



Tennessee College of Applied Technology Elizabethton Title IX Institutional Policy

Revision Responsibility: Title IX Coordinator

PURPOSE

This Tennessee College of Applied Technology Elizabethton policy, incorporating Tennessee Board of Regents Policy 6:03:00:00, is intended to provide a single, easily accessible and user-friendly document for students, employees, and others affected by sexual misconduct to find information regarding the Tennessee College of Applied Technology Elizabethton rules and procedures related to the offenses defined herein.

Responsible Executive Office: Student Services Coordinator
Source/Reference: TBR Policy 6:03:00:00; [Campus Save Act](#); [Title IX](#);

Tennessee College of Applied Technology Elizabethton Policy 05:01:00, Campus Save Act, incorporates TBR Policy 6:03:00:00.

Tennessee College of Applied Technology Elizabethton Policy 05:24:00, Title IX, incorporates TBR Policy No. 6:03:00:00.

POLICY

This policy is adopted by the Tennessee College of Applied Technology Elizabethton specifically to address the offenses defined herein. 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 Tennessee Board of Regents Guideline P-080.

- I. Scope:** These procedures shall be utilized by:
 - A.** Any employee or student who has been a victim of sexual misconduct, regardless of sexual orientation or gender identity/expression;
 - B.** Former employees or students if the conduct took place during the time of employment or enrollment at the Tennessee College of Applied Technology Elizabethton and the conduct has a reasonable connection to the institution;
 - C.** All third parties with whom the Tennessee College of Applied Technology Elizabethton has an educational or business relationship and the conduct has a reasonable connection to the institution;

- II. Definitions**
 - A. Definition of Consent**



Consent – An informed decision, freely given, made through mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity. Consent cannot be given by an individual who is asleep; unconscious; or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason; or, is under duress, threat, coercion, or force. Past consent does not imply future consent. Silence or an absence of resistance does not imply consent. Consent can be withdrawn at any time. TBR Policy No. 6:03:00:00(II). The Tennessee College of Applied Technology Elizabethton adopts TBR Policy No. 6:03:00:00(II).

B. Dating Violence Defined, TCA Section 36-3-601(5)(c)

Dating Violence – Violence against a person when the accuser and accused are dating, or who have dated, or who have or had a sexual relationship. “Dating” and “dated” do not include fraternization between two individuals solely in a business or non-romantic social context. Violence includes, but is not necessary limited to,

- (1) inflicting, or attempting to inflict, physical injury on the accuser by other than accidental means;
- (2) placing the accuser in fear of physical harm;
- (3) physical restraint;
- (4) malicious damage to the personal property of the accuser, including inflicting, or attempting to inflict, physical injury on any animal owned, possessed, leased, kept, or held by the accuser; or
- (5) placing a victim in fear of physical harm to any animal owned, possessed, leased, kept, or held by the accuser.

C. Domestic Violence Defined, TCA Section 36-3-601.

Domestic Violence – Violence against a person when the accuser and accused:

- (1) are current or former spouses;
- (2) live together or have lived together;
- (3) are related by blood or adoption;
- (4) are related or were formerly related by marriage; or,
- (5) are adult or minor children of a person in a relationship described above.

Domestic violence includes, but is not necessary limited to,

- (1) inflicting or attempting to inflict, physical injury on the accuser by other than accidental means;
- (2) placing the accuser in fear of physical harm;
- (3) physical restraint;
- (4) malicious damage to the personal property of the accuser, including inflicting, or attempting to inflict, physical injury on an animal owned, possessed, leased, kept, or held by the accuser; or,
- (5) placing the accuser in fear of physical harm to any animal owned possessed, eased, kept, or held by the accuser.

D. New Definition for Sexual Assault

Sexual Assault – The nonconsensual sexual contact with the accuser by the accused, or the accused by the accuser when force or coercion is used to accomplish the act, the sexual contact is accomplished without consent of the accuser, and the accused knows or has reason to know at the time of the contact that the accuser did not or could not consent. Sexual contact includes, but is not limited to, the intentional touching of the accuser’s, the accused’s, or another other person’s intimate parts, or the intentional touching of the clothing covering the immediate area of the accuser’s, the accused’s, or any other person’s intimate parts if



that intentional touching can be reasonably construed as being for the purpose of sexual arousal or gratification.

As a victim of sexual assault, you are encouraged to report the assault and seek medical treatment. You may report this crime by contacting the TCATE Administration at 423-543-0070 or the Elizabethton Police Department or the law enforcement agency with jurisdiction where the offense occurred. You may request assistance in reporting the crime by contacting the Student Services Office at 423-543-0070. It is important to report the assault so that evidence may be preserved to provide proof of criminal sexual assault if and when the victim chooses to make a criminal complaint.

E. Sex Discrimination and Sexual Harassment are prohibited.

See Tennessee Board of Regents Policy No. 6:02:00:00. The Tennessee College of Applied Technology Elizabethton adopts TBR Policy No. 6:02:00:00 on Sex Discrimination and Sexual Harassment.

F. Sexual Misconduct

For the purposes of this policy, "sexual misconduct" is defined as dating violence, domestic violence, stalking, and sexual assault.

G. Stalking Defined, TCA Section 39-17-315.

Stalking – Stalking 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 accuser to feel terrorized, frightened, intimidated, threatened, harassed, or molested. Harassment means conduct directed toward the accuser 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 accuser to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose.

H. Prohibition of Sexual Misconduct

Sexual misconduct is a form of sex discrimination prohibited by Title IX. The Tennessee College of Applied Technology Elizabethton is committed to eliminating any and all acts of sexual misconduct and discrimination on its campuses. As set forth in this policy, sexual misconduct includes dating violence, domestic violence, stalking, and sexual assault. The Tennessee College of Applied Technology Elizabethton strictly prohibits these offenses. Any allegation of sexual misconduct as defined herein will be investigated and adjudicated according to this policy. In compliance with TBR Policy No. 6:03:00:00(VI)(C)(1), TCATE provides instruction on preserving evidence in the following section.

II. Immediate Actions A Victim Should Take

- A. In the immediate aftermath of a sexual assault, domestic violence, dating violence or similar event, the most important thing is for the victim to get to a safe place.
- B. When a feeling of safety has been achieved, the victim should seek medical attention, regardless of his or her decision to report the crime to the police. It is very important for the victim of sexual assault to seek medical attention immediately so that the victim can be screened for sexually transmitted diseases/pregnancy/date rape drugs, obtain emergency contraception, and receive treatment for any physical injuries.



- C. A victim has the right to accept or decline any or all parts of a medical exam. However, critical evidence may be lost or missed if not collected or analyzed.
- D. Valuable physical evidence can be obtained from the victim and the victim's clothing. A victim should make every effort to save anything that might contain the offender's DNA. Therefore, a victim should not:
 - 1. Bathe or shower;
 - 2. Wash his/her hands;
 - 3. Brush his/her teeth;
 - 4. Use the restroom;
 - 5. Change clothes;
 - 6. Comb hair;
 - 7. Clean up the crime scene; or
 - 8. Move anything the offender may have touched
- E. Even if the victim has not yet decided to report the crime, receiving a forensic medical exam and keeping the evidence safe from damage will improve the chances that the police can access and test the stored evidence at a later date.
- F. Victims of sexual misconduct are encouraged to preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to investigators.

III. Reporting Sexual Misconduct

Complaints of alleged sexual assault may be made to any Campus Security Authority, or to the Title IX Coordinator. See the TCATE webpage for additional information regarding Title IX for information on reporting sexual discrimination, harassment and assault:
<http://www.tcatelizabethton.edu>.

Sex Discrimination and Sexual Harassment are prohibited. See Tennessee Board of Regents Policy No. 6:02:00:00. The Tennessee College of Applied Technology Elizabethton adopts TBR Policy No. 6:02:00:00 on Sex Discrimination and Sexual Harassment.

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

A. Reporting Confidentially

If a victim chooses to report an incident of sexual misconduct, the victim can report the incident to the following person:

Patricia Henderson
Student Services Coordinator
Tennessee College of Applied Technology
426 Highway 91 North
Elizabethton, TN 37643
Administration Building, Room 101B
423-543-0070, Ext. 1004



Fax 423-547-2587

Email patricia.henderson@tcatelizabethton.edu

Only licensed counselors are required by Tennessee State Law to maintain confidentiality of a victim. TCATE does not employ a licensed counselor. If the victim chooses to report in a confidential manner, the College may be unable to conduct an investigation into the matter or pursue disciplinary action against the alleged offender.

B. Filing an Institutional Complaint

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

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

Title IX Coordinator
Patricia Henderson
Student Services Coordinator
Tennessee College of Applied Technology Elizabethton,
426 Highway 91 North
Elizabethton, TN, 37643
Administration Building, Room 101B
Email: Patricia.Henderson@tcatelizabethton.edu
Telephone: 423-543-00070, Ext. 1004
Fax: 423-547-2587

Deputy Title IX Coordinator
Danny O'Quinn
Assistant Director
Tennessee College of Applied Technology Elizabethton,
426 Highway 91 North,
Elizabethton, TN, 37643.
Administration Building, Room 101F
Email: Danny.Oquinn@tcatelizabethton.edu
Telephone: 423-543-0070, Ext. 1003
Fax: 423-547-2587



Filing a complaint with local law enforcement.

If the victim chooses to make a complaint for the purposes of filing criminal charges, the victim may contact the local law enforcement agencies listed below.

Law Enforcement on Campus

Criminal activities and incidents at TCATE facilities in Elizabethton, Kingsport and Mountain City are referred to local law enforcement agencies for investigation.

The TCATE Main Campus, located at 426 Highway 91 North, Elizabethton, is under the jurisdiction of the Elizabethton Police Department, telephone 423-542-4141 for non-emergencies. **Dial 911 in an Emergency.** The Carter County Sheriff's Office telephone number is 423-542-1845 for non-emergencies.

TCATE classes at the ETSU Kingsport Campus, located at 1501 University Boulevard, Kingsport, is under the jurisdiction of the Kingsport Police Department, telephone 423-246-9111 for non-emergencies. **Dial 911 in an Emergency.** The Sullivan County Sheriff's Office telephone number is 423-279-7500 for non-emergencies.

TCATE classes at the Mountain City Instructional Center, located at 110 Pioneer Village Drive, Mountain City, TN, is under the jurisdiction of the Mountain City Police Department, telephone 423-727-2905 for non-emergencies. **Dial 911 in an Emergency.** The Johnson County Sheriff's Office telephone number is 423-727-7761 for non-emergencies.

If the victim chooses, the victim should contact the Title IX Coordinator for assistance in filing a complaint.

Dial 911 if an Emergency

Elizabethton Police Department	423-542-4141
Carter County Sheriff's Office	423-542-1845
Carter County Emergency Rescue Squad	423-542-8421
Tennessee Highway Patrol	423-348-6147
Kingsport Police Department	423-246-9111
Sullivan County Sheriff's Office	423-279-7500
Mountain City Police Department	423-727-2905
Johnson County Sheriff's Office	423-727-7761
Tennessee Bureau of Identification	423-434-6424
Federal Bureau of Investigation	423-282-8090



IV. 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 TBR’s Office of General Counsel and the TCAT System Office, the name of and contact information for the College’s Title IX Coordinator.

V. Investigation Requirements and Procedures

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



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

D. What the investigation should and should not entail

1. Once the investigator receives the complaint, the investigator shall notify the complainant in writing of his/her rights and request a meeting.
2. The investigator shall also notify the respondent in writing of the complaint and his/her rights and request a meeting with the respondent.
3. The investigator shall notify the complainant, respondent and all individuals interviewed during the investigation that retaliation is strictly prohibited and may be grounds for disciplinary action. In addition, the investigator shall advise all interviewees that they should contact the investigator immediately if they believe they are being retaliated against.
4. The investigation shall include interviews with both the complainant and respondent, unless either declines an in-person interview.
5. The complainant and respondent shall be provided with the same opportunities to have others present during an interview, including the opportunity to be accompanied by the advisor of their choice to any related meeting or proceeding.
6. The College will not limit the choice of advisor for either the complainant or respondent; however, the investigator may limit the participation of advisors during the investigation.
7. The investigation shall include interviews with relevant witnesses identified by the complainant and respondent or any other potential, relevant witness made known to the investigator via other means.
8. The investigation shall include the gathering and reviewing of any documentary, electronic, physical, or other type of relevant evidence.
9. The investigator is expected to request a list of relevant witnesses and evidence from complainant and respondent and take such into consideration.
10. The investigator shall not consider any evidence about the complainant's prior sexual conduct with anyone other than the respondent. Evidence of a prior consensual dating

or sexual relationship between the parties by itself does not imply consent or preclude a finding of sexual misconduct.

VI. Outcome of Investigation and Determination of Appropriate Action

- A. Upon completion of the investigation by the Student Services Coordinator or his/her designee, the investigator shall prepare a written report that includes the allegations made by the complainant, the response of the respondent, corroborating or non-corroborating statements of the witnesses, review of other evidence obtained, and conclusions that may be drawn from the evidence gathered.
- B. It is the responsibility of the investigator to weigh the credibility of all individuals interviewed and to determine the weight to be given to information received during the course of the investigation.
- C. The report shall be delivered to the Assistant Director.
- D. After review of the report, the Assistant Director shall make a determination based on a preponderance of the evidence presented as to whether or not a violation of this policy occurred.
- E. The Assistant Director's determination shall be communicated in writing simultaneously to the complainant and respondent, along with notice to the parties of their right to request an institutional hearing on the determination that a policy violation did or did not occur.

VII. Timeframe for conducting the investigation

- A. Every reasonable effort shall be made to conclude the investigation and resolve the complaint within sixty (60) calendar days following receipt of the complaint. Within this sixty (60) day timeframe, absent good cause, it is expected that the investigator will conclude the investigation, that the investigator will present a report to the decision maker, and that the investigator will notify the parties in writing of decision maker's determination.
- B. If the investigator or decision maker determines that additional time is needed, both parties shall be notified in writing of the delay, the anticipated date that the investigation will be concluded, and the reasons for such delay.
- C. If either party determines that additional time is needed, that party shall request such in writing to the investigator. The written request for additional time shall include the reasons for the requested delay and the number of additional days needed. The investigator shall make every reasonable effort to respond to the request for additional time within two (2) business days following receipt of the request and shall notify both parties in written as to whether or not the request is granted.

I. Institutional Hearing

- A. Either party may request an institutional hearing on the determination that a policy violation did or did not occur by providing written notice of the request to the investigator within ten (10) business days of receipt of the decision maker's decision.
- B. If a request is not received within ten (10) days, the decision maker's determination is final.
- C. The hearing shall be held before a hearing committee. The Director of the College shall appoint individuals to serve on the hearing committee. All hearing committee members shall receive, at a minimum, annual training on issues related to domestic violence, dating violence, sexual assault, and stalking, and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

- D. If the complainant or respondent believes the any hearing committee member has a conflict of interest, that party must submit a written explanation of the reason for that belief to the . The explanation must be submitted within three (3) business days, absent good cause, of the time when the party knew of should have known the facts that would give rise to the alleged conflict of interest. The Assistant Director will determine if the facts warrant the appointment of a different committee member and respond to the party in writing within three (3) business days, absent good cause. The decision of the Assistant Director shall be final.
- E. If such a hearing is requested, every reasonable effort shall be made to conclude the hearing and resolve the appeal, including any appeal to the Director within thirty (30) days following the College's receipt of the party's request for a hearing.
- F. The parties to the hearing may not engage in formal discovery.
- G. Each party is entitled to have an advisor of choice available; however, the advisor may not participate in the proceeding other than to render advice to the party.
- H. The College will not limit the choice of advisor for either the complainant or respondent.
- I. The complainant and respondent shall be timely notified in writing of all meetings relevant to the proceeding.
- J. The chair of the hearing committee shall control the procedures of the hearing with due consideration given to the parties' requests related to procedures such as, but not limited to, limitations on cross-examinations, recesses so the parties may consult with their advisors, and scheduling of hearings. The chair of the hearing committee shall conduct the proceedings in a manner that does not allow the respondent to directly question the complainant in person.
- K. The hearing committee shall use a preponderance of the evidence standard when reaching a decision.
- L. Absent good cause, within five (5) business days of the close of evidence, the committee shall issue a written determination as to whether or not a violation of this policy occurred and the justification for this decision.
- M. Each party shall be simultaneously notified of the hearing committee's decision in writing, which shall include notice of their rights to appeal the hearing officer's or committee's determination to the Director.

I. Appeal of Hearing Decision to the Director

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

VIII. Effect of a Finding of a Violation of this Policy

- A. If a final decision has been made that a policy violation occurred, the respondent shall be referred to the appropriate personnel for a determination of discipline. The appropriate personnel will be determined by the status of the respondent. If the respondent is a student,



then the matter shall be referred to the Student Services Coordinator. If the respondent is a member of the faculty or staff, the matter shall be referred to the Assistant Director.

- B. If the respondent is a student, the College will follow the procedures for disciplining students as described in TBR Policy 3:02:00:01, which is adopted by the Tennessee College of Applied Technology Elizabethton.
- C. If the respondent is an employee, the College will follow the procedures related to disciplining employees as described in applicable employee policies outlined in the Employee Handbook.
- D. Notwithstanding any policy to the contrary, the following additional requirements apply to disciplinary actions related to violations of this policy:
 - 1. The complainant shall receive sufficient notice of and be allowed to attend any meeting or hearing during the disciplinary process.
 - 2. The complainant shall be allowed to have an advisor of her/his choice attend any meeting or hearing.
 - 3. The complainant shall be allowed to testify at any hearing during the disciplinary process, even if neither party intends to call the complainant as a witness during the case-in-chief.
 - 4. The complainant shall be allowed access to any evidence presented during any disciplinary meeting or hearing.
 - 5. The Title IX Coordinator or designee shall be appointed as the complainant's contact person for any questions or assistance during the disciplinary process.
 - 6. The complainant shall receive written notice of the outcome of the disciplinary process.
- F. If a final decision has been made that a policy violation occurred, the Title IX Coordinator or designee shall determine if any remedies are required to address the campus-wide environment, taking into consideration the impact of an incident of sexual misconduct on the campus as a whole and on specific groups or areas on campus. For example, the Title IX Coordinator or designee may determine that specific training is needed for a student group whose members have been accused of sexual assault.

IX. Interim Measures

- A. In situations that require immediate action because of safety or other concerns, the College will take any reasonable administrative action that is appropriate. Examples of such interim actions include, but are not limited to:
 - B. Providing an escort to ensure that the complainant can move safely between classes and activities;
 - C. Ensuring that the complainant and respondent do not attend the same classes;
 - D. Providing references to counseling services;
 - E. Providing references to medical services;
 - F. Providing academic support services, such as tutoring; and
 - G. Arranging for the complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant's academic record.
- H. These remedies may be applied to one, both, or multiple parties involved.
- I. Student respondents may be placed on interim suspension under the appropriate circumstances pending the outcome of the investigation. The College shall follow TBR Policy 3:02:00:01, which is adopted by the Tennessee College of Applied Technology Elizabethton, before placing a student respondent on interim suspension. Employee respondents may be, consistent with Human Resource policies, placed on administrative leave pending the outcome of the matter.

X. Education and Prevention Programs



- A. The College will engage in comprehensive educational programming to prevent sexual misconduct. Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students, faculty, and staff 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 in the State of Tennessee;
 - 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; and
 - 5. Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks.

XI. Assistance for Victims of Sexual Misconduct: Rights and Options

- A. Regardless of whether a victim elects to pursue a criminal complaint, the College will assist victims of sexual misconduct and will provide each victim with a written explanation of her/his rights.
- 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 <http://www.tndagc.com/vr.htm>.
- C. Protection from abuse orders may be available through <http://www.tncourts.gov/programs/self-help-center/forms/order-protection-forms> and additional information related to such orders may be found at <http://tncoalition.org/resources/legal-resources.html>.
- 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.

XII. 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 Section IV above related to the limits on the College's ability to maintain confidentiality.



Policies and Procedures Manual
Campus Violence
Policy 05:01:00

A. On Campus Resources

Student Services/Counseling Center	Administrative Offices Rooms 101B and 101C	Telephone 423-543-0070 patricia.henderson@tcatelizabethton.edu or lori.clarke@tcatelizabethton.edu
Campus Health Services	Student choice – Off campus	
Campus Security	Students advised to call local police or emergency number	911
Office of the Title IX Coordinator for Faculty and Staff Danny O’Quinn, Assistant Director	Administrative Offices Room 101 B	Telephone 423-543-0070, Ext. 1004 patricia.henderson@tcatelizabethton.edu
Office of the Title IX Coordinator for Students Patricia Henderson, Student Services Coordinator	Administrative Offices Room 101 B	Telephone 423-543-0070, Ext. 1004 patricia.henderson@tcatelizabethton.edu

B. In the Elizabethton Area

Dial 911 in an Emergency		
Elizabethton Police Department		Telephone 423-542-4141
Carter County Sheriff’s Office		Telephone 423-542-1845
Crisis Center		Telephone 276-466-2312
Sexual Assault Center		Telephone 865-522-7273
Sycamore Shoals Hospital		Telephone 423-542-1300
Frontier Health		877-928-9062 276-225-0976
Domestic Violence Intake Center (Protective Orders)		http://www.tncourts.gov/programs/self-help-center/forms/order-protection-forms
Clery Center		http://clerycenter.org/help-victims

C. On-line Resources:

- <http://tncoalition.org/> - State Coalition Against Rape
- <http://tncoalition.org/> - State Coalition Against Domestic Violence
- <http://www.thehotline.org/> - Website for LGBTQ survivors of sexual or domestic violence and minority women survivors of sexual or domestic violence
- <http://www.pandys.org/malesurvivors.html> -Website for male survivors



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<http://www.rainn.org> – Rape, Abuse and Incest National Network
<http://www.ovw.usdoj.gov/sexassault.html> - Department of Justice
<http://www2.ed.gov/about/offices/list/ocr/index.html> Department of Education, Office of Civil Rights

Retaliation

The College, its officers, employees, or agents are strictly prohibited from retaliating, intimidating, threatening, coercing, or otherwise discriminating against any individual for exercising their rights or responsibilities under any provision of this policy. Retaliation will result in disciplinary measures, up to and including termination or expulsion.

New Policy: 09/01/2014.