

# CAMPUS SECURITY REPORT 2022

Reporting Date  
10/1/2022

TCAT ATHENS  
1635 Technology Way  
Athens, TN 37303

A [Tennessee Board of Regents Institution](#) & fully accredited by the Council on Occupational Education.

Tennessee College of Applied Technology is an AA/EEO employer and does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities. The following person has been designated to handle inquiries regarding the non-discrimination policies: Kim Davis, Vice President, 1635 Technology Way Athens, TN 37303, 423-744-2814, [kim.davis@tcatathens.edu](mailto:kim.davis@tcatathens.edu). Additionally, the Your institution's Title IX Coordinator, designated to monitor and oversee Title IX complaints, may be contacted at: Kim Davis, Vice President, 1635 Technology Way Athens, TN 37303, 423-744-2814, [kim.davis@tcatathens.edu](mailto:kim.davis@tcatathens.edu)

## **TABLE OF CONTENTS**

Crime Statistics: Statement Concerning Law Enforcement.....	3
Crime Statistics [34 CFR §668.46(b)(1)] .....	3
How to Report Criminal Offenses [34 CFR §668.46(b)(2)] .....	3
Timely Warnings [34 CFR §668.46(b)(2)(i)] .....	5
Preparation of Disclosure of Crime Statistics [34 CFR §668.46(b)(2)(ii)] .....	7
Voluntary Confidential Reporting of Crimes [34 CFR §668.46(b)(2)(iii)] .....	8
Security and Access [34 CFR §668.46(b)(3)] .....	8
Campus Law Enforcement Authority [34 CFR §668.46(b)(4)(i)] .....	8
Memorandum of Understanding (MOU) with Local Law Enforcement [34 CFR §668.46(b)(4)(i)] .....	9
Encouragement of Accurate and Prompt Crime Reporting [34 CFR §668.46(b)(4)(ii)].....	9
Security Awareness Programs for Students and Employees [34 CFR §668.46(b)(5)] .....	10
Monitoring Off-campus Student Organizations [34 CFR §668.46(b)(7)] .....	10
Alcohol and Illegal Drugs [34 CFR §668.46(b)(8) & (b)(9)] .....	10
Policy Statement Addressing Substance Abuse Education [34 CFR §668.46(b)(10)] .....	12
Sexual Misconduct [34 CFR §668.46(b)(11)] .....	14
Definitions .....	14
Sexual Misconduct Educational Programs And Campaigns [34 CFR §668.46(b)(11)(i)] .	15
Procedures Students Should Follow If A Sex Offense Occurs [34 CFR §668.46(b)(11)(ii)] .....	16
Reporting Sexual Misconduct [34 CFR §668.46(b)(11)(ii)] .....	17
Investigation Requirements And Procedures [34 CFR §668.46(b)(11)(ii)].....	19
Outcome Of Investigation And Determination Of Appropriate Action .....	21
Timeframe For Conducting The Investigation .....	22
Institutional Hearing [34 CFR §668.46(b)(11)(vi)] .....	22
Appeal Of Hearing Decision .....	23
Effect Of A Finding Of A Violation Of This Policy [34 CFR §668.46(b)(11)(vii)] .....	24
Interim Measures [34 CFR §668.46(b)(11)(v)] .....	25
Sex Offender Registration [34 CFR §668.46(b)(12)] .....	26
Emergency Response and Evacuation Procedures [34 CFR §668.46(b)(13)] .....	26
Missing Student Notification Procedures [34 CFR §668.46(b)(14)] .....	35

The following is the annual Campus Security Report for Athens for the year 2016. The Vice President prepares this report to comply with the *Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act*. The report can also be accessed on the TCAT's web page at [www.tcatathens.edu](http://www.tcatathens.edu). This report contains security policies, procedures, and guidelines. Crime statistics for the period of 2020-2022 are included in the report. These statistics are based on incidents reported at TCATA campus location. You may request a paper copy from the Vice President on the TCATA campus located at 1635 Technology Way, Athens, TN 37303.

### **Crime Statistics: Statement Concerning Law Enforcement**

The TCATA 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 Athens emergency numbers. Athens City Police Department is responsible for law enforcement on and security of campus.

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

The TCATA 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.tcatathens.edu](http://www.tcatathens.edu). Additionally, copies of the crime statistics for the reporting period covered under this report have been included as Appendix A-C of this report.

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

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

#### **Law Enforcement Agency Contacts:**

##### **Emergency Numbers**

<b>Athens Police Department</b>	<b>423-744-2730</b>
<b>Athens Fire Department</b>	<b>423-744-2762</b>
<b>Athens Regional Medical Center Emergency Room</b>	<b>423-744-3260</b>
<b>McMinn Co. Sheriff Department</b>	<b>423-745-5622</b>

**Campus Security Authorities:**

**A list of titles of each person or organization to whom students and employees should report criminal offenses described in the law for the purpose of making timely warning reports and the annual statistical disclosure.**

- All employees, who work in a position where they control or monitor access to some part of campus.

**Campus Security Authorities:**

TCATA Main # 744-2814

President	ext 205		
Vice President	ext 206		
Student Services	ext 200		
Dual Enrollment Coordinator	ext 216		
		All Program Instructors	
		AOT	ext 209
		Auto Tech	ext 208
		Computer Electronics	ext 212
		Machine Tool Tech	ext 226
		Practical Nursing	ext 215
		Technology Found.	ext 219
		Welding	ext 220

Students may report incidents to the Campus Security Authorities listed above. Incidents reported to these individuals will be included in Clery Statistics, even if no criminal action can be taken.

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

In the event that a situation arises, either on or off campus, that, in the judgment of the TCAT President or Vice President constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued. TCATA is committed to notifying persons regarding significant types of threatening events or situations that may occur on or near its campus properties. TCATA 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 TCATA. “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., TCATA employees and students) and visitors while on the TCATA campus. For this designation, members of the TCATA campus community include any currently employed TCATA employee and any currently enrolled TCATA student.

It is the intent of TCATA to immediately notify all members of its community of incidents and situations on or near TCATA campus 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 TCATA 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 TCATA. Currently, the notification systems utilized by TCATA include: SchoolCast which is a "remotely-hosted" web-based application.

TCATA utilizes a "remotely-hosted" web-based application to send emergency notifications to all TCATA employees and TCATA students via their accounts. These accounts are established/maintained by the TCATA Student Services Office and of information periodically from the TCATA Banner System. Banner is a system that maintains information regarding each student at TCATA. The emergency notification accounts may be utilized in sending each TCATA employee and each TCATA student an e-mail, text message, and a voice message in the event the campus community is notified of a situation or an event. TCATA employees and TCATA students should report any changes to phone numbers and or email accounts to the Student Services Office in order to personally and individually choose their own most appropriate notification methods. TCATA employees and

TCATA students can choose whether to receive text messages, emails, and/or voice alerts (phone calls); they can also add additional phone numbers and e-mail addresses for notification purposes.

The decision to immediately notify the TCATA campus community will be made on a case-by-case basis by either the President or Vice President. These decision-makers may also determine that a particular building or structure on campus, an area of TCATA campus, and the entire TCATA campus should be immediately evacuated in order to create or maintain a safer situation for persons inhabiting those areas.

In making the decision about whether or not to activate emergency notification systems or to order an evacuation of TCATA campus and/or property, a decision-maker should 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 a case-by-case basis.

**A statement regarding the institution's emergency response and evacuation procedures:**

**The procedures the institution will use to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus:**

The methods of communication emails, emergency text messages that can be sent to a phone. The School will post updates during a critical incident on the TCATA web site at: [www.tcatathens.edu](http://www.tcatathens.edu) Evacuation Maps are posted in each program area and other areas of the school.

**A description of the process the institution will use to:**

- **Confirm that there is a significant emergency or dangerous situations as described above:**
- **Determine the appropriate segment or segments of the campus community to receive a notification:**
- **Determine the content of the notification:**
- **Initiate the notification system:**

**A statement that the institution 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?**

TCATA President or Vice President 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 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.

**A list of the titles of the person or person; or, organization or organizations responsible for carrying out the actions described above:**

TCATA President or Vice President

**The institution's procedures for 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, the School will post updates during critical incidents on the School website at: [www.tcatathens.edu](http://www.tcatathens.edu) .

TCATA President or Vice President will work with news agencies to distribute TCATA press releases, as they are made available, concerning critical incidents.

**Local Agency Cooperation**

The Athens Police Department serves TCAT Athens and will inform the institution about situations reported to them that may warrant an emergency response.

**The institution's procedures to test the emergency response and evacuation procedures on at least an annual basis, including:**

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

The Vice President prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report can be located on our website at [www.tcatathens.edu](http://www.tcatathens.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 administration.

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

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.

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

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

### **Security of and access to campus facilities:**

The campus are restricted to students, faculty, staff, guests, and invitees of the TCATA, except when part or all of the campus, buildings, or facilities, are open to the general public for an approved and designated time and purpose. All students, faculty, and staff must wear their name tags at all times when in the building. All persons on the campus, including faculty, staff, guests, and invitees, shall be subject to all rules and regulations of TCATA and the Tennessee Board of Regents which are applicable to the conduct of students on campus, and to all applicable federal and state laws and regulations. For security reasons, not all TCATA buildings are open to the public. The campus and facilities of TCATA are governed by the Tennessee Board of Regents (Policy No. 3:02:02:00). Furthermore, most buildings open to the public are closed and locked after regular business hours which are Monday-Friday from 7:30 am – 4:30 pm.

### **Security considerations used in the maintenance of campus facilities:**

TCATA personnel report all hazardous or unsafe campus conditions found to exist. These conditions may include overgrown trees or landscaping and a lack of outdoor lighting or inoperable lights. These reports are sent directly to the Vice President to ensure expeditious corrective measures are taken.

The Vice President coordinates all work requests for the campus. We strive to ensure that all buildings and structures are properly maintained to meet fire, safety, health and other required codes and regulations. This includes providing climate controlled, clean, properly supplied facilities, so that faculty, staff and students have comfortable surroundings in which to live, work, and receive training and education.

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

TCATA staff members do not possess arrest power. Criminal incidents are referred to the local law enforcement agencies that have jurisdiction on the campuses. The TCATA 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.



Athens Police Department may exercise their authority on all property or facilities owned, leased or operated by the Tennessee Board of Regents and TCATA including any public roads or rights of way which are contiguous to or within the perimeter of such facilities or property.

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

The TCATA staff maintains a close working relationship with our local law enforcement agencies. There is not a written memorandum of understanding between the TCATA and law enforcement agencies at TCATA.

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

The campus community (students, faculty and staff) are to report any criminal behavior or suspected criminal acts promptly to TCATA Administration for investigation. In the event an emergency is occurring, call 911 to obtain immediate assistance from local law enforcement agencies, and then contact TCATA Administration. It is a core objective of TCATA to maintain a safe environment for the entire campus population and public visitors. To ensure this, each person must take the proper reporting of criminal activity seriously and act promptly.

All incident reports are forwarded to the TCATA Administration 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 TCATA Administration 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)]**

Type and Frequency of Programs To Inform Students/Employees About Campus Security Procedures

**A description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others:**

In addition to the information in this report, students/employees are informed during orientation about security procedures that are available. An evacuation map is also posted in classrooms and other areas around the school to provide quick access to security procedures.

TCATA offers a new employee orientation to all new employees. The orientation is an overview of the TCATA campus and the many services available to its employees.

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

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

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

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 S39-17-310)\

## 2. Students

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

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

## 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 Administration.

2. Employees Funded by Federal Grants

Administration 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)]  
Alcohol and Drugs**

**A. A policy regarding the possession, use and sale of alcoholic beverages and enforcement of state underage drinking laws:**

The following information is presented in compliance with the Section 22 of the Drug Free Schools and Communities Amendment of 1989 (Public Law 101-226):

TCATA prohibits the possession, use, or distribution of illegal drugs and alcohol on the campus proper or on institutionally owned, leased, or otherwise controlled property.

Various federal and state statutes make it unlawful to manufacture, distribute, dispense, deliver, or 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, and whether any other crimes were committed in connection with the use of the controlled substance. Possible sanctions include incarceration up to and including life imprisonment and imposition of substantial monetary fines..

TCATA does not currently provide drug/alcohol counseling, treatment, or rehabilitation programs

for students. Referral to community treatment facilities may be made in appropriate cases.

TCATA will impose sanctions against individuals who are determined to have violated rules prohibiting the use, possession, or distribution of illegal drugs or alcohol.

Sanctions for students using or possessing illegal drugs or alcohol include suspension or expulsion from TCATA. Individuals involved in the sale or distribution of illegal drugs will be suspended from the TCATA and referred to the appropriate authorities for criminal prosecution. All employees, including students, agree as a condition of employment to abide by this policy. Sanctions against employees for use or possession of illegal drugs or alcohol in the workplace include termination of employment. Additionally, employees are required to notify the institution of any drug convictions resulting from a violation in the workplace no later than five days after the conviction.

No alcoholic beverages, illegal drugs, or drug paraphernalia are permitted on the campus of TCATA. The use and/or possession of alcoholic beverages on TCATA owned or controlled property is prohibited (Tennessee Board of Regents Policy No. 3:05:01:01).

#### **B. A policy regarding the possession, use and sale of illegal drugs and enforcement of federal and state drug laws:**

The following information is presented in compliance with the Drug-Free Schools and Communities Act Amendment of 1989:

TCATA prohibits the possession, use, or distribution of illegal drugs and alcohol on the campus proper or on institutionally owned, leased, or otherwise controlled property.

Various federal and state statutes make it unlawful to manufacture, distribute, dispense, deliver, or 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, and whether any other crimes were committed in connection with the use of the controlled substance. Possible sanctions include incarceration up to and including life imprisonment and imposition of substantial monetary fines. Tennessee statutes provide that it is unlawful for any person under the age of twenty-one (21) to buy, possess, transport (unless in the course of employment), or consume alcoholic beverages, wine, or beer, such offense being classified a Class A misdemeanor punishable by imprisonment for not more than 11 months, 29 days or a fine of not more than \$2,500 or both. The receipt, possession, or transportation of alcoholic beverages without the required revenue stamp is also a misdemeanor punishable by imprisonment of not more than thirty (30) days or a fine of not more than \$50 or both.

#### **C. TCATA policy concerning a drug free workplace:**

It is the policy of TCATA that a drug-free workplace be maintained. The **unlawful** manufacture, distribution, possession, or use of any **controlled** substance (including prescription drugs) is banned in the workplace. Controlled substances are defined in 21 USCA 812 and include such things as opium, hallucinogens (like marijuana, mescaline, etc.), cocaine, amphetamines, heroin, and morphine. This policy does not prohibit the **lawful** use of prescribed drugs which are taken under a doctor's care.

TCATA strives to maintain a workplace environment for all employees who are safe and free of illegal drugs, in compliance with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989.

### **Description of assistance or 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 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 TCATA employees are eligible for referral assistance through the State Employee Assistance Program, coordinated by TCATA Coordinator of Fiscal Services.

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

**A description of any drug or alcohol abuse education programs as required under Section 120(a) through (d) of HEA. For the purpose of meeting this requirement, an institution may cross-reference the materials it uses to comply with Section 120(a) through (d) of HEA:**

TCATA recognizes that the use of alcohol and drugs can have a negative impact on students and the learning process.

TCATA 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)**

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 of 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.

Sexual Assault Crisis Center of East Tennessee    865-558-9040  
 Immediate Crisis    865-522-7273

### TN Sexual Assault Programs

East TN		
Family Resource Agency	423-476-3886	Bradley, Polk, Rhea
The H.O.P.E. Center	423-745-5289	McMinn, Meigs, Monroe

### **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 Vice President 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 the following person who is a licensed counselor

and is required by Tennessee State law to maintain confidentiality of a victim:

Sexual Assault Crisis Center of East Tennessee 865-558-9040  
Immediate Crisis 865-522-7273

### TN Sexual Assault Programs

East TN		
Family Resource Agency	423-476-3886	Bradley, Polk, Rhea
The H.O.P.E. Center	423-745-5289	McMinn, Meigs, Monroe

#### 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:  
Kim Davis  
Vice President  
kim.davis@tcatathens.edu  
423-744-2814

#### C. Filing a Criminal Complaint

Contact local law enforcement where the assault occurred. The local law enforcement agency will determine the subsequent steps. An advocate from The H.O.P.E. Center, 423-745-5289 or the TCAT's Title IX Coordinator can assist in the reporting process.

#### D. Filing an Anonymous Complaint

Filing an anonymous report will assist the institution with compiling statistical information that can call attention to the number of incidents that occur at 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 Vice President for recording and tracking of incidents on and around the TCAT.

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

Send by mail to:

Title IX Coordinator  
PO Box 848  
Athens, TN 37303

- 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. The College 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 Vice President. The explanation must be submitted within three (3) business days, absent good cause, of the time when the party knew or should have known the facts that would give rise to the alleged conflict of interest. The 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 Vice President if the respondent is an employee;
  2. The Vice President if the respondent is a student
- D. After review of the report the decision maker shall make a determination based on a preponderance of the evidence presented as to whether or not a violation of this policy occurred.
- E. The decision maker's determination shall be communicated in writing simultaneously to the complainant and respondent, along with notice to the parties of their right to request an institutional hearing on the determination that a policy violation did or did not occur.

## **Timeframe For Conducting The Investigation**

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

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

- A.** Either party may request an institutional hearing on the determination that a policy violation did or did not occur by providing written notice of the request to the investigator within ten (10) business days of receipt of the decision makers' decision.
- B.** If a request is not received within ten (10) days, the decision maker's determination is final.
- C.** The hearing may be held before either a hearing officer or hearing committee. The President shall determine whether to proceed with a hearing officer or hearing committee and shall appoint individuals to serve in those capacities.
- D.** If the complainant or respondent believes the hearing officer has or the hearing committee member(s) have a conflict of interest, that party must submit a written explanation of the reason for that belief to the appropriate decision maker. The explanation must be submitted within three (3) business days, absent good cause, of the time when the party knew or should have known the facts that would give rise to the alleged conflict of interest. The decision maker will determine if the facts warrant the appointment of a different investigator and respond to the party in writing within three (3) business days, absent good cause. The decision of the decision maker shall be final.

- E.** If such a hearing is requested, every reasonable effort shall be made to conclude the hearing and resolve the appeal, including any appeal to the President, within thirty (30) days following 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 President.

### **Appeal Of Hearing Decision**

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

- D. The President will issue a written response to the appeal as promptly as possible. This decision will constitute 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 Vice President. If the respondent is an employee, the matter may be referred to the Vice President.
- C. If the respondent is a student, the TCAT will follow the procedures for disciplining students as described in the school's disciplinary policy.
- 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)]**

In accordance to the *Campus Sex Crimes Prevention Act of 2000*, which amends the *Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act*, the *Jeanne Clery Act* and the *Family Educational Rights and Privacy Act of 1974*, the TCAT is providing a link to the Tennessee State Sex Offender Registry. This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a state to provide notice of each institution of higher education in that state at which the person is employed, carries a vocation, or is a student. Members of the campus community may obtain the most recent information received from the Tennessee Bureau of Investigation (TBI) concerning sex offenders employed, enrolled, or volunteering at this institution from the 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)]**

### **Emergency Notifications**

**Policies for making timely warning reports to members of the campus regarding the occurrence of Clery Act crimes:**

An immediate notification or a timely warning will be distributed campus wide by the TCATA President or Vice President when it could be reasonably believed that a reported violent crime may endanger additional campus citizens, i.e., employees, students and guests.

### **Internal Emergency Procedures**

TCATA is committed to notifying persons regarding significant types of threatening events or situations that may occur on or near its campus properties. TCATA 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 TCATA. "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., TCATA employees and students) and visitors while on the TCATA campus. For this designation, members of the TCATA campus community include any currently employed TCATA employee and any currently enrolled TCATA student.

It is the intent of TCATA to immediately notify all members of its community of incidents and situations on or near TCATA campus 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 TCATA 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 TCATA. Currently, the notification systems utilized by TCATA include: e-mail, text messages, word of mouth, phone calls, web pages, social media, and an emergency notification system which is a "remotely-hosted" web-based application.

TCATA utilizes a "remotely-hosted" web-based application to send emergency notifications to all TCATA employees and TCATA students. The emergency notification system accounts are established/maintained by the TCATA Student Services Office and of information periodically from the TCATA Banner System. The banner system that maintains information regarding each student at TCATA. The emergency notification system accounts may be utilized in sending each TCATA employee and each TCATA student an e-mail, text message, and a voice message in the event the campus community is notified of a situation or an event. TCATA employees and TCATA students should report any changes to phone numbers and or email accounts to the Student Services Office in order to personally and individually choose their own most appropriate notification methods. TCATA employees and TCATA students can choose whether to receive text messages, emails, and/or voice alerts (phone calls); they can also add additional phone numbers and e-mail addresses for notification purposes.

The decision to immediately notify the TCATA campus community will be made on a case-by-case basis by either the President or Vice President. These decision-makers may also determine that a particular building or structure on campus, an area of TCATA campus, and the entire TCATA campus should be immediately evacuated in order to create or maintain a safer situation for persons inhabiting those areas.

In making the decision about whether or not to activate emergency notification systems or to order an evacuation of TCATA campus and/or property, a decision-maker should 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 a case-by-case basis.

**A statement regarding the institution’s emergency response and evacuation procedures:**

**The procedures the institution will use to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus:**

The methods of communication include, emails, emergency text messages that can be sent to a phone, and audio announcements made via automated phone calls. The School will post updates during a critical incident on the TCATA web site at: [www.tcatathens.edu](http://www.tcatathens.edu) . Each are has an evacuation map.

**A description of the process the institution will use to:**

- **Confirm that there is a significant emergency or dangerous situations as described above:**
- **Determine the appropriate segment or segments of the campus community to receive a notification:**
- **Determine the content of the notification:**
- **Initiate the notification system:**

**A statement that the institution 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?**

TCATA President or Vice President 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 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.

**A list of the titles of the person or person; or, organization or organizations responsible for carrying out the actions described above:**

TCATA President or Vice President

## **The institution's procedures for 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, the School will post updates during critical incidents on the School website at: [www.tcatathens.edu](http://www.tcatathens.edu) and facebook page.

TCATA President or Vice President will work with news agencies to distribute TCATA press releases, as they are made available, concerning critical incidents.

## **Local Agency Cooperation**

The Athens Police Department will inform the institution about situations reported to them that may warrant an emergency response.

## **The institution's procedures to test the emergency response and evacuation procedures on at least an annual basis, including:**

### **Emergency Evacuation Procedures**

In an effort to better prepare for emergencies the school has procedures posted all around the campus. A fire drill performed and evaluated during the fall trimester. The purpose of this drill is to prepare employees and students for an organized evacuation in case of fire or other emergencies (see attached evacuation map).

Tornado drills are also done at least once in the Spring trimester. This drill is announced and simulates an actual warning requiring students, faculty, and staff to take shelter in their designated place (see attached evacuation map).

A lockdown procedure has been implemented at TCATA for campus buildings this is an emergency procedure intended to secure and protect occupants who are in the proximity of an immediate threat such as a violent intruder. The lockdown procedure is used when it may be more dangerous to evacuate the building than to remain inside. By controlling entry/exit and movement within a building, emergency personnel are better able to resolve a threat.

### **Policies on responding to specific emergency situations on campus:**

#### Fires or Fire Alarms

1. In the event that a fire is detected on campus, the person discovering the fire should first find out if anyone is injured or trapped, and then contact the administration. It will be the responsibility of the Administration or other Campus Personnel to contact emergency response agencies.
2. The fire alarm system will be activated and a **fire alert message** will be sent over the schoolcast system to faculty and staff cell phones.
3. Upon receiving the announcement, students and staff will exit building as indicated by predetermined exit routes (see evacuation map).
4. Classes will gather at predetermined locations a safe distance from the building.

Students not in their instructional area will upon safe exit from the building go to the area where their instructor is. If you are in the Technology Foundations classroom, please exit from the Technology Foundations classroom and join your class AFTER you are safely outside.

5. Instructors should make sure everyone is accounted for. Should students and staff be determined missing following roll call let the President or Vice President know immediately.
6. When it is safe to reenter the building an ALL CLEAR will be sent over the schoolcast system and instructors need to have their cell phones with them all the time. (see evacuation map).

Medical Emergencies: In the event of a medical emergency, immediately notify emergency personnel at 911. Tell them the location of the medical emergency. Notify Administration of the emergency after notifying 911.

### Bomb Threats:

1. In the event of a bomb threat, the person who receives the call should attempt to find out the general location of the bomb and approximate time the device is to detonate.
2. Immediately, a bomb threat message will be sent over TCAT Schoolcast system and administration should be notified.
3. It will be the responsibility of the Administration or other Campus Personnel to notify the police. Following police notification of the situation, it will be the responsibility of Administration or other Campus Personnel to determine which areas of the building should be evacuated or if it is necessary to evacuate the building. Remain calm.
4. Should evacuation be deemed necessary, follow the fire evacuation route for your area (see evacuation map). Instructors need to make sure all the students are accounted for.
5. Following evacuation, a search of the building may take place. Any search should include members of the law enforcement community and a school administrator.
6. Wait for further instructions.
7. If the threat has been determined to be a false alarm, students and staff may resume their daily responsibilities.
8. In the event that a bomb is found, students will be sent home until such time as it is deemed safe to return by the college president in consultation with the appropriate authorities.
9. Instructors need to carry their cellphones with them and when the warning has been lifted and danger has passed an **ALL CLEAR** announcement will be made.

### Tornadoes

#### **Tornado Watch**

1. Weather alert and radars are monitored continuously. Should the National Weather Service issue a tornado watch, all faculty and staff will be advised of the situation so that they may take the proper steps for the students.
2. A (Tornado Watch) will be announced thru the TCAT Athens School Cast System. A tornado watch indicates that weather conditions exist that would support a tornado.
3. Remain alert for approaching storms.
4. Direct those in the area to move away from outside doors and windows.
5. Make sure students are accounted for.
6. Brief those in the area on the proper location they need to go (see evacuation map) to take shelter

and what the protective position is. (Crouch to your knees with your back against the wall, preferably at the base of an interior hallway wall, and cover your head.)

7. Instructors need to have their cell phones with them and when the warning has been lifted and danger has passed an **ALL CLEAR** announcement will be made.

## **Tornado Warning**

1. Weather alerts and radars are monitored continuously. Should the National Weather Service issue a tornado warning everyone will be advised of the situation.
2. A (Tornado Warning) will be announced thru the TCAT Athens School Cast System. A tornado warning indicates that a tornado has been spotted in the area visually and /or on radar.
3. Remain calm and move those in your area to a designated safe area (see evacuation map). Make sure everyone is accounted for.
  - a. Seek shelter away from exterior doors and windows.
  - b. Go to the innermost area of the building accessible.
  - c. If caught outdoors, lie flat in the nearest ditch, ravine, or depression.
  - d. Direct those in the area to move away from outside doors and windows.
4. Close outside doors and windows. Keep doors unlocked.
5. Crouch to your knees with your back against the wall, preferably at the base of an interior hallway wall, and cover your head with your hands/arms. Advise others in the area to do the same.
6. Report any injury or structural damage to administration (once the danger has passed.)
7. Instructors need to have their cell phones with them and when the warning has been lifted and danger has passed an **ALL CLEAR** announcement will be made.

Earthquake Response Plan an earthquake can and will strike without warning. The first signs of an earthquake will be the shaking of wall hangings and freestanding items on tables and shelves. You may also become aware of a low rumbling sound or feel the ground moving beneath your feet. With the first signs of an earthquake, it is advisable to move immediately to an area, which is protected, by a strong piece of furniture. Do not light any candles and douse all fires. You should also stay away from glass and hazardous materials. Persons outside during an earthquake should take care to move away from utility wires and gas lines. Once the quake has stopped, you should stay in place for at least 60 seconds following the last tremor due to the possibility of aftershocks. Once the event is over, care should be taken to assess damages to life or limb.

Acts of Violence A lockdown of campus buildings is an emergency procedure intended to secure and protect occupants who are in the proximity of an immediate threat such as a violent intruder. The lockdown procedure is used when it may be more dangerous to evacuate the building than to remain inside. By controlling entry/exit and movement within a building, emergency personnel are better able to resolve a threat.

## **Lockdown**

A lockdown of campus buildings is an emergency procedure intended to secure and protect occupants who are in the proximity of an immediate threat such as a potential violent intruder. The

lockdown procedure is used when it may be more dangerous to evacuate the building than to remain inside. By controlling entry/exit and movement within a building, emergency personnel are better able to resolve a threat.

A lockdown alert may be issued to building occupants by announcing it on the TCATA Schoolcast system by text message. The alert could also come by word of mouth, Campus Personnel, text message, or email.

**Upon receiving a lockdown alert the following procedures apply:**

**1. Immediately Seek Shelter in A Secure Area**

- Stay in or quickly go to the nearest office, room, classroom or lab.
- Leave the area, or the campus, if it is possible to do so safely. If unable to leave campus, direct people to an area that can be secured.
- Quickly warn others nearby.
- Do not hide in or use restrooms.
- Do not assemble in large open areas
- Immediately **lock and barricade all doors** with furniture or heavy objects if possible.
- Move away from doors and windows. Stay low to make yourself less visible.
- Turn your cell phone to silent mode. Do not make non-essential calls.
- If you send text messages please do not communicate misinformation.
- Stay quiet and try to remain calm.

**2. Sheltering In An Open Area**

If you are in an open area and cannot exit, attempt to put an obstacle or barrier in front of yourself for concealment and protection. Use desks, tables, chairs, bookcases or other furniture or equipment. Lie down or stay as low as possible behind the barrier.

If the violent intruder is causing harm or injury to others nearby and you cannot run or hide you may choose to play dead, lying as still as possible.

As an absolute last resort, if you are in close proximity and exposed to the Violent Intruder and certain you are about to be harmed, your last option may be to use force to attempt to overpower and disarm the intruder. This is extremely dangerous and is only a last resort.

**3. Stay In Your Place Of Shelter**

Do not leave your place of shelter or open your door until you have been advised it is safe to do so by Police, Emergency Response Personnel, or Campus Administrators/Personnel.

**4. Police Response & Termination of Lockdown**

When the Police arrive their priority is to arrest the intruder as quickly as possible. Please do not try to assist or get assistance from the police. Cooperate with instructions given by Emergency Response Personnel and Campus Administration/Personnel. When the intruder is arrested, Police will coordinate with Campus Administration to systematically terminate the lockdown.

Instructors need to carry their cell phones with them and when the warning has been lifted and danger has passed an **ALL CLEAR** announcement will be made.



## 5. Information Updates Following A Lockdown Procedure

When able to do so, Campus Administration will communicate with employees and students. Information will be broadcast through the TCATA Schoolcast system, text, voice message, e-mail, posted on the TCATA's website [www.tcatathens.edu](http://www.tcatathens.edu).

Campus administration will contact local emergency personnel; this does not preclude any other calls that have been made.

### Active Shooter

### **Active Shooter**

The best possible scenario is to intervene before a person turns violent. If you see warning signs, do not hesitate to share your concerns with proper authorities. Response to an active shooter requires individual decision making. The emergency notification from the campus will provide the last known location of the threat, but the shooter might have moved. In most cases, the best action is to barricade. You should evacuate (RUN) only if you are reasonably sure you know where the shooter is, and you have a clear path to an exit.

An active shooter alert may be issued to building occupants through the TCATA Schoolcast system by text message. The alert could also come by word of mouth, Campus Personnel, text message, or email.

**Upon receiving an active shooter alert the following procedures apply:**

**If an active shooter is reported or encountered:**

#### **RUN**

- Have an escape plan in mind.
- If you are outside a building near the threat, go to the nearest cover immediately.
- If you are inside the building and you are confident you know the shooter's location and have a clear path to an exit, evacuate immediately, and take others with you if possible.
- Prevent others from entering the building.
- Keep your hands empty and visible and follow all instructions from police.
- Tell police

#### **HIDE**

- If you are inside a building and the shooter(s) location is unknown, the safest option is normally to barricade:

- If you are unsure that you can safely exit the building, secure the area by following these tips:
  - Lock and barricade doors with heavy furniture.
  - Stay away from doors or windows.
  - Turn off lights.
  - Block windows.
  - Turn off radios and computer monitors.
  - Keep yourself out of sight (take cover/protection from bullets by using concrete walls or heavy furniture) AND
  - Silence your cell phone.
- Quietly report to 911:
  - Your specific location
  - Number of people at your location
  - Number of injured and types of injuries
  - Assailant(s) – location, number of suspects, race/gender, clothing description, physical features, types of weapons, backpack, shooter’s identity (if known).
  - If you cannot speak, leave the line open and allow the dispatcher to listen.

## **FIGHT**

- As a last resort, and only if your life is in immediate danger, attempt to stop the attacker by:
  - Working as a group if possible
  - Improvising weapons
  - Committing to your actions
  - Acting with physical aggression

Campus administration will contact local emergency personnel; this does not preclude any other calls that have been made.

## **Evaluation**

The plan for a safe and secure environment that protects the student population against real and impending threats is evaluated for effectiveness by the use of periodic emergency drills. If the drills are carried out in an efficient and timely fashion, it is considered that the false alarms are effective. If deficiencies in the plan are found during periodic drills, proper adjustments are made to insure effectiveness.

**PERSONS WITH DISABILITIES:** If you have a disability you should notify your instructor in each of your classes that you have a disability and will require assistance in case of an emergency. Instructors must notify emergency response personnel, either police or fire department, of any persons with disabilities in their classes or area of responsibility.

### **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.

## Clery Crime Statistics

Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Sex Offenses-Forcible	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Sex Offenses-Non-forcible	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Larceny	0					0					0	0	0	0	0	0	0	0	
Simple Assault	0					0					0	0	0	0	0	0	0	0	0
Intimidation	0					0					0	0	0	0	0	0	0	0	0
Vandalism	0					0					0	0	0	0	0	0	0	0	0
<b>Arrests</b>																			
Liquor Law Violations	0					0					0	0	0	0	0	0	0	0	0
Drug Violations	0					0					0	0	0	0	0	0	0	0	0
Weapons Violations	0					0					0	0	0	0	0	0	0	0	0
<b>Disciplinary Referrals</b>																			
Liquor Law Violations	0					0					0	0	0	0	0	0	0	0	0
Drug Violations	0					0					0	0	0	0	0	0	0	0	0
Weapons Violations	0					0					0	0	0	0	0	0	0	0	0

The local law enforcement agencies have been requested to forward TCATA their reports of all criminal activity occurring on campus properties. These are reported monthly TBI and annually to the Department of Education (DOE) as required by the “Jeanne Clery Act.” The annual report is prepared for publication on October 1, based on the statistical information for the previous year. The crime statistics are published via (1) the Student Handbook, (2) employee orientation material. Copies of the Annual Security Report are available in the Student Services Office. TCATA makes available crime rates and statistics as well as security policies and procedures to interested parties.

## Hate Crimes

<b>Bias Motivated Offenses (Hate Crimes)</b>	
2011	No (0) Hate Crimes Reported
2012	No (0) Hate Crimes Reported
2013	No (0) Hate Crimes Reported
2014	No (0) Hate Crimes Reported
2015	No (0) Hate Crimes Reported
2016	No (0) Hate Crimes Reported
2017	No (0) Hate Crimes Reported
2018	No (0) Hate Crimes Reported
2019	No (0) Hate Crimes Reported
2020	No (0) Hate Crimes Reported

2021	No (0) Hate Crimes Reported
------	-----------------------------

The Clery act requires that TCATA 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 race, gender, religion, disability, sexual orientation or ethnicity/national origin.