



# TENNESSEE COLLEGE OF APPLIED TECHNOLOGY

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ELIZABETHTON

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## CAMPUS SECURITY REPORT 2021

Reporting Period January 1, 2020 to December 31, 2020

TCAT Elizabethton  
426 Highway 91 North  
Elizabethton, TN 37643  
Telephone 423-543-0070

The Tennessee College of Applied Technology Elizabethton, an AA/EEO/ADA employer, does not discriminate on the basis of race, color, religion, creed, ethnicity or national origin, sex, disability, age status as a protected veteran or any other class protected by Federal or State laws and regulations and by Tennessee Board of Regents policies with respect to employment, programs and activities. The following person has been designated to handle inquiries regarding the non-discrimination policies: Student Services Coordinator, 426 Highway 91 North Elizabethton, Tennessee 37643, telephone 423-543-0070, Ext. 1004.

## **T**

The following is the annual Campus Security Report for TCAT Elizabethton (TCATE) for the year 2020. The Student Services Department 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 TCATE's web page at [www.tcatelizabethton.edu](http://www.tcatelizabethton.edu). This report contains security policies, procedures, and guidelines. Crime statistics for the period of 2018-2020 are included in the report. These statistics are based on incidents reported at each campus location. You may request a paper copy in the Student Services Department at 426 Highway 91 North, Elizabethton, Tennessee. The office is located in the Administration Building.

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**Crime Statistics: Statement Concerning Law Enforcement (All Campuses)**

**The Celery Act Requirements**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, more commonly known as the Clery Act, requires colleges and universities to:

- Publish an annual report every year by October 1 that contains three years of campus crime and fire safety statistics and certain campus security policy statements;
- Disclose crime statistics for the campus, public areas immediately adjacent to or running through the campus, and certain non-campus facilities and remote classrooms. The statistics must be gathered from campus police or security, local law enforcement, and other University officials who have “significant responsibility for student and campus activities”;
- Provide “timely warning” notices of those crimes that have occurred and pose an ongoing “threat to students and employees”; Implement emergency notification procedures if there is an immediate threat to the health or safety of students or employees on campus;
- Disclose in a public crime log “any crime that occurred on campus . . . or within the patrol jurisdiction of the campus police or the campus security department and is reported to the campus police or security department”; and
- Maintain in a public fire log a record of any fire that occurred in an on-campus student housing facility. Note: TCATE does not provide any on-campus student housing.

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

## **Law Enforcement on Campus**

Criminal activities and incidents at TCATE facilities in Elizabethton, and Kingsport 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, 525 East F Street, 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.

**The TCATE Herman Robinson Extension Campus**, located at 1500 Arney Street, Elizabethton, is under the jurisdiction of the Elizabethton Police Department, 525 East F Street, 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.

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

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

## **Policies for Preparing the Annual Disclosure of Crime Statistics**

Crime statistics which are provided in this institution's Annual Security Report are based upon incidents reported by TCATE Administration and local police agencies. This institution shall annually report statistics for the three most recent calendar years concerning the occurrence on campus, in or on non-campus buildings or property, and on public property (as those terms are defined and interpreted for purposes of the Clery Act) for occurrences of murder, manslaughter, sexual assault (forcible and non-forcible), robbery, arson, aggravated assault, burglary, and motor vehicle theft; statistics on arrests for violations of liquor or drug abuse as well as weapons possession violations; disciplinary referrals for liquor, drug and weapons violations; and statistics on Hate Crimes that are reported to local police agencies or to campus security authorities.

TCATE Administration will make the determination as to whether a reportable offense has occurred. These reports will be compiled to prepare the annual Campus Crime and Security

Survey for submission to the United States Department of Education, Office of Postsecondary Education.

In compliance with TBR Policy No. 6:03:00:00 (III), (IV) and (V), TCATE will protect the confidentiality of victims and other necessary parties, including confidentiality of accommodations/protective measures for victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

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

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

#### **Law Enforcement Agency Contacts by Campus Location:**

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

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#### **Emergency Numbers:**

<b>All Emergencies</b>	<b>911</b>
<b>Non-Emergency 911 Dispatch-Elizabethton</b>	<b>423-543-0911</b>
<b>TCATE Switchboard</b>	<b>423-543-0070</b>

<b>TCATE President</b>	<b>423-543-0070</b>
<b>TCATE Vice President</b>	<b>423-543-0070</b>
<b>Elizabethton Police Department</b>	<b>423-542-4141</b>
<b>Carter County Sheriff's Office</b>	<b>423-542-1845</b>
<b>Carter County Emergency Rescue Squad</b>	<b>423-542-8421</b>
<b>Tennessee Highway Patrol</b>	<b>423-348-6147</b>
<b>Kingsport Police Department</b>	<b>423-246-9111</b>
<b>Sullivan County Sheriff's Office</b>	<b>423-279-7500</b>
<b>Mountain City Dispatch</b>	<b>423-727-2909</b>
<b>Tennessee Bureau of Identification</b>	<b>423-434-6424</b>
<b>Federal Bureau of Investigation</b>	<b>423-282-8090</b>

**Campus Security Authorities:**

In addition to reporting crimes to local law enforcement, a crime may be reported to any institutional campus security authority (CSA).

The TCATE CSA team for each campus location consists of the following:

President Dean Blevins, [dean.blevins@tcatelizabethton.edu](mailto:dean.blevins@tcatelizabethton.edu), 423-342-3962.

Vice President Danny O'Quinn, [danny.oquinn@tcatelizabethton.edu](mailto:danny.oquinn@tcatelizabethton.edu), 423-342-3963.

Office Manager Connie Black, [connie.black@tcatelizabethton.edu](mailto:connie.black@tcatelizabethton.edu), 423-342-3961.

Student Services Coordinator Patricia Henderson, [patricia.henderson@tcatelizabethton.edu](mailto:patricia.henderson@tcatelizabethton.edu), 423-342-3964.

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

In the event that a situation arises, either on or off campus, that, in the judgment of the TCATE President or campus management constitutes an ongoing or continuing threat, a campus wide "timely warning" will be issued. The warning will be issued through the Rave Emergency Communication system that notifies students via text and e-mail through

[www.tcatelizabethton.edu](http://www.tcatelizabethton.edu) and a PA system. The Assistant Director should be contacted to initiate a timely warning. Timely warnings may also be issued by the Student Services Coordinator.

Anyone with information warranting a timely warning should report the circumstances to Danny O'Quinn at 423-543-0070 or 423-342-3963.

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

The Student Services office is responsible to prepare this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report can be located on our website at [www.tcatelizabethton.edu](http://www.tcatelizabethton.edu). The report is prepared in cooperation with the local law enforcement agencies surrounding our main campus and alternate sites. Campus crime, arrest, and referral statistics include those reported to the campus officials and local law enforcement agencies. Upon completion of the Annual Security Report, an e-mail notification is made to all enrolled students, faculty and staff that provide the website to access this report. Copies of the report may also be obtained in the Student Services office located in the Administration building on the main campus at 426 Highway 91 North, Elizabethton, TN 37643 or by calling 423-543-0070, Ext. 1004.

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

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

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

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

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

Safety and security have been considered in the landscape and lighting of the campus. Any maintenance needs should be reported to the Assistant Director. Any identified security concerns will be evaluated by the Assistant Director. These evaluations examine security issues such as landscaping, locks, alarms, lighting, and communications.

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



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

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

TCAT Elizabethton does not have an on-campus police force. However, the TCAT staff at each campus location maintains a close working relationship with their local law enforcement agency. There is a verbal agreement between the TCAT Administration and law enforcement agencies at each campus location on crime reporting, crime prevention, and investigation of crimes. All law enforcement agencies cooperate with the TCAT Administration by providing reports of crime on campus and adjacent properties.

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

The campus community (students, faculty and staff) are to report any criminal behavior or suspected criminal acts promptly to the Student Services Coordinator and Vice President for investigation. In the event an emergency is occurring, call 911 to obtain immediate assistance from local law enforcement agencies, and then contact the Student Services Coordinator and Vice President. It is a core objective of the TCAT Administration to maintain a safe environment for the entire campus population, including the general public and visitors. It is the responsibility of the Reporting Agency Contact (RAC) to report crimes that occur on campus to the Tennessee Bureau of Investigation (TBI). The Student Services Coordinator is the RAC for the TBI. To ensure this, each person must take the proper reporting of criminal activity seriously and act promptly.

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

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

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

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

During orientation, students and employees are told about security awareness programs available on the college website, [www.tcatelizabethton.edu](http://www.tcatelizabethton.edu), and through a power point presentation during the orientation. Provisions of Title VI and Title IX are also covered by Student Services personnel during orientation of new students.

Safety Awareness is covered by the TCATE office manager during orientation for new employees.

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

#### **Crime Prevention**

TCATE Student Services Personnel provide orientation each trimester for new students. Policies in the TCATE Student Handbook and Catalog are reviewed, including student conduct and proper reporting procedures.

The TCATE Office Manager, who also serves as the Human Resources Coordinator, offers orientation for new employees. The orientation is an overview of the TCATE campus and the many services available to its employees. In addition, each new employee receives an Employee Handbook, which includes the TCATE Emergency Response Plan.

The Haven through Ever-Fi is another information resource. It includes domestic violence, sexual assault, harassment, awareness, along with standard intervention. It also includes alcohol and drug abuse prevention.

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

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

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

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

## A. Penalties for Violation

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

Various federal, state, and local statutes make it unlawful to manufacture, distribute, dispense, deliver, sell, or possess with intent to manufacture, distribute, dispense, deliver or sell, controlled substances. The penalty imposed depends upon many factors which include the type and amount of controlled substance involved; the number of prior offenses, if any; whether death or serious bodily injury resulted from the use of such substance; and whether any other crimes were committed in connection with the use of the controlled substance. Possible maximum penalties for a first-time violation include imprisonment for any period of time up to a term of life imprisonment, a fine of up to \$4,000,000, supervised release, any combination of the above or all three. These sanctions are doubled when the offense involves either: (1) distribution or possession at or near a school or college campus; or (2) distribution to persons less than 21 years of age. Repeat offenders may be punished to a greater extent as provided by statute. Further, a civil penalty of up to \$10,000 may be assessed for simple possession of "personal use amounts" of certain specified substances under federal law. Under state law, the offense of possession or casual exchange is punishable as a Class A misdemeanor; if there is an exchange between a minor and an adult at least two (2) years the minor's senior, and the adult knew that the person was a minor, the offense is classified a felony as provided in T.C.A. 39-17-417. (21 U.S.C. 801, et. Seq.; T.C.A. 39-12-417) It is unlawful for any person under the age of twenty-one (21) to buy, possess, transport (unless in the course of his or her employment), or consume alcoholic beverages, wine or beer, such offenses being classified as Class A misdemeanors punishable by imprisonment for not more than 11 months, 29 days, or a fine of not more than \$2,500, or both. (T.C.A. 1-3-113 and T.C.A. 57-5-301) It is further an offense to provide alcoholic beverages to any person under the age of twenty-one (21), such offense being classified a Class A misdemeanor. (T.C.A. 39-15-404) The offense of public intoxication is a Class C misdemeanor punishable by imprisonment of not more than 30 days or a fine of not more than \$50, or both. (T.C.A. 39-17-310)

### 2. Students

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

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

### 2. Employees

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

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

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

### C. Dissemination of Policy

#### 1. Employees

- a. The human resources office will provide new employees with a copy of this policy, as part of the new employees' orientation.
- b. New employees will sign orientation forms acknowledging that the policy was disseminated as part of their orientation.
- c. The human resources office will send e-mail copies of this policy annually to all employees with e-mail access. Supervisors of employees without e-mail access will distribute paper copies to those employees.

#### 2. Students

- a. A copy of this policy will be included in the TCAT "Student Handbook" and on the college's web page.
- b. The student services and enrollment management office will provide new students with a copy of this policy, as part of the new students' orientation.

### D. Violations

#### 1. Supervisor Notification of Human Resources

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

#### 2. Employees Funded by Federal Grants

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

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

**A. General**

Drug and Alcohol Awareness

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

A synopsis of those health risks is presented below.

**B. Alcohol**

Alcoholism is a complex, progressive disease that interferes with health, social and economic functioning. Untreated alcoholism results in physical incapacity, permanent mental damage and/or premature death. Alcohol is involved in one-third of all suicides, one-half of all traffic accidents and one-fourth of all other accidents and is involved in over 50% of all arrests. Alcohol is the third leading cause of birth defects involving mental retardation. Use during pregnancy may cause spontaneous abortion, various birth defects or fetal alcohol syndrome. Drinking is implicated in cancer, heart disease, gastrointestinal disease and other illnesses. Alcoholism has been estimated to reduce life expectancy by twelve years. Alcohol Beverage can damage all body organs, leading to liver, heart and digestive problems, circulatory system interference, change in personality, reproductive problems and central nervous system disorder such as poor vision, loss of coordination, memory loss, loss of sensation, mental and physical disturbances and permanent brain damage. The physical and psychological changes that occur as a result of addiction to alcohol can pave the way for addiction to pharmacologically similar drugs.

**C. Illicit Drugs**

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

**D. Counseling, Treatment and Rehabilitation Programs**

The Student Services Department 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.

**Counseling Programs Available to Employees and Students**

The Employee Assistance Program (EAP) is a short-term counseling service available to you and your immediate family members who may be experiencing personal or workplace problems. The EAP is also a part of the Blue Cross and Blue Shield and CIGNA health insurance plan which provides mental health and substance abuse benefits.

Eligible employees may participate in the statewide EAP to receive consultation and referral for alcoholism or substance abuse. All TCATE employees are eligible for referral assistance through the TCATE Employee Assistance Program, coordinated by TCATE Human Resources Services. The TCATE Human Resources Office maintains a list of campus and community agencies which provide referral information, and/or counseling to students and employees.

TCATE Student Services Office offers limited assistance through personal counseling services for students who are experiencing alcohol and drug abuse problems. Counselors utilize community resources through professional referrals when appropriate.

### **Drug and Alcohol Abuse Education Programs**

TCATE recognizes that the use of alcohol and drugs can have a negative impact on students and the learning process. In order to inform students of these hazards, TCATE provides information to educational outreach programs that are available online at:

<http://www.drugstrategies.org>

<http://www.centerstone.org>

TCATE does not currently provide drug/alcohol counseling, treatment, or rehabilitation programs for students. Referral to community treatment facilities may be made in appropriate cases.

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

#### **I. 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.

## II. 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.

### A. On Campus Resources

Student Services/Counseling Center	Administrative Offices Rooms 101B and 101C	Telephone 423-543-0070 <a href="mailto:patricia.henderson@tcatelizabethton.edu">patricia.henderson@tcatelizabethton.edu</a>
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, Vice President	Administrative Offices Room 101 B	Telephone 423-543-0070 <a href="mailto:danny.oquinn@tcatelizabethton.edu">danny.oquinn@tcatelizabethton.edu</a>
Office of the Title IX Coordinator for Students  Patricia Henderson, Student Services Coordinator	Administrative Offices Room 101 B  Administrative Office Room 101 C	Telephone 423-543-0070 <a href="mailto:patricia.henderson@tcatelizabethton.edu">patricia.henderson@tcatelizabethton.edu</a>

**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)		<a href="http://www.tncourts.gov/programs/self-help-center/forms/order-protection-forms">http://www.tncourts.gov/programs/self-help-center/forms/order-protection-forms</a>
Clery Center		<a href="http://clerycenter.org/help-victims">http://clerycenter.org/help-victims</a>

**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
- <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

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

**Definitions**

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



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

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

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

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

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

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

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

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

**Stalking**—a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated,

threatened, harassed, or molested, and that actually causes the accuser to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

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

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

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

### **Procedures Victims Should Follow If A Sex Offense Occurs [34 CFR §668.46(b)(11)(ii)]**

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

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

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

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

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

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

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

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

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

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

If a victim chooses to report an incident of sexual misconduct in a confidential manner, the victim can report the incident to a licensed counselor, who is required by Tennessee State law to maintain confidentiality of a victim

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

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

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

Title IX Coordinator:  
Patricia Henderson 423-543-0070, Ext. 1004

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

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

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

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

To file an anonymous report, contact the Title IX Coordinator or telephone the Sexual Violence Hotline, 1-800-656-HOPE.

Send by mail to:

Title IX Coordinator  
Patricia Henderson  
426 Highway 91 North, Elizabethton, TN 37643

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

### **Investigation Requirements And Procedures [34 CFR §668.46(b)(11)(ii)]**

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

Title IX Coordinator shall follow the procedures set forth in this policy to investigate and adjudicate the complaint.

6. The Title IX Coordinator may appoint a qualified, sufficiently trained person to investigate the allegations made in the complaint.
7. Only one person shall be identified as the investigator for a complaint, though the investigator may have a second person present during interviews to take notes.
8. Investigations shall be conducted by officials who do not have a conflict of interest or bias for or against the complainant or respondent.
9. If the complainant or respondent believes the assigned investigator has a conflict of interest, that party must submit a written explanation of the reason for that belief to the Title IX Coordinator. 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 provost 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 provost shall be final.

F. What the investigation should and should not entail

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

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

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

## **Timeframe For Conducting The Investigation**

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

- D.** The investigator shall make every reasonable effort to respond to the request for additional time within two (2) business days following receipt of the request and shall notify both parties in written as to whether or not the request is granted.

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

- A.** Either party may request an institutional hearing on the determination that a policy violation did or did not occur by providing written notice of the request to the investigator within ten (10) business days of receipt of the decision makers' decision.
- B.** If a request is not received within ten (10) days, the decision maker's determination is final.
- C.** The hearing may be held before either a hearing officer or hearing committee. The College President shall determine whether to proceed with a hearing officer or hearing committee and shall appoint individuals to serve in those capacities.
- D.** If the complainant or respondent believes the hearing officer has or the hearing committee member(s) have a conflict of interest, that party must submit a written explanation of the reason for that belief to the appropriate decision maker. The explanation must be submitted within three (3) business days, absent good cause, of the time when the party knew or should have known the facts that would give rise to the alleged conflict of interest. The decision maker will determine if the facts warrant the appointment of a different investigator and respond to the party in writing within three (3) business days, absent good cause. The decision of the decision maker shall be final.
- E.** If such a hearing is requested, every reasonable effort shall be made to conclude the hearing and resolve the appeal, including any appeal to the Director, within thirty (30) days following the TCAT's receipt of the party's request for a hearing
- F.** The parties to the hearing may not engage in formal discovery.
- G.** Each party is entitled to have an advisor of choice available; however, the advisor may not participate in the proceeding other than to render advice to the party.
- H.** The TCAT will not limit the choice of advisor for either the complainant or respondent.
- I.** The complainant and respondent shall be timely notified of all meetings relevant to the proceeding.
- J.** The hearing officer or chair of the hearing committee shall control the procedures of the hearing with due consideration given to the parties' requests related to procedures such as, but not limited to, limitations on cross-examinations, recesses so the parties may consult with their advisors, and scheduling of hearings.



- K.** The hearing officer or hearing committee shall use a preponderance of the evidence standard when reaching a decision.
- L.** Absent good cause, within five (5) business days of the close of evidence, the hearing officer or committee shall issue a written determination as to whether or not a violation of this policy occurred and the justification for this decision.
- M.** Each party shall be simultaneously notified of the hearing officer or committee's decision in writing, which shall include notice of their rights to appeal the hearing officer's or committee's determination to the Director.

### **Appeal Of Hearing Decision**

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

### **Effect Of A Finding Of A Violation Of This Policy [34 CFR §668.46(b)(11)(vii)]**

- A.** If a final decision has been made that a policy violation occurred, the respondent shall be referred to the appropriate personnel for a determination of discipline.
- B.** The appropriate personnel will be determined by the status of the respondent. For example, if the respondent is a student, then the matter may be referred to the Student Services Coordinator. If the respondent is an employee, the matter may be referred to the College Vice President.
- C.** If the respondent is a student, the TCAT will follow the procedures for disciplining students as described in student handbook and on the TCAT Elizabethton website at [www.tcatelizabethton.edu](http://www.tcatelizabethton.edu).
- D.** If the respondent is an employee, the TCAT will follow the procedures related to disciplining employees as described in applicable employee policies.

- E. Notwithstanding any policy to the contrary, the following additional requirements apply to disciplinary actions related to violations of this policy:
1. The complainant shall receive sufficient notice of and be allowed to attend any meeting or hearing during the disciplinary process.
  2. The complainant shall be allowed to have an advisor of her/his choice attend any meeting or hearing.
  3. The complainant shall be allowed to testify at any hearing during the disciplinary process, even if neither party intends to call the complainant as a witness during the case-in-chief.
  4. The complainant shall be allowed access, consistent with FERPA requirements, to any evidence presented during any disciplinary meeting or hearing.
  5. The Title IX Coordinator or designee shall be appointed as the complainant's contact person for any questions or assistance during the disciplinary process.
  6. The complainant shall receive written notice, consistent with FERPA, of the outcome of the disciplinary process.
- F. If a final decision has been made that a policy violation occurred, the Title IX Coordinator or designee shall determine any remedies 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.
- G. Subject to federal law, state law, and TBR policies, the following sanctions may be imposed by the institution following the results of any institutional disciplinary proceeding for an allegation of dating violence, domestic violence, sexual assault, or stalking:
1. Restitution
  2. Warning.
  3. Reprimand.
  4. Service to the institution or community.
  5. Specified educational/counseling program.
  6. Apology.
  7. Fines.
  8. Restriction upon privileges.
  9. Probation.
  10. Suspension.
  11. Expulsion.
  12. Revocation of admission, degree, or credential.
  13. Interim suspension.
  14. Suspension of employment.
  15. Termination of employment.

16. Demotion.
17. Termination of tenure status.
18. Other sanctions as deemed appropriate by the institution.

### **Interim Measures [34 CFR §668.46(b)(11)(v)]**

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

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

### **Sex Offender Registration [34 CFR §668.46(b)(12)] (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 previously registered in a state to notify each institution of higher education in that state where the individual is employed, carries a vocation, or is a student. Members of the campus community may obtain the most recent information received from the Tennessee Bureau of Investigation (TBI) concerning sex offenders employed, enrolled, or volunteering at this institution from the TBI's website listing of sex offenders located at

[http://www.tbi.state.tn.us/sex\\_ofender\\_reg/sex\\_ofender\\_reg.shtml](http://www.tbi.state.tn.us/sex_ofender_reg/sex_ofender_reg.shtml).

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

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

#### **Internal Emergency Procedures**

TCATE is committed to notifying persons regarding significant types of threatening events or situations that may occur on or near its campus properties. TCATE defines **emergency notification** as the attempt to properly and to immediately notify affected persons of events, incidents, or situations that potentially threaten or endanger lives or significant property,

and in such cases that the information contained within the notification may substantially reduce the likelihood of individuals or groups being victimized. “Properly” is defined as the reasonable issuance of information given the capabilities of the Institution and its notification systems. “Immediately” is defined as the release of information as soon as verifiable or credible information can be reasonably received, understood, formatted and delivered via useable mass notification systems. This definition takes into account the fact that everything cannot happen at once: information must be received by decision-makers, a determination must be made that the information should be released, the material must be put together in an understandable manner, and the information must be released and received by viable stakeholders. “Affected persons” includes members of the campus community (i.e., TCATE employees and students) and visitors while on TCATE campus. For this designation, members of the TCATE campus community include any currently employed TCATE employees and any currently enrolled TCATE students.

It is the intent of TCATE to immediately notify all members of its community of incidents and situations on or near TCATE campus property that have the potential to immediately threaten or endanger lives or that threaten severe bodily injury or extensive loss of property. These incidents and situations will typically be characterized as: on-going in nature in that they continue to pose a real or likely threat; they may be mitigated by the quick release of information to the campus community; or the release of information regarding the possible threats in a more immediate fashion may significantly reduce the chances of individuals or groups becoming victims. It is the intent of TCATE to make timely warnings to all members of its community of incidents and situations that pose a potential on-going threat or risk in which the threat or risk is not likely to require immediate notification in order to greatly reduce the victimization risk to individuals or groups.

Notification for those previously described incidents that pose a grave and immediate threat to people and/or property will be made using any number of notification systems currently employed by TCATE. Currently, the Rave notification system utilized by TCATE includes cell phone, text message, e-mail, and web page.

The TCAT Rave communication includes lock downs, fire alarm, inclement weather, and school changes and other campus security matters.

The decision to immediately notify the TCATE campus community will be made by the TCATE Administration on an individual case basis. The TCATE Administration may also determine that a particular building or structure on campus, an area of the TCATE campus, or the entire TCATE campus, should be immediately evacuated in order to create or maintain a safe situation for students and others in these areas. In these instances, the aforementioned authority may require evacuated persons to temporarily refrain from remaining or entering specified areas of campus or for safety purposes. In those cases,

TCATE employees, students, and visitors may be informed as to how to leave the TCATE campus. They may also be informed as to where they should assemble or disperse.

In making the decision about whether or not to activate the eAlert emergency notification system or to order an evacuation of TCATE campus and/or property, the TCATE Administration will consider:

- Does the event pose a significant or likely threat to the general campus community?
- Is the threat from the event likely to still exist?
- Is there evidence that the threat has subsided or moved away thereby no longer posing a danger or a hazard?
- Has there been a significant amount of time transpired from the time of the incident to the present that would reasonably lead one to presume that the threat or the danger is no longer in the area?
- Will notification about the incident provide persons with knowledge that, if utilized, would likely reduce or reasonably eliminate the possibility that they would be victimized by the threat?

Each situation requires that decisions regarding the public's safety be measured and determined on an individual case basis.

### **Emergency Response and Evacuation**

The methods of communication include the Rave notification system, network emails, emergency text messages that can be sent to a phone or PDA, audible tones/alerts from inside building fire alarm systems, and audio announcements made via automated phone calls.

### **Immediate Notification**

TCATE Administration typically receives information from individuals and various offices/departments on campus regarding suspicious activity and criminal incidents. If TCATE Administration confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the TCATE community, TCATE Administration will determine the content of an emergency notification message and will use some or all of the systems described above to communicate the threat to the TCATE community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.

### **Issuing Immediate Notification**

TCATE Administration will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: Elizabethton Police Department and/or the Carter County Rescue Squad),

compromise the efforts to assist a victim, to conduct an adequate and competent criminal investigation or to contain, respond to, or otherwise mitigate the emergency.

### **Who May Issue Immediate Notification**

TCATE Administration may issue an Immediate Notification of an Emergency. The TCATE Administration Emergency Response Team consists of the President, Vice President, Office Manager, and Student Services Coordinator.

### **Disseminating emergency information to the larger community:**

Critical incidents on-campus may have an impact on the larger community. In order to disseminate emergency information, TCATE will post updates during critical incidents on the TCATE website at: <http://www.tcatelizabethton.edu>. The TCATE Administration will distribute news releases to members of the news media concerning critical incidents.

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

In the event of a serious incident that poses an immediate threat to members of the TCAT 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 the campus e-alert system, which will email and text the student. There is also a paging system in our buildings.

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

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

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

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

### **Missing Persons**

Most missing student reports in a higher education environment are a result of students changing their normal routine and failing to inform roommates, families, or friends. In compliance with Section 488 of the Higher Education Act of 2008 students have the option to identify the telephone number of a confidential contact person who will be notified within 24 hours by the Institution if the student is determined to be missing. Additionally, the Institution is required to notify students that their custodial parent or guardian will be notified if the student is less than 18 years of age, is not emancipated, and is determined to be missing. ***TCATE has no on or off campus residential facilities.***

Individuals who wish to report a missing student should contact TCATE Administration at 423-543-0070.

## Appendix A

### On Campus Crime Statistics

#### Tennessee College of Applied Technology Elizabethton Clery Crime Statistics Summary of All Campus Facilities

The following statistics were compiled from reports of events that occurred on campus from January 01- December 31 each year.

Year	2018	2019	2020
Murder/Suicide	0	0	0
Negligent Manslaughter	0	0	0
Sex Offense Forcible	0	0	0
Sex Offense Non Forcible	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
Larceny	0	0	0
Simple Assault	0	0	0
Intimidation	0	0	0
Vandalism	1	0	0
Liquor Law Violations	0	0	0
Drug Violations	0	0	0
Weapons Violations	0	0	0
<b>Incidents</b>	0	0	0
Dating Violence	0	0	0
Domestic Violence	0	0	0
Stalking	0	0	0
<b>Disciplinary Referrals</b>	0	0	0
Liquor Law Violations	0	0	0
Drug Violations	0	0	0
Weapons Violations	0	0	0
Total	1	0	0

**Total includes only campus properties owned or operated by TCAT Elizabethton, including the Workforce Development Complex, located at 386 Highway 91 North, Elizabethton.**

Note: Beginning in 2014, incidents in Dating Violence, Domestic Violence and Stalking are now required to be reported. Incidents are defined in 42 U.S. Code Section 13925(a).



**Tennessee College of Applied Technology Elizabethton**

**Clery Crime Statistics - Main Campus, 426 Highway 91 North, Elizabethton**

The following statistics were compiled from reports of events that occurred on campus from January 01- December 31 each year.

<b>Year</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
Murder/Suicide	0	0	0
Negligent Manslaughter	0	0	0
Sex Offense Forcible	0	0	0
Sex Offense Non Forcible	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
Larceny	0	0	0
Simple Assault	0	0	0
Intimidation	0	0	0
Vandalism	0	0	0
Liquor Law Violations	0	0	0
Drug Violations	0	0	0
Weapons Violations	0	0	0
<b>Incidents</b>	0	0	0
Dating Violence	0	0	0
Domestic Violence	0	0	0
Stalking	0	0	0
<b>Disciplinary Referrals</b>	0	0	0
Liquor Law Violations	0	0	0
Drug Violations	0	0	0
Weapons Violations	0	0	0
Total	0	0	0

**Total includes TCATE Main Campus.**

Local law enforcement agencies report crime occurring on campus and on adjacent properties to the Tennessee College of Applied Technology Elizabethton. Statistics on criminal activity are reported monthly to the TBI and annually to the Department of Education (DOE) as required by the “Jeanne Clery Act.”

Note: Beginning in 2014, incidents in Dating Violence, Domestic Violence and Stalking are now required to be reported. Incidents are defined in 42 U.S. Code Section 13925(a).

**Tennessee College of Applied Technology Elizabethton  
Clery Crime Statistics - Arney Street Campus**

The following statistics were compiled from reports of events that occurred on campus from January 01- December 31 each year.

<b>Year</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
Murder/Suicide	0	0	0
Negligent Manslaughter	0	0	0
Sex Offense Forcible	0	0	0
Sex Offense Non Forcible	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
Larceny	0	0	0
Simple Assault	0	0	0
Intimidation	0	0	0
Vandalism	1	0	0
Liquor Law Violations	0	0	0
Drug Violations	0	0	0
Weapons Violations	0	0	0
<b>Incidents</b>	0	0	0
Dating Violence	0	0	0
Domestic Violence	0	0	0
Stalking	0	0	0
<b>Disciplinary Referrals</b>	0	0	0
Liquor Law Violations	0	0	0
Drug Violations	0	0	0
Weapons Violations	0	0	0
<b>Total</b>	1	0	0

**Total includes TCATE Arney Street Campus, 1500 Arney Street, Elizabethton, Tennessee**

Local law enforcement agencies report crime occurring on campus and on adjacent properties to the Tennessee College of Applied Technology Elizabethton. Statistics on criminal activity are reported monthly to the TBI and annually to the Department of Education (DOE) as required by the “Jeanne Clery Act.”

Note: Beginning in 2014, incidents in Dating Violence, Domestic Violence and Stalking are now required to be reported. Incidents are defined in 42 U.S. Code Section 13925(a).

**Tennessee College of Applied Technology Elizabethton  
Clery Crime Statistics -- Mountain City Campus, 110 Pioneer Village Drive in 2016-2017. Classes at that location were discontinued in 2018. The following statistics were compiled from reports of events that occurred on campus from January 01- December 31 each year.**

<b>Year</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Murder/Suicide	0	0	0
Negligent Manslaughter	0	0	0
Sex Offense Forcible	0	0	0
Sex Offense Non Forcible	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
Larceny	0	0	0
Simple Assault	0	0	0
Intimidation	0	0	0
Vandalism	0	0	0
Liquor Law Violations	0	0	0
Drug Violations	0	0	0
Weapons Violations	0	0	0
<b>Incidents</b>	0	0	0
Dating Violence	0	0	0
Domestic Violence	0	0	0
Stalking	0	0	0
<b>Disciplinary Referrals</b>	0	0	0
Liquor Law Violations	0	0	0
Drug Violations	0	0	0
Weapons Violations	0	0	0
<b>Total</b>	0	0	0

**Total includes TCATE Mountain City campus.**

Local law enforcement agencies report crime occurring on campus and on adjacent properties to the Tennessee College of Applied Technology Elizabethton. Statistics on criminal activity are reported monthly to the TBI and annually to the Department of Education (DOE) as required by the “Jeanne Clery Act.”

Note: Beginning in 2014, incidents in Dating Violence, Domestic Violence and Stalking are now required to be reported. Incidents are defined in 42 U.S. Code Section 13925(a).

**Tennessee College of Applied Technology Elizabethton**

**Clery Crime Statistics - ETSU at Kingsport Campus, 1501 University Blvd.**

The following statistics were compiled from reports of events that occurred on campus from January 01- December 31 each year.

<b>Year</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
Murder/Suicide	0	0	0
Negligent Manslaughter	0	0	0
Sex Offense Forcible	0	0	0
Sex Offense Non Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	2	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Larceny	0	0	0
Simple Assault	0	0	0
Intimidation	0	0	0
Vandalism	1	0	0
Liquor Law Violations	0	0	0
Drug Violations	0	0	0
Weapons Violations	0	0	0
<b>Incidents</b>	0	0	0
Dating Violence	0	0	0
Domestic Violence	0	0	0
Stalking	0	0	0
<b>Disciplinary Referrals</b>	0	0	0
Liquor Law Violations	0	0	0
Drug Violations	0	0	0
Weapons Violations	0	0	0
<b>Total</b>	3	0	0

**Total includes TCATE Kingsport Campus.**

Local law enforcement agencies report crime occurring on campus and on adjacent properties to the Tennessee College of Applied Technology Elizabethton. Statistics on criminal activity are reported monthly to the TBI and annually to the Department of Education (DOE) as required by the “Jeanne Clery Act.”

Note: Beginning in 2014, incidents in Dating Violence, Domestic Violence and Stalking are now required to be reported. Incidents are defined in 42 U.S. Code Section 13925(a).

**Appendix B**

**Tennessee College of Applied Technology Elizabethton  
Clery Crime Statistics on Adjacent Properties**

The following statistics were compiled from reports of events that occurred on adjacent properties from January 01- December 31 each year.

Year	2018	2019	2020
Murder/Suicide	0	0	0
Negligent Manslaughter	0	0	0
Sex Offense Forcible	0	0	0
Sex Offense Non Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	2	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Larceny/Theft (Shoplifting)	10	0	0
Simple Assault	0	0	0
Intimidation	2	1	0
Vandalism	1	0	0
Liquor Law Violations	1	0	1
Drug Violations	0	0	0
Weapons Violations	0	0	0
<b>Incidents</b>	0	0	0
Dating Violence	0	0	0
Domestic Violence	2	0	0
Stalking	0	0	0
<b>Disciplinary Referrals</b>	0	0	0
Liquor Law Violations	0	0	0
Drug Violations	0	0	0
Weapons Violations	0	0	0
<b>Total</b>	18	1	1

Local law enforcement agencies report crime occurring on campus and on adjacent properties to the Tennessee College of Applied Technology Elizabethton. Statistics on criminal activity are reported monthly to the TBI and annually to the Department of Education (DOE) as required by the “Jeanne Clery Act.” Note: Beginning in 2014, incidents in Dating Violence, Domestic Violence and Stalking are now required to be reported. Incidents are defined in 42 U.S. Code Section 13925(a). Two burglaries occurred between 5-2-18 and 5-31-18 to an outside storage building located on the ETSU at Kingsport Campus. No arrests were made. In 2018, the Elizabethton Police Department investigated on adjacent properties to the Main Campus: 1 liquor law violation, 2 intimidation and 10 larceny-shoplifting at (includes BP Station) 440 and 416 Highway 91, 100 Biblica Way, 325 AY McDonald Ave., and 125, 127 and 131 Industrial Drive; and 2 larceny and 1 vandalism at adjacent properties to the Herman Robinson Campus located at 1500 Arney Street, Elizabethton.

**Hate Crimes**

The Clery act requires that Tennessee College of Applied Technology Elizabethton disclose hate or bias motivated offenses. A hate crime is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their national origin, race, gender, religion, disability, sexual orientation or ethnicity/national origin.

<b>Bias Motivated Offenses (Hate Crimes)</b>	
2019	Number of Hate Crimes Reported 0
2019	Number of Hate Crimes Reported 0
2020	Number of Hate Crimes Reported 0

<b>Dating Violence/Domestic Violence/Stalking</b>	
2018	Number Dating Violence 0 Number Domestic Violence 0 Number Stalking 0
2019	Number Dating Violence 0 Number Domestic Violence 0 Number Stalking 0
2020	Number Dating Violence 0 Number Domestic Violence 0 Number Stalking 0

The annual report is prepared for publication no later than October 1 each year, based on the statistical information for the previous year. The crime statistics are also published via (1) TCATE website, <http://www.tcatelizabethton.edu/campus-security-report>, and (2) employee orientation material.

Copies of the Annual Security Report are available from the TCATE Administration. TCATE makes available crime rates and statistics, as well as security policies and procedures, to interested parties.

### **TCATE Fire Safety Report/TCATE Fire Log**

The TCATE Fire Safety Report and TCATE Fire Log may be accessed through TCATE website on-line at <http://www.tcatelizabethton.edu/campus-security-report>.

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