in sexual contact or sexual penetration where the person reasonably expects that the acts will be viewed by another, and the acts will offend an ordinary viewer or are for the purpose of sexual arousal and/or gratification.

F. Disciplinary Holds.

1. An institution may place a hold on a student record when the student has

a. Withdrawn from the institution while a disciplinary meeting and/or proceeding is pending;

b. Not responded to an institutional official's request for a meeting or hearing; or

c. Been suspended or expelled.

2. A disciplinary hold may remain on a student's record until final resolution of a disciplinary meeting and/or disciplinary hearing.

3. An institution will not confer a degree or credential when a student record has been placed on hold, or when a student has a pending disciplinary meeting and/or disciplinary proceeding.

4. Except for cases involving Academic Misconduct, an institution will not revoke a degree or credential based on conduct occurring while a person was a student, but not discovered until after the awarding of a degree or credential.

III. Classroom and Academic Misconduct

A. Classroom Misconduct.

1. The instructor has the primary responsibility for maintenance of academic integrity and controlling class (which for this policy includes any remote class and/or offsite class such as a clinic site or other non-traditional class environment) behavior and responding to disruptive conduct.

2. The instructor may order the temporary removal or exclusion from the class of any student engaged in disruptive conduct or other conduct that violates this policy for each class session during which the conduct occurs. Extended or permanent exclusion from the classroom, beyond the session in which the conduct occurred, or further disciplinary action can be effected only through appropriate procedures.

B. Academic Misconduct

1. Academic misconduct is prohibited. Students guilty of academic misconduct, either directly or indirectly, through participation or assistance, are immediately responsible to the instructor of the class. In addition to other possible disciplinary sanctions which may be imposed in accordance with this policy, the instructor has the authority to take academic discipline consistent with institutional policy, procedures, and processes.
2. An instructor who determines that a student has engaged in academic misconduct may choose to exercise academic discipline by lowering to any extent, including to a grade of “F” or “zero,” a student’s grade in the course, assignment, or examination affected by the alleged academic misconduct.
3. An instructor who initiates academic discipline shall inform the appropriate Chair and Dean (or other individual(s) identified by the institution) in writing of the finding of academic misconduct, the basis therefor, the academic discipline imposed, and the appeals process within five (5) days of the imposition of academic discipline.
4. A student may not withdraw from a course pending final resolution of an allegation of academic misconduct. Students are permitted and encouraged to continue attending class until the academic disciplinary decision, including all appeals, is final.
5. A student charged with academic misconduct has the option of either accepting the academic discipline imposed by the instructor or initiating the appeals process to challenge the allegation of academic misconduct or the severity of the academic discipline. If the student does not respond in writing within five (5) days by either accepting or appealing the academic discipline to the institutional academic misconduct appeals

committee, the student waives the right to contest the academic discipline, at which time it becomes final.

6. An institutional academic misconduct appeals committee shall consist of at least three (3) individuals and include at least one (1) student. The chief academic officer or other administrator identified by the institution will assemble the committee and coordinate the hearing but will not participate on the committee. Any individual who has an interest in the incident, a conflict of interest, or a bias is not permitted to serve on the committee. An institution may maintain standing pools from which individuals may appointed and/or appoint ad hoc academic misconduct appeals committees. At a technical college the president has the authority to appoint a single administrator to perform the functions of the academic misconduct appeals committee and to effectuate the processes identified in this policy.
7. The academic misconduct appeals committee will set a hearing date that is within fifteen (15) business days of receipt of date of the student's appeal. The student must receive at least seven (7) calendar days' notice of the date, time, and location of the hearing. A student will be notified of the due process protections provided for in this policy.
8. The academic misconduct appeals committee will conduct the appeal hearing, consider the evidence presented, and make a decision based on a simple majority vote using a preponderance of the evidence standard. The committee can either uphold, overturn, or lessen the academic discipline. The results of the committee's decision will be conveyed to the student in writing, through the chief academic officer or other individual identified by the institution, within ten (10) business days of the hearing.
9. If the academic misconduct appeals committee upholds or lessens the academic discipline, the student may appeal in writing to the president

within five (5) business days following receipt of the decision of the committee. The president will make a decision within ten (10) business days. The president's decision is final.

10. The institution's chief academic officer, president, or other administrator identified by the institution has the ability to extend any deadline in this section for good cause and upon written notice to the student.
11. In addition to academic discipline, a student who is found responsible for academic misconduct, either one or more times, may be subject to disciplinary sanctions in accordance with this policy.
12. The institution shall maintain permanently all submissions by the student and all decisions of institutional officials and committees relating to academic misconduct.

IV. Disciplinary Sanctions

A. Institutions shall publish this policy, provide notice of potential disciplinary sanctions applicable to both students and student organizations. Disciplinary sanctions may be imposed only after a violation of this policy has been established. Disciplinary sanctions may be imposed, either singly or in combination, by the appropriate institution or school officials.

B. Types of Sanctions.

1. Restitution. Restitution may be required in situations which involve theft, destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated by the appropriate institutional authority to compensate a party or parties for a loss suffered as a result of disciplinary violation(s). This action may take the form of appropriate service, monetary compensation, or material replacement. Any monetary payment in restitution shall be limited to actual cost of repair, replacement or financial loss;

2. Warning. The appropriate institutional official may notify orally or in writing the student or student organization that continuation or repetition of specified conduct may be cause for other disciplinary action;
3. Reprimand. A written or verbal reprimand or censure may be given to any student or student organization whose conduct violates any part of this policy and provides notice that that any further violation(s) may result in more serious penalties;
4. Service to the Institution or Community. A student, or student organization, may be required to donate a specified number of service hours to the institution performing reasonable tasks for an appropriate institution office, official(s), or the local community. The service required shall be commensurate to the offense (including but not limited to service for maintenance staff for defacing institutional property);
5. Specified Educational/Counseling Program. A student or student organization may be required to participate in specified educational or counseling program(s) relevant to the offense, or to prepare a project or report concerning a relevant topic;
6. Restriction. A restriction upon a student's or student organization's privileges for a period of time may be imposed. This restriction may include, but is not limited to denial of the ability to represent the institution at any event, ability to participate in institution or TBR sponsored travel, use of facilities, parking privileges, participation in extracurricular activities or restriction of organizational privileges;
7. Probation. Continued enrollment of a student or recognition of a student organization on probation may be conditioned upon adherence to this policy. Any student or organization placed on probation will be notified in writing of the terms and length of the probation. Probation may include but not be limited to restrictions upon extracurricular activities, or any other

appropriate special condition(s). Any conduct in further violation of this policy while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of further disciplinary action;

8. Suspension. Suspension is the separation of a student or student organization from the institution for a specified period of time. Suspension may be accompanied by special conditions for readmission or recognition;
9. Expulsion. Expulsion entails a permanent separation from the institution. The imposition of this sanction is a permanent bar to the student's admission, or a student organization's recognition by the institution. A student or organization that has been expelled may not enter institution property or facilities or institution-controlled property or facilities without obtaining prior approval from an appropriate campus official with knowledge of the expulsion directive;
10. Revocation and Withholding of Admission, Degree, or Credential; and
11. Interim Involuntary Withdrawal or Suspension. As a general rule, the status of a student or student organization accused of violation of TBR rules, this policy, or an institutional policy should not be altered until a final determination has been made in regard to the charges. However, interim or involuntary withdrawal or suspension, pending the completion of disciplinary procedures, may be imposed upon a finding that the conduct, or attempted conduct of the student poses a direct threat to the safety of any other member of the institution, its guests, property, or the student's behavior is materially and substantially disruptive of the institution's learning environment or other campus activities. In any case of interim or involuntary withdrawal or suspension, the student, or student organization, shall be given an opportunity at the time of the decision, or as soon

thereafter as reasonably possible, to contest the suspension in accordance with this policy;

C. The president is authorized, either personally or through a designee, to negotiate a mutually acceptable resolution to any disciplinary proceeding or to rescind or convert any sanction imposed to a lesser sanction.

V. Disciplinary Procedures

A. Institutions shall provide students with a system of constitutionally and legally sound procedures that provide the protection of due process of law in accordance with TBR Systemwide Student Rules, this policy, and applicable state and federal law. All policies adopted related to student conduct shall be subject to prior review and approval by the TBR Offices of General Counsel and Academic Affairs. Once adopted or amended, all disciplinary procedures shall be affirmatively communicated to the faculty, staff, and students of the institution as well as published in appropriate websites, handbooks, or manuals.

B. At community colleges, the Vice President of Student Affairs or other administrator designated by the institution is responsible for matters within the scope of this policy, except that the Chief Academic Officer is responsible for matters related to academic misconduct. In situations where the conduct could fall within both areas of responsibility, the two offices will confer and decide which procedures will apply and advise the student or student organization in writing of the decision. At colleges of applied technology, the president or designee has responsibility.

C. Complaints related to discrimination, harassment, and retaliation that are not subject to another rule will be investigated and resolved in accordance with this policy and the institution's restatement of this policy, procedures, and processes.

1. In determining whether the evidence establishes a violation of institutional policy, the institution shall use the preponderance of the evidence

standard for contested cases, as explained in TBR Policy 1.06.00.05, Uniform Procedures for Cases Subject to the Uniform Administrative Procedures Act and Department of State Rule 1360-04-01. At all times the burden of obtaining evidence and establishing a violation shall be on the institution.

2. In the event of bias or conflict of interest by an institutional official, the institution may appoint a substitute, who may or may not be employed by the institution.
3. The investigator shall conduct an appropriate investigation, which may include interviews of the parties and witnesses, as well as review of documents and other information. The purpose of the investigation is to determine whether the evidence establishes a violation of institutional policy and procedures. The parties are encouraged, but not required, to provide information that they want the investigator to consider.
4. The investigator shall provide written notice of receipt of a written complaint or the decision to initiate an investigation.
5. The investigator shall notify students that the institution will comply with FERPA and only disclose information in accordance with FERPA and other applicable law.
6. The investigator shall prepare a report summarizing the investigation. The report shall include, but not be limited to, the dates of the alleged occurrences, the response of the respondent, the findings of the investigator, and recommendations regarding disposition of the complaint.
7. The report shall be submitted to the institution's president within sixty (60) calendar days following receipt of the complaint, absent cause for extending the investigation timeline. In situations where more time is

needed to complete the investigation, written notice shall be provided to the parties explaining the reasons.

8. The president shall review the investigator's report and shall make a written determination as to whether this policy, and institutional policy, processes, and procedures have been violated and the appropriate disciplinary sanction, if any. The president's determination and the investigator's report shall be provided to the parties, unless prohibited by law.
9. Either party may send a written request to reconsider to the president within ten (10) working days, absent good cause, of receipt of the president's determination.
    a. The request to reconsider process shall consist of an opportunity for the parties to provide information to the president's attention that would change the determination and/or disciplinary sanction. A party must explain why the factual information was incomplete, the analysis of the facts was incorrect, the determination was affected by bias or a conflict of interest, procedural irregularity, and/or the appropriate standard was not applied, and how this would affect the determination. Failure to do so may result in denial of the request to reconsider.
    b. The parties will not be allowed to present their request to reconsider in person unless the president determines, in his or her sole discretion, to allow an in-person appearance.
    c. The president shall issue a written response to the request to reconsider as promptly as possible. The decision will constitute the institution's final decision.
    d. The institution shall provide written notice of the ability to contest the determination and/or disciplinary sanctions, including where

applicable, the ability to request a contested case hearing pursuant to the UAPA, to the parties at the time the parties are advised of the determination and upon the resolution of any request to reconsider or appeal.

D. Students and student organizations subject to any disciplinary sanction are entitled to a due process hearing in accordance with this policy and standards established by the constitutions of the State of Tennessee and the United States unless that right is waived after receiving written notice of the available procedures.

E. All proceedings under this policy will be held in closed session and not open to the public. Formal rules of evidence shall not be applicable. The administrator or committee chair may exclude evidence which in their judgment is immaterial, irrelevant, or unduly repetitious.

F. Written notice to a student or student organization is accomplished either by handing a copy to the student; sending documents via to email to the student's or student organization's institutional email account; email account of record on file with the institution; or by sending a copy via certified mail, registered mail, return receipt requested mail, or a nationally recognized delivery service that tracks delivery to the student's residence of record or the student organization's address of record.

G. Initiation of Charges

1. An institution may initiate the disciplinary process on the basis of written allegations received from any source, including any member of the college community. Complaints should be directed to the Vice President of Student Affairs or other administrator identified by the institution, except that complaints relating to discrimination, harassment, and retaliation should be referred to the administrator identified by the institution so that such complaints can be handled in accordance with institutional policy and

procedures. The institution may also initiate disciplinary procedures without written allegations if it becomes aware of potential violations of these rules through other means.

2. When the allegations, if proven, may warrant the imposition of a disciplinary sanction, the institution shall inform the student of the allegations and proceed to gather information concerning the matter, including, but not limited to, interviewing relevant witnesses and reviewing relevant documents and evidence. Students who may be the subject of disciplinary sanctions will be provided the minimum due process protections identified in this policy.
3. After reviewing the evidence, the administrator with responsibility for the matter shall decide whether sufficient evidence exists to charge the student, and if so, the appropriate disciplinary sanction(s). Notice of the charges and disciplinary sanction(s), if any, shall be provided in writing to the student. If there is insufficient evidence to continue the disciplinary process, the matter will be closed, and written notice will be provided to the student.

H. Minimum Due Process Protections. Institutions shall provide the following minimum procedural due process protection components in disciplinary matters:

1. The student shall be advised, in writing, of the breach of the policy provision(s) of which he or she is charged;
2. The student shall be advised of the time, date, and place of the hearing allowing reasonable time for preparation; and
3. The student shall be advised of the following rights applicable at the hearing:
   a. The right to present his or her case;

b. The right to be accompanied by an advisor of his or her choice. The advisor's participation shall be limited to advising the student, and not include advocating on behalf of the student, speaking on behalf of the student, or otherwise actively representing the student. An advisor is not permitted to interfere with the hearing;

c. The right to call witnesses on his or her behalf;

d. The right to confront witnesses against him or her; and

e. The method and time limitations for appeal, if any is applicable.

I. Options for Students. Four potential processes exist for adjudication of disciplinary matters. The student will be informed in writing of each available option and the due process rights associated with each option. A student will have five (5) business days following written notification to select an option. If a student fails to return the election of a procedure in a timely manner, the student will be deemed to have waived the right to contest the disciplinary sanction. Selection of one option constitutes waiver of all other options.

1. Contested Case Hearing: All cases which may result in either: suspension or expulsion of a student from the institution for disciplinary reasons, or revocation of registration of a student organization, are subject to the contested case provisions of the Uniform Administrative Procedures Act , T.C.A. § 4-5-301 et seq., and TBR Policy 1.06.00.05, Uniform Procedures for Cases Subject to the Uniform Administrative Procedures Act, unless the student or student organization, after receiving written notice, waives those procedures.

2. A student at a community college may elect an institutional panel hearing. A student at a college of applied technology may elect a formal hearing in front of a single administrator appointed by the president.

a. Institutional Panel Hearing (Community Colleges)

(1) An institutional panel hearing committee at a community college shall consist of at least three (3) individuals and include at least one (1) student. The dean of students or other administrator identified by the institution will assemble the committee and coordinate the hearing but will not vote as to the committee's decision. An individual who has an interest in the incident, a conflict of interest, or a bias is not permitted to serve on the committee. The institution may appoint individuals from standing pools and/or appoint ad hoc committees.

(2) The committee will set a hearing date that is within fifteen (15) business days of receipt of the student's request for a panel hearing. The student must be notified of the date, time, and location of the hearing as soon as possible, but given at least seven (7) calendar days' notice. A student will be notified of the due process protections provided for in these rules.

(3) The committee will conduct the hearing, consider the relevant evidence presented, and make a decision based on a simple majority vote. The committee can either uphold, overturn, or lessen the disciplinary finding and/or sanction. The results of the decision will be conveyed to the student in writing, through the dean of students or other administrator identified by the institution, within ten (10) business days of the hearing.

(4) If the committee upholds or lessens the disciplinary finding and/or sanction, the student may appeal in writing to the president within five (5) business days following receipt of the decision of the committee. The president will make a decision within ten (10) business days. The president's decision is final.

(5) The president, dean of students or other administrator identified by the institution has the ability to extend deadlines for good cause and upon written notice to the student.

(6) The institution shall maintain all submissions by the student and all decisions of institutional officials and committees permanently.

b. Formal Administrative Hearing (Colleges of Applied Technology)

(1) The president of a college of applied technology shall appoint an administrator who will set a hearing date that is within fifteen (15) business days of receipt of the student's request for a hearing. The student must be given at least seven (7) calendar days' notice of the hearing. A student will be notified of the due process protections provided for in this policy.

(2) The administrator will conduct a hearing, consider the relevant evidence presented, and make a decision either upholding, overturning, or lessening the disciplinary finding and/or sanction. The results of the decision will be conveyed to the student within ten (10) business days of the hearing.

(3) If the administrator upholds or lessens the disciplinary finding and/or sanction, the student may appeal in writing to the president within five (5) business days following receipt of the decision of the committee. The president will make a decision within ten (10) business days. The president's decision is final.

(4) The president has the ability to extend deadlines for good cause and upon written notice to the student.

3. Administrative Resolution. An administrative resolution involves the student meeting with a single administrator appointed by (i) for community

college students, the dean of students or other administrator identified by the institution or (ii) for college of applied technology students, the president. There is no appeal. The decision of the administrator is final.

4. A student may elect not to contest the disciplinary action, either affirmatively or by failing to return the election of a procedure in a timely manner, which serves as a waiver of the right to contest the disciplinary action.

J. Procedures Related to Interim Involuntary Withdrawal or Suspension Hearings.

1. When the Vice President for Student Affairs or other administrator identified by the institution determines that an interim suspension or other interim measure is required for the health and safety of the institutional community and/or property, or to prevent an ongoing imminent threat of disruption to or interference with the normal operations of the institution, the student will receive an opportunity for an informal hearing with the Vice President of Student Affairs or other administrator identified by the institution to contest the interim measure.
2. The informal hearing will be held within five (5) calendar days, absent good cause.
3. The evidence presented at the hearing shall be limited to that which is relevant to the basis asserted for imposition of the interim suspension or other interim measure.

K. Alternative Resolution Procedures: An institution, with the consent of all relevant parties, may use an alternative resolution method including, but not limited to, an apology, mediation, or a negotiated resolution.

Exhibits

For Exhibits, click the Attachments button at the top right of the page.

Sources

Authority

T.C.A. § 49-8-203; All Federal and State statutes, codes, rules and regulations referenced in this policy.

History

TBR Meetings, December 2, 1977; March 3, 1978; March 18, 1983; September 30, 1983; TBR Board Meeting, March 29, 2012; TBR Board Meeting June 19, 2015; TBR Board Meeting June 18, 2021 (Effective August 16, 2021 for Community Colleges and August 26, 2021 for TCAT's); September 23, 2022 updated Exhibit 1; Ministerial Changes May 15, 2025.

Related Polices

3.02.01.00 Student Due Process Procedure

5.01.02.00 Equal Employment Opportunity

6.01.00.00 Sex Discrimination, Sexual Harassment or Sexual Misconduct

6.02.00.00 Sex Discrimination and Sexual Harassment

6.03.00.00 Sexual Misconduct

Appendix C

3.01.01.00 Student Organizations

3.01.01.00 Student Organizations

Policy/Guideline Area

Student Policies

Applicable Divisions

TCATs, Community Colleges

Purpose

The following policy of the Tennessee Board of Regents, applicable to all institutions governed by the Board, provides minimum standards for the registration and conduct of student organizations at the institutions.

Policy/Guideline

I. Scope

A. Each institution is authorized to establish additional policies and procedures affecting student organizations which are consistent with the provisions of this policy.

II. Types of Student Organizations

A. Student organizations may be either organizations sponsored by the institution, such as student government associations, associated student body organizations, and professional and honor societies, or organizations officially registered by the institution.

B. Organizations which may be registered to operate on campuses include the following:

1. Honors and leadership organizations and recognition societies;
2. Departmental organizations and professional fraternities and sororities; and

3. Special interest groups (political, religious, athletic, etc.).

C. Registration of a student organization by an institution shall neither constitute nor be construed as approval or endorsement by the institution of the purposes or objectives of the organization.

III. General Policies on Student Organizations

A. No student organization may carry on any activity on the campus of an institution unless the organization has been officially registered by the institution.

B. No institution shall be responsible for injuries or damages to persons or property resulting from the activities of student organizations, or for any debts or liabilities incurred by such organizations.

C. No student organization shall deny membership to any person on the basis of age, race, sex, religion, handicap or national origin, provided that social fraternities and sororities may have sex restricted membership, subject to the following exceptions:

1. No TBR institution that grants recognition to any student organization shall discriminate against or deny recognition to a student organization, or deny to a student organization access to programs, funding, or facilities otherwise available to another student organization, on the basis of:

a. The religious content of the organization's speech including, but not limited to, worship; or

b. The organization's exercise of its rights pursuant to subsection 2.

2. A religious student organization may determine that the organization's religious mission requires that only persons professing the faith of the

group and comporting themselves in conformity with it qualify to serve as members or leaders.

D. No student organization or individual shall engage in or condone any form of hazing.

1. Hazing means any intentional or reckless act, on or off the property, of any higher education institution by an individual acting alone, or with others, which is directed against any other person(s) that endangers the mental or physical health or safety of that person(s), or which induces or coerces a person(s) to endanger such person(s) mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.
2. Allegations, information, or concerns of hazing should be reported to the chief student affairs administrator, unless a College policy identifies a different individual.
3. Reports of hazing will be investigated and resolved in accordance with 3.02.00.01, General Policy on Student Conduct & Disciplinary Sanctions.
4. Prevention and awareness programs are identified on Exhibit 1.

E. Student organizations shall be vicariously responsible and liable for the conduct and actions of each member of the organization while acting in the capacity of a member or while attending or participating in any activity of the organization.

F. No person, group or organization may use the name of the institution in any manner, provided that registered student organizations may use the name of the institution following the name of the organization.

G. No person, group or organization may use the seal or any symbol of the institution without the prior written approval of the president of the institution, or designee.

IV. Criteria for Registration of Organizations

A. Any proposed student organization shall be open to all students of the institution who otherwise meet membership requirements.

B. Membership in the organization shall be limited to currently enrolled students; provided that organizations may include faculty and staff of the institution, and/or spouses of students, faculty and staff, and provided further that professional organizations may include members of the professional and business communities as members.

C. A proposed organization must represent the interests of the members, and the control of the organization must be within the local campus group.

D. The organization must not have a knowing affiliation with an organization possessing illegal aims and goals, with a specific purpose to further those illegal aims and goals.

E. The proposed organization must agree to comply with all policies, regulations and procedures established by the Board and the institution, and with all federal and state laws and regulations.

F. The proposed organization must not:

1. Have illegal aims and goals;
2. Propose activities which would violate regulations of the Board or the institution, or federal or state laws and regulations, or materially and substantially disrupt the work and discipline of the institution; or
3. Advocate incitement of imminent lawless action which is likely to produce such action.

G. The proposed organization must have the minimum number of charter members designated by the institution, and there must be a demonstration of continuous interest in the purposes of the organization sufficient to afford registration on a long-term basis.

1. In the event there is not sufficient interest to warrant long-term registration, an institution may grant temporary registration to an organization for a limited period of time.

H. New organizations may be denied registration where the purposes are within the scope of a currently registered organization.

I. No organization may use the same name, or a name which is misleading and similar to the name, of a currently registered organization.

J. The organization must provide for the distribution of all funds and assets in the event of dissolution.

V. Procedure for Registration of Organizations

A. In order to become officially registered as a student organization, a group must meet the criteria set forth in section IV., and must provide to the institution a minimum of the following:

1. An application or request to form the organization on the form designated by the institution.

2. The proposed constitution and bylaws of the organization, which must clearly contain the following:

a. The name, purpose, proposed activities, and rules of membership of the organization, the officers, their terms and methods of selection, the proposed nature and frequency of meetings and activities, and, the financial plans of the organization, including any proposed fees, dues and assessments.

b. The names and signatures of the charter members of the organization.

c. The names of the faculty adviser and/or the administrative officers of the institution who will sponsor the organization.

d. A statement of assurance of compliance by the organization that it will comply with all rules and regulations, policies and procedures of the Board and the institution and with all federal and state laws and regulations.

3. The designated number of copies of the foregoing documents and information must be submitted to the office of the designated body or bodies of the institution authorized to review and make recommendations concerning proposed organizations.

4. Recommendations regarding registration of a proposed organization must be forwarded by the designated body or bodies of the institution to the president of the institution, or authorized designee; and registration by the president or designee is necessary before the organization can be officially registered.

5. Any official or body responsible for reviewing or registering proposed organizations may require the sponsors to clarify any materials or information provided in the registration process, to resubmit the application or request with non-conforming materials or provisions deleted, or to appear at a hearing for the purpose of obtaining additional information and testimony concerning the purposes, aims or proposed activities of the organization.

VI. Nature and Conditions of Registration

A. Registration of a student organization for other than a temporary period will be on an annual basis only, effective until the beginning of the next fall term of

the institution, and shall be subject to annual renewal by the institution for each ensuing year.

B. Annual renewal of registration of an organization shall be dependent upon the organization's demonstration of compliance with the following:

1. It must adhere to the purposes, aims and activities as stated in the approved constitution and bylaws;
2. It must continue to meet all of the requirements for initial registration;
3. It must have remained in compliance with all rules and regulations of the institution and all federal and state laws;
4. It must submit all changes in the constitution and bylaws to the institution for approval;
5. It must maintain a current list of officers, faculty advisers and sponsors on file with the institution; and
6. It must have submitted all required financial and other reports to the institution.

VII. Reports

A. Each institution may require any or all organizations to submit an annual report concerning its programs and activities during the preceding year. If required, this report shall be reviewed by the designated bodies or officials of the institution, and shall be a requirement for renewal of registration.

VIII. Probation, Suspension, and Withdrawal of Registration

A. An organization may be placed on probation, be suspended, or registration may be withdrawn by the designated authority of the institution for any of the following reasons:

1. The organization fails to maintain compliance with the initial requirements for registration;
2. The organization ceases to operate as an active organization;

3. The organization request withdrawal of registration;
4. The organization operates or engages in any activity in violation of rules and regulations of the institution, or federal or state laws; or
5. The organization fails to submit any required reports.

B. An organization which is placed on probation may continue to hold meetings but may not sponsor any activity or program.

C. An organization which is placed under suspension may not engage in or sponsor any activity or program, and may not hold meetings.

D. Where registration of an organization is withdrawn, it shall cease to exist as an organization.

E. In the event an organization is placed on probation or suspended, or registration is withdrawn on the basis of section VIII.A.4., the organization shall be afforded the opportunity for a hearing before the appropriate institutional representative or committee.

IX. Officers of Student Organizations

A. No student who is under academic or social suspension from the institution shall be eligible to become, or maintain the status of, an officer of an organization.

X. Fiscal Management

A. Institutional management of finances for student organizations is governed by Financial Management of Student Organizations, TBR Policy 4.01.08.00.

XI. Programs and Activities

A. The use of any campus property or buildings by an organization shall be subject to the rules and regulations of the Board and the institution concerning use of property and facilities.

B. All organizations registered pursuant to this policy shall be "affiliated organizations" for the purposes of any Board, or institutional policies

concerning use of campus property and facilities. (Reference Policy No. 1.03.02.50)

C. Except for routine meetings of the organization, no on-campus program or activity shall be engaged in unless approved by the designated bodies and/or officials of the institution, and each institution may require prior approval for off-campus programs and activities.

D. Prior to approval, the institution may require a specified number of officials or security officers for any event, activity or program.

E. Any fund-raising activity on campus shall be for the benefit of the organization as a whole or a charity, and no funds shall be distributed to the officers or members of an organization for personal profit or gain.

F. No guest speakers shall be invited to the campus except pursuant to policies of the Board and the institution concerning guest or off-campus speakers. (Reference Policy No. 1.03.02.50)

Exhibits

For Exhibits, click the Attachments button at the top right of the page.

Sources

Authority

T.C.A. § 49-8-203

History

SBR Meetings, September 29, 1978; December 7, 1979; September 30, 1983; March 23, 1984, September 21, 1990; December 2, 2016, Revised pursuant to T.C.A. § 49-7-150; March 31, 2022, Board approved revisions; June 13, 2025, Board approved revisions; Ministerial revisions June 13, 2025.

Related Polices

1.03.02.50 Access to and Use of Campus Property and Facilities

Appendix D

Campus Sexual Misconduct Policy

TCAT Jackson complies with TBR Policy No. 6.03.00.00 regarding Sexual Misconduct. All other forms of sex discrimination, including sexual harassment, are also strictly prohibited. Allegations that are not within the scope of this policy are subject to the procedures described in TBR Policies 6.01.00.00 & 6.02.00.00 and TBR Guideline P- 080 located at https://tbr.navexone.com/content/dotNet/documents/?docid=178&public=true.

I. Prohibition of Sexual Misconduct and General Information

A. Sexual Misconduct is a form of sex discrimination prohibited by Title IX. TCAT Jackson is committed to eliminating any and all acts of Sexual Misconduct. As set forth in this policy, Sexual Misconduct includes Title IX Sexual Harassment, Dating Violence, Domestic Violence, Stalking, and Sexual Assault. TCAT Jackson strictly prohibits these offenses. For purposes of institutional policies, a reference to the institution includes the TBR System Office for any complaints, investigations, adjudications, and other proceedings that involve the TBR System Office.

1. Because Sexual Misconduct is a subset of the broader category of sexual harassment, not all sexual harassment allegations will be handled according to this policy. Allegations of sexual harassment that do not fall within the more limited definition of Sexual Misconduct or otherwise do not meet the criteria for filing a Formal Complaint will be handled in accordance with TBR Guideline P-080 and institutional policy.

B. With respect to allegations of Sexual Misconduct against faculty and staff in which a student is not the Complainant, additional laws and policies apply, most notably Title VII and anti-discrimination policies. In such situations and absent unusual circumstances, the Complainant may file a Formal Complaint pursuant to this policy or proceed pursuant to TBR Guideline P-080 and the appropriate institutional policy.

C. With respect to allegations of Sexual Misconduct in which a student is either a Complainant or Respondent and meets the criteria for filing a Formal Complaint, absent unusual circumstances, pursuing a Formal Complaint pursuant to this policy will be the appropriate method of addressing the allegations.

D. Upon receiving and assessing a report of Sexual Misconduct and/or sexual harassment, the Title IX Coordinator will decide whether the criteria for proceeding under this policy are met and whether another policy may apply. If there is a possibility of proceeding pursuant to TBR Guideline P-080 and another institutional policy, the Title IX Coordinator will explain

the options.

E. In addition to conduct by students, faculty, and staff, this policy applies to conduct by third parties. An example of a third party is a vendor with whom the institution contracts to provide services.

F. This policy applies to all students and employees, regardless of sexual orientation or gender identity. **Title IX Coordinator** Complaints of Sexual Misconduct (or any sexual harassment or sex discrimination) should be made to:

TCAT Jackson Title IX Coordinator
Ryan Arnold
2468 Technology Center Dr., Jackson, TN 38305
Ryan.arnold@tcatjackson.edu
731-424-0691

A Deputy Title IX Coordinator has the same authority under this policy as the Title IX Coordinator.

II. Lack of Bias and Equitable Treatment

A. Neither the Title IX Coordinator, any investigator, any decisionmaker, any person designated to facilitate an informal resolution process, nor anyone deciding an appeal will have a conflict of interest or bias for or against complainants or respondents generally, or against an individual Complainant or Respondent.

B. The Title IX Coordinator is responsible for appointing investigators, decision-makers, and appellate reviewers, and may appoint someone from another institution or someone not employed by a TBR institution in order to avoid potential bias or for other reasons. In the event of potential bias of the Title IX Coordinator, or if the Title IX Coordinator believes that another person should serve in that role for other reasons, the Title IX Coordinator should report the matter to TBR Central Office.

C. TCAT Jackson will provide a prompt, fair, and impartial investigation, adjudication, and, if applicable, disciplinary process. TCAT Jackson will treat Complainants and Respondents equitably, which includes an objective evaluation of all relevant evidence, including both evidence that tends to prove or disprove the allegations.

D. Credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.

E. The investigation will proceed with a presumption that the Respondent is not responsible for the alleged conduct unless and until a Determination of responsibility for a violation of this policy is made at the conclusion of the decision-making process. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests with the institution. The parties do not carry the burden of proof. It is the institution's responsibility to establish Sexual Misconduct by a preponderance of the evidence.

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

III. How to Report Sexual Misconduct

A. TCAT Jackson takes seriously all complaints of sexual discrimination, sexual harassment, and Sexual Misconduct. This section explains the various reporting, complaint, and confidential disclosure options available to enable individuals to make informed choices about where to turn should they experience sexual discrimination, sexual harassment, or Sexual Misconduct.

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

TCAT Jackson Title IX Coordinator
Ryan Arnold
2468 Technology Center Dr., Jackson, TN 38305
ryan.arnold@tcatjackson.edu
731-424-0691

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2. TCAT Jackson recommends that reports and complaints of all Sexual Misconduct be made to the Title IX Coordinator so that the institution can respond appropriately. Although reports and complaints of Sexual Misconduct may be made at any time, reports

should be made as soon as possible so that the institution is best able to address the allegation.

3. TCAT Jackson 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.

IV. Supportive and Interim Measures

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

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

C. 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.

D. TCAT Jackson 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.

V. Formal Complaint

A. Any person alleging to be a victim of Sexual Misconduct that took place within an education program or activity of TCAT Jackson in the United States may file a Formal Complaint under this policy.

B. A Complainant who wants TCAT Jackson to conduct an investigation and take action in accordance with this policy must file a Formal Complaint alleging Sexual Misconduct.

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

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

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

VI. Confidential Resources (who will not share information with Title IX Coordinator)

A. TCAT Jackson encourages victims of Sexual Misconduct to talk to someone about what happened, whether they want their report to be investigated or not, so that they can get the support they need. Some resources are confidential and should be considered if the Complainant does not want the institution to investigate the matter.

B. TCAT Jackson contracts with One to One Health to provide virtual telehealth and mental health services. Should a victim choose to utilize such services, One to One Health will not report any information about an incident to the Title IX Coordinator without the victim's permission.

C. Counselors and health care providers not affiliated with TCAT Jackson 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.

VII. Reporting by Employees

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

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

VIII. Anonymous and Third-Party/Bystander Reporting

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

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

IX. Abuse of Minors

A. Tennessee law mandates reporting by any person who has knowledge of physical or mental harm to a child if: (1) the nature of the harm reasonably

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

B. In the event of a life-threatening emergency, a report of child abuse or child sexual abuse should be made by calling 911. In other cases, a report of child abuse or child sexual abuse must be made immediately to one of the following authorities:
   1. The Tennessee Department of Children's Services (the Central Intake Child Abuse Hotline is 1-877-237-0004);
   2. The sheriff of the county where the child resides;
   3. The chief law enforcement official of the city where the child resides; or
   4. A judge having juvenile jurisdiction over the child.

C. In addition, TCAT Jackson employees shall make a report of child abuse or child sexual abuse in connection with an institutional program or activity to the Title IX Coordinator. Note that a report to TCAT Jackson law enforcement or security agency is not sufficient to comply with state law.

X. Law Enforcement

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

XI. Reporting Pursuant to the Nottingham Act.

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

with the investigation conducted by the law enforcement agency. T.C.A. § 49-7-129.

B. If the victim does not consent to the reporting, the Administration at TCAT Jackson shall not report the offense to the local law enforcement agency. T.C.A. § 49-7-2207; T.C.A. § 49-7- 129.

XII. Additional Information

A. No Retaliation
   1. Retaliation against a person who makes a report or files a complaint, participates or assists in an investigation, encourages another to file a complaint, or opposes Sexual Misconduct (or any other form of discrimination prohibited by institutional policy) is prohibited. Individuals must not interfere with an investigation. Retaliation will result in disciplinary measures, up to and including termination or expulsion.
   2. In order to help prevent retaliation, TCAT Jackson's policy is to keep confidential the identity of anyone who has made a report or complaint of sex discrimination, including anyone who has filed a Formal Complaint of Sexual Misconduct, any Complainant, any Respondent, and any witness except as is required to carry out TCAT Jackson's responsibilities under this policy, as permitted by FERPA, or as required by law.
   3. Anyone who wishes to file a complaint of retaliation should contact the Title IX Coordinator.

B. Emergency Removal/Administrative Leave
   1. If it appears, based on an allegation of Sexual Misconduct, that a student may constitute an immediate and direct threat to the physical health or safety of another individual, TCAT Jackson will conduct an individualized inquiry and risk analysis and may place the student on interim suspension on an emergency basis. If the institution implements an interim suspension, the student shall be given the opportunity at the time of the decision, or as soon thereafter as reasonably possible, to contest the interim suspension. Institutions shall follow the procedures set forth in TBR Policy 3.02.00.01-General Regulations on Student Conduct & Disciplinary Sanctions (and applicable institutional policies) before placing any student on interim suspension.
   2. TCAT Jackson may place employees on administrative leave or similar action while addressing allegations of Sexual Misconduct.
   3. Visitors, vendors, and other third Parties may be removed from the premises consistent with applicable policies and procedures.

C. Court Orders
   1. Individuals may seek orders of protection, restraining orders, or other similar orders from a court of law.

D. Participation in the Formal Complaint process by a Complainant, Respondent, institution, or other person does not waive applicable privileges, including attorney-client privilege, doctor-patient privilege, the peer review/quality improvement privilege, etc. The holder of a privilege may waive it in certain circumstances.

XIII. Investigation and Outcomes

A. The Office of General Counsel shall always be consulted prior to investigation.

B. Intake and Assessment of Formal Complaints

1. 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.
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. 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 all 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.

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:

a. an explanation of the investigation and grievance process, including a copy of or link to TCAT Jackson l policy, as well as any other applicable policies;
b. the availability of an informal resolution process;
c. explanation of the allegations potentially constituting Sexual Misconduct in sufficient detail and with sufficient time to prepare a response before any initial interview. A Respondent will have at least three (3) business days after issuance of a Notice of Allegations prior to an initial interview, but depending on the nature of the allegations, additional time may be offered or requested;
d. the identity of the Parties involved in the incident, if known, and the date and location of the alleged incident;
e. a statement that the Respondent is presumed not responsible for the alleged conduct unless and until a Determination of responsibility has been issued;
f. a statement that the Parties may have an advisor of their choice at meetings they are permitted to attend. The advisor may be, but is not required to be, an attorney. (Parties may hire their own attorneys. At a live hearing only, TCAT Jackson will provide advisors to Parties who do not have their own);
g. any statements in TBR institutional policies, procedures, or guidelines that prohibit knowingly making false statements or knowingly submitting false information during the process; and
h. a statement that retaliation against a person who makes a report or files a complaint, participates or assists in an investigation, encourages another to file a complaint, or opposes Sexual Misconduct is prohibited and will result in disciplinary measures, up to and including termination or dismissal.

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

D. Dismissal of Formal Complaints

1. The Title IX Coordinator shall obtain advice from the Office of General Counsel before dismissing a Formal Complaint.
2. If the Title IX Coordinator concludes that the Complainant was not participating in or attempting to participate in an institutional education program or activity at the time of the Formal Complaint

or that the conduct alleged in a Formal Complaint would not constitute Sexual Misconduct even if proved, did not occur in an institution's education program or activity, or did not occur against a person while in the United States, the Title IX Coordinator shall dismiss the Formal Complaint.

3. The Title IX Coordinator has discretion to dismiss a Formal Complaint or any allegations in it, if at any time during the investigation or hearing a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations in it; the Respondent is no longer enrolled by, employed by, or associated with a TBR institution; or specific circumstances prevent the TBR institution from gathering evidence sufficient to reach a Determination as to the Formal Complaint or allegations therein.
4. The Title IX Coordinator may decide to dismiss a Formal Complaint of Sexual Misconduct and refer the matter for disposition pursuant to a different policy, guideline, or process when an allegation of Sexual Misconduct is dismissed or when a Formal Complaint ceases to include an allegation of Sexual Misconduct.
5. Upon dismissal of a Formal Complaint for any reason, the Title IX Coordinator will promptly send written notice explaining the reasons for dismissal to the Parties. The dismissal notice will also explain whether TCAT Jackson will investigate or respond to the allegations under another policy, guideline, or process and the availability of other methods to address the allegations.

XIV. Informal Resolution

A. Because a full investigation and adjudication process may not be in the best interests of all concerned, the Title IX Coordinator may decide to offer an informal resolution process. The informal resolution process is designed to provide flexibility in crafting a resolution to a Formal Complaint that meets the needs of the Parties and TCAT Jackson. Informal resolutions may include meetings facilitated by TCAT Athens or third parties, resolutions facilitated by the Title IX Coordinator without formal meetings, mediations, and/or restorative justice concepts. Disciplinary action may or may not be part of any informal resolution. Both Parties must agree in writing to participate in any informal resolution process that the Title IX Coordinator may offer.

B. An informal resolution process is only available after the filing of a Formal Complaint and prior to a Determination regarding responsibility. If the Title IX Coordinator believes an informal resolution may be appropriate, the Title IX Coordinator will propose an informal resolution process in either the initial Notice of Allegations or a subsequent written document. The Title IX Coordinator may discuss with the Parties the details of how the

process will work. The written notice will contain the allegations or refer to the Notice of Allegations, set out the informal resolution process, explain that at any time prior to agreeing to a resolution, the Complainant, Respondent, or TCAT Jackson may withdraw from the informal resolution process and resume the investigation and adjudication process under this policy, and identify any records that will be maintained or shared related to the process.

C. The Title IX Coordinator will not offer or facilitate an informal resolution process to resolve allegations that an employee engaged in Sexual Misconduct against a student.

XV. Investigation of Formal Complaints

A. TCAT Jackson will investigate all Formal Complaints, unless dismissed or resolved. During the investigation:

1. TCAT Jackson will not access, consider, disclose, or otherwise use a Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional acting in the professional's capacity and made or maintained in connection with the treatment to the Party, unless the Party voluntarily consents in writing;
2. The investigator will conduct an investigation that is appropriate under the circumstances. The investigation will include a review of documents and physical evidence, as well as interviews with the Parties and other witnesses, unless they decline to be interviewed. The investigator may request access to premises, records, and documents deemed relevant. As the investigation progresses, the investigator may seek clarification, including during a subsequent interview, from any person participating in the investigation regarding the incident or their statement. A Party who learns or remembers any additional information should notify the investigator immediately. The Parties will have an equal opportunity to provide evidence and to identify witnesses, including fact and expert witnesses. Parties are encouraged to provide, as soon as possible, any evidence that the Party believes to be relevant and wants the investigator to consider. If at all possible, all evidence should be provided in time for the investigator to make it available for inspection and review;
3. Although the Parties are encouraged to provide TCAT Jackson with information and evidence related to the allegations, TCAT Jackson is ultimately responsible for gathering evidence sufficient to reach a Determination regarding responsibility;
4. TCAT Jackson will not restrict the Parties from discussing the allegations under investigation or from gathering and presenting relevant evidence. Any restrictions on the ability of the Parties to

discuss matters related to the proceeding but which are not under investigation will be explained in the Notice of Allegations;

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

XVI. Investigation Report

A. At the conclusion of the investigation, the investigator will prepare a written report. The report shall:
   1. fairly summarize the relevant evidence.
   2. 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 other witnesses, dates of all interviews, any site visits, and the methods used to gather evidence; and

3. identify relevant policies, guidelines, and other standards;
4. identify the allegations;

B. The written report shall not make findings of fact or conclusions regarding the application of facts to this policy.

C. 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 that TCAT Jackson not do so, TCAT Jackson will also send the investigation report to an advisor whom the Party has been identified.

D. 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.

XVII. Advisors

A. Both the Complainant and the Respondent will be permitted to have an advisor of their choosing present during meetings where their attendance is permitted or expected. Nothing in this policy shall be read to require that TCAT Jackson allow a Party to attend an interview of the other Party or of a witness.

B. The advisor may accompany and confer privately with a Party, but the advisor may not interrupt, speak on behalf of a Party, or otherwise actively participate in any meeting, except for conducting cross-examination at a live hearing.

C. An advisor's failure to comply may result in the termination of the meeting or the advisor no longer being permitted to be present.

D. TBR and TCAT Jackson personnel employed in the offices responsible for the disciplinary proceedings described in this policy, along with those in the chain of command, personnel employed by OGC, and others whose participation could create a conflict of interest with their duties are not eligible to serve as advisors. TCAT Jackson shall not otherwise limit the choice of an advisor.

E. If there is a question or concern about a possible advisor, the Title IX Coordinator should be consulted. A Party choosing to have an attorney present as an advisor must provide advance notice so that a member of OGC can attend any meeting at which an attorney will be present.

XVIII. Recordings

A. Parties are not permitted to record any meeting conducted pursuant to this policy.

B. When a live hearing is conducted, TCAT Jackson will create an audio recording, audiovisual recording, or transcript and make it available to the Parties for inspection and review.

XIX. Past Relationships and Conduct

A. Previous sexual relationships of the Complainant and Respondent with third parties generally are irrelevant.

B. A past sexual relationship between the Complainant and Respondent may or may not be relevant. For example, past sexual encounters may provide insight on communication patterns for purposes of determining whether consent was present.

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

XX. Standard of Evidence

A. In determining whether Respondent engaged in Sexual Misconduct, TCAT Jackson uses the preponderance of the evidence standard of evidence in evaluating whether Sexual Misconduct occurred. A "preponderance of the evidence" means the greater weight of the evidence or that, according to the evidence, the conclusion sought by the party with the burden of proof is the more probable conclusion.

B. The burden of proof will remain with TCAT Jackson through the Determination.

XXI. Timeline

A. Formal Complaints typically will be resolved (exclusive of any appeals) within 90 calendar days of filing.

B. Appeals will be resolved within fifteen (15) calendar days of the filing of an appeal.

C. 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.

D. Incompletion of the process within such time frames is not cause for dismissal of a Formal Complaint.

XXII. Parallel Investigations with Law Enforcement

A. The filing of a police report or the pendency of civil or criminal proceedings does not preclude TCAT Athens from proceeding with its investigation and Determination.

B. The investigation and Determination may be delayed until law enforcement has finished gathering evidence and indicated that TCAT Jackson may proceed with an investigation, but TCAT Jackson generally will not wait for the conclusion of any criminal proceeding.

C. Civil or criminal proceedings are separate and distinct from internal TCAT Jackson proceedings, and they may or may not run parallel to one another. However, TCAT Jackson may be required by law to provide information in civil or criminal proceedings.

D. TCAT Jackson policies shall set forth parameters and clarify what information may and may not be shared during a parallel investigation with law enforcement (e.g., via a memorandum of understanding with local law enforcement).

XXIII. Live Hearings

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

B. At the request of either Party, TCAT Jackson 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.

C. 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.

D. Live hearings may be conducted with all Parties physically present in the same geographic location or, at TCAT Jackson'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.

E. At least (ten) (10) business days prior to a live hearing, TCAT Jackson will provide both Parties with written notice of the following:
   1. The time, place, date of the hearing, and electronic access information, if applicable;
   2. The name of each witness TCAT Jackson expects to present or be present at the hearing and those TCAT Jackson may present if the need arises;
   3. The right to request a copy of the investigative file (other than portions that are protected by law or privilege), which includes all of the evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint;
   4. The right to request copies of all documents, copies of electronically stored information, and access to tangible evidence that TCAT Jackson has in its possession, custody, or control and may use to support claims or defenses;
   5. The right to have an advisor of the Party's choice, who may be, but is not required to be an attorney, and that if the Party does not have an advisor present at the hearing, TCAT Jackson will provide an advisor of TCAT Jackson's choice, without fee or charge, to ask the other Party and any witnesses all relevant questions and follow- up questions on behalf of that Party;
   6. Any Party in need of a TCAT Jackson provided advisor must inform the Title IX Coordinator at least five (5) business days before the hearing;
   7. Any cross-examination of any other Party or witness must be conducted by the advisor; and
   8. Additional information may be included in the notice of hearing.

F. When notice is sent by U.S. mail or courier service, the notice is effective on the date the notice is mailed or delivered to the courier service. When notice is hand-delivered by TCAT Jackson, 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' TCAT Jackson provided email account.

G. 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.

H. 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.

I. If a Party fails to attend a hearing, the decision-maker may proceed without that Party's participation.

J. 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.

K. 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.

L. 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.

M. 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.

N. 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.

O. If a Party does not have an advisor at the live hearing, TCAT Jackson will provide without fee or charge to that Party an advisor. TCAT Jackson will choose the advisor.

P. This section is intentionally left blank.

Q. 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.

R. TCAT Jackson will create an audio or audiovisual recording, or transcript, of a live hearing and make it available to the Parties for inspection and review.

S. The decision-maker may dismiss the Formal Complaint or any allegations therein, if at any time during the hearing a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw a Formal Complaint or any allegations therein, the Respondent is no longer

enrolled or employed by TCAT Jackson, or specific circumstances prevent TCAT Jackson from gathering evidence sufficient to reach a Determination as to the Formal Complaint or allegations therein.

T. 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.

XXIV. Written Determination

A. 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.

B. The Determination becomes final either on the date that TCAT Jackson 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.

C. The Determination will include:

1. 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;
2. 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;
3. Findings of fact supporting the Determination;
4. Conclusions regarding the application of this policy, as well as any other relevant policy, guidelines, or code, to the facts;
5. A statement of, and rationale for, the result as to each allegation before the decision-maker, including a Determination regarding responsibility;
6. Any disciplinary action that the decision-maker imposes on the Respondent, including referral to another process,
7. Any remedies that TCAT Jackson will provide designed to restore or preserve equal access to the Complainant; and
8. The permissible bases and procedures, including timelines, for appeals by the Parties.

XXV. Remedies and Disciplinary Action Following Determinations of Violations

A. TCAT Jackson will provide remedies where a Determination of responsibility for Sexual Misconduct has been made. TCAT Jackson will

follow this policy before the imposition of any disciplinary sanctions for Sexual Misconduct that are not supportive/interim measures.

B. 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 TCAT Jackson.

C. Remedies should also consider improvements to the campus-wide environment. It is the intent of TBR that TCAT Jackson 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.

D. The Title IX Coordinator is responsible for ensuring effective implementation of the remedies.

XXVI. Appeals/Post-Determination Procedures

A. Parties are permitted to appeal to the TCAT Jackson'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:

1. procedural irregularity that affected the outcome of the matter;
2. 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;
3. The Title IX Coordinator, investigator(s), or decisionmaker(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.
4. 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.

B. As to all appeals, the Title IX Coordinator will:

1. Notify the other Party in writing when an appeal is filed;
2. Provide each Party five (5) business days to provide a written statement in support of, or challenging, the Determination.
3. Ensure that the decisionmaker(s) for the appeal is not the same person as the investigator, the decision-maker, or Title IX Coordinator;
4. Implement appeal procedures equally for both Parties;

C. 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.

XXVII. Victim Services

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

XXVIII. On-Campus Resources

TCAT Jackson Title IX Coordinator
Ryan Arnold
2468 Technology Center Dr., Jackson, TN 38301
ryan.arnold@tcatjackson.edu
731-424-0691

Vice President of Student Services
Britney Ward
2468 Technology Center Dr., Jackson, TN 38301
britney.ward@tcatjackson.edu
731-424-0691

XXIX. Online Resources

- http://tncoalition.org/- State Coalition Against Rape
- http://tncoalition.org/- State Coalition Against Domestic Violence
- http://www.thehotline.org/- Website for LGBTQ survivors of sexual or domestic violence and minority women survivors of sexual or domestic violence
- http://www.pandys.org/ Website providing information, support and resources to survivors of rape and sexual abuse
- http://www.rainn.org – Rape, Abuse, and Incest National Network
- http://www.justice.gov/ovw - Department of Justice

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

XXX. Victim Services Policy

XXXI. Education, Training, and Awareness

. TCAT Jackson offers educational programming and training to their students, faculty, and staff that are intended to end Sexual Misconduct.

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

B. This policy is effective August 16, 2021, at community colleges and August 26, 2021, at TCATs.

C. If any provision of the Title IX regulations on which this policy is based is enjoined or held invalid as it applies to the TBR institution or the Title IX regulations' application to any person, act, or practice is enjoined or held invalid as it applies to the TBR institution, the remainder of this policy or the application of its provisions to any person, act, or practice shall not be affected thereby.

D. For conduct that occurs across multiple versions of this policy, complaints of Sexual Misconduct will be addressed utilizing the procedures outlined in the version of this policy in effect as of the date of the Notice of Allegations. The "Definitions" and "Clarifications" sections of the policy in effect as of the date of the alleged incident will be used. Complaints and reports of conduct spanning more than one version of the policy will be addressed using the "Definitions" and "Clarifications" sections in the version of the policy in effect at the time of the most recent alleged incident.

XXXII. Clarifications

. Consent

1. Consent means an active agreement to participate in sexual activity. An active agreement is words and/or conduct that communicates a person's willingness to participate. The following individuals cannot give valid Consent:
    . A person who is under the age of eighteen (18), unless the person giving Consent is at least the age of thirteen (13) and the other person is less than four (4) years older than the person giving Consent.
    a. A person who is Forced; or
    b. A person who is Incapacitated, if either the person claiming to have obtained Consent knows that the other person is Incapacitated or a reasonable person would know that the other person is Incapacitated;
2. During a sexual encounter, each person has responsibility for obtaining Consent from the other person. During an investigation, the institution has the burden of obtaining evidence whether Sexual Misconduct occurred without Consent. During any hearing, the institution has the burden of proving that Sexual Misconduct occurred without Consent. (In other words, it is not a Respondent's burden to prove Consent during an investigation or hearing). Whether a person has communicated Consent generally is evaluated from the perspective of what a reasonable person who perceived the individual's words and/or nonverbal conduct would have understood; however, in the context of a relationship that has involved sexual activity and a pattern of communicating Consent, whether Consent has been communicated may be evaluated based on a subjective standard (i.e., what did the specific person who initiated the sexual activity conclude based on the pattern of communication?).
3. A verbal "no" (or words equivalent to "no") or the nonverbal communication of "no,' even if it sounds or appears insincere or indecisive, means that Consent has not been communicated, or if previously communicated, has been withdrawn. The absence of a verbal "no" or the absence of a nonverbal communication of "no" does not necessarily mean that Consent has been communicated.
4. Consent must exist from the beginning to the end of each sexual encounter and for each sexual act that occurs during a sexual encounter. A person has a right to change their mind; thus, Consent may be withdrawn at any time. A withdrawal of Consent is communicated through clear words and/or conduct that indicate that a person no longer agrees to participate in sexual activity. Once a person's withdrawal of Consent has been communicated, the other person must cease the sexual act for which Consent was withdrawn and must obtain Consent before reinitiating that sexual

act. Consent is automatically withdrawn when a person becomes incapacitated or is forced to participate in sexual activity.

5. Consent to one type of sexual activity (e.g., oral sex) does not constitute or imply Consent for another type of sexual activity (e.g., vaginal intercourse), whether during a sexual encounter or based on a previous sexual encounter.
6. The following do not communicate a person's willingness to participate in sexual activity:
    . Silence, unless accompanied by non-verbal conduct conveying a willingness to participate in sexual activity;
    a. Consent communicated by the person on a previous occasion;
    b. Consent communicated to a third person;

XXXIII. Force

. The person's failure to resist physical force (however, for purposes of the Policy, the person's resistance to physical force will be viewed as a clear demonstration that the person has not communicated Consent);

A. A current or previous dating, romantic, intimate, or sexual relationship with the other person;
B. Currently or previously cohabitating with the other person;
C. The person's attire, reputation, giving or acceptance of gifts, sexual arousal, or extension or acceptance of an invitation to go to a private residence, room, or other location.
D. One's own use of alcohol, drugs, or other substances does not diminish one's responsibility to obtain Consent from the other person. Another person's use of alcohol, drugs, or other substances does not diminish one's responsibility to obtain Consent from that person.
E. Force includes physical force (such as pushing, hitting, pinning down), threats (direct or indirect expressions of intent to inflict harm to self or others), intimidation (implied or indirect threats), and/or other forms of coercion. To coerce is to attempt to cause another person to act or think in a certain way by use of force, pressure, threats, or intimidation; to compel is to coerce.

XXXIV. Incapacitation

. A person violates this policy when they engage in sexual activity with another person who is incapacitated under circumstances in which a reasonable person would have known the other person to be Incapacitated. For evaluating Incapacitation, a "reasonable person" means a sober, objectively reasonable person in the same situation, with ordinary sensitivities, and with similar identities as the Respondent.

A. Incapacitation can be voluntary or involuntary. Signs of Incapacitation may include, without limitation: sleep; total or intermittent unconsciousness; lack of control over physical movements (e.g., inability to dress/undress without assistance; inability to walk without assistance); lack of awareness of circumstances or surroundings; emotional volatility; combativeness; vomiting; incontinence; unresponsiveness; and inability to communicate coherently. Incapacitation is an individualized determination based on the totality of the circumstances.

B. Blacking out is an amnesia-like state that may be brought on by drugs, heavy drinking, or intoxication; blacking out is not necessarily incompatible with the ability to engage in simple or even complex behavior. After blacking out, a person has no recollection of all or part of the events that occurred during the blackout. There is a distinction between passing out (falling asleep or becoming unconscious) due to drug or alcohol use and blacking out in that a person in a blackout remains conscious and operative.

C. Incapacitation or Incapacitated means a person's inability, temporarily or permanently, to communicate a willingness to participate in an activity (e.g., sexual activity) because of mental or physical helplessness, sleep, unconsciousness, or other lack of awareness that the activity is taking place. Incapacitation can be voluntary or involuntary. Signs of Incapacitation may include, without limitation: sleep; total or intermittent unconsciousness; lack of control over physical movements (e.g., inability to dress/undress without assistance; inability to walk without assistance); lack of awareness of circumstances or surroundings; emotional volatility; combativeness; vomiting; incontinence; unresponsiveness; and inability to communicate coherently. Incapacitation is an individualized determination based on the totality of the circumstances. Alcohol and drugs (including "date rape" drugs) are common causes of Incapacitation. When alcohol or drugs are involved, Incapacitation is a state beyond mere drunkenness or intoxication.

XXXV. Severe and Pervasive

. Severe and Pervasive. Severe means behavior that is more than antagonistic, non-consensual, and crass, even where the behavior is based on differences in sex or gender. Pervasive means systemic or widespread, and it necessarily involves more than one incident of sexual harassment.