



# TENNESSEE COLLEGE OF APPLIED TECHNOLOGY

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**PULASKI**

## **CAMPUS SECURITY REPORT 2023**

Reporting Period January 1, 2022 to December 31, 2022

Tennessee College of Applied Technology-Pulaski  
1233 East College St.  
Pulaski, TN 38478

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The following is the annual Campus Security Report for Tennessee College of Applied Technology-Pulaski for calendar year 2022. 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 TCAT's web page at <https://tcatpulaski.edu/about/safety-and-security>. This report contains security policies, procedures, and guidelines. Crime statistics for calendar years 2020-2022 are included in the report as Appendices A-B. These statistics are based on incidents reported at 5 campus locations. You may request a paper copy of this report from the *Student Services Department* on the TCAT campus located at 1233 East College Street, Pulaski, TN 38478.

### **Statement Concerning Law Enforcement (All Campuses)**

Columbia State Community College Police Department assumed jurisdiction over the TCAT on *May 15, 2023*. Officers employed by the Columbia State Community College Police Department are commissioned officers with full police powers on the TCAT campus and certain other areas. Security officers, unless they are off-duty police officers, are not armed and do not have arrest authority. The contact information for the Columbia State Community College Police Department is 1665 Hampshire Pike, Columbia, TN 38401, (931)540-2700.

Prior to the Columbia State Community College Police Department assuming jurisdiction, the local law enforcement agency listed below had jurisdiction over the TCAT. The TCAT maintains a close working relationship with local law enforcement agencies and may work with such agencies as deemed necessary in the event that criminal activity occurs or is suspected. The following is a list of TCAT campuses along with the local law enforcement agency with jurisdiction over each one:

Main Campus	Pulaski Police Department, 203 S 1 <sup>st</sup> St. #7, Pulaski, TN 38478, (931)424-4404
Lawrenceburg Instructional Service Center	Lawrenceburg Police Department, 233 W. Gaines St. #1, Lawrenceburg, TN 38464 (931)762-2276
Lawrence County Instructional Service Center	Lawrenceburg Police Department, 233 W. Gaines St. #1, Lawrenceburg, TN 38464 (931)762-2276
South Lawrence Instructional Service Center	Lawrence County Sheriff's Department, 240 W. Gaines St. #8, Lawrenceburg, TN 38464 (931)762-3626
North Lawrence Instructional Service Center	Lawrence County Sheriff's Department, 240 W. Gaines St. #8, Lawrenceburg, TN 38464 (931)762-3626

### **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 Columbia State Community College Police Department, call (931)540-2700. You may also contact the local law enforcement agency at the phone numbers listed below depending on your campus location. Any suspicious

activity or person seen in the parking lots or loitering around vehicles and inside buildings may also be reported to one of the Campus Security Authorities listed below.

The TCAT will, to the extent possible, complete publicly available record-keeping, including Clery reporting, without providing personally identifying information about the victim.

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

Main Campus	Pulaski Police Department	(931)424-4404
Lawrenceburg Instructional Service Center	Lawrenceburg Police Department	(931)762-2276
Lawrence County Instructional Service Center	Lawrenceburg Police Department	(931)762-2276
South Lawrence Instructional Service Center	Lawrence County Sheriff's Department	(931)762-3626
North Lawrence Instructional Service Center	Lawrence County Sheriff's Department	(931)762-3626

#### **Campus Security Authorities:**

In addition to reporting crimes to the Columbia State Community College Police Department or local law enforcement, a crime may be reported to a college campus security authority (CSA). The CSAs for the TCAT are listed below:

Terrence Howard, [thoward9@columbiastate.edu](mailto:thoward9@columbiastate.edu), (931)424-2438

#### **Emergency Notifications and Timely Warning Notices [34 CFR §668.46(b)(2)(i)] (All Campuses)**

The TCAT will issue an emergency notification in the event of an immediate threat to the health or safety of students or employees occurring on campus. Examples include a building fire, hazardous material spill affecting a large area, tornado or other severe weather event, or an active shooter on campus.

The TCAT will issue a timely warning notice to the campus community in a timely manner of specific crimes that occurred on campus. The purpose of a timely warning notice is to offer safety tips and information to aid in the prevention of similar crimes. A timely warning notice will not be issued for the circumstances that led to issuance of an emergency notification.

#### ***Process for Confirmation***

The President of the institution (or designee in the President's absence) is responsible for

confirming emergencies or dangerous situations after receiving input from knowledgeable sources pertaining to the situation at hand. Once confirmed, the President will issue orders to release emergency notifications and/or timely warning notices as needed. In addition to the President, the following individuals may be involved in the decision whether to issue timely warning notifications and/or emergency notifications, as well as the preparation and dissemination of the notifications.

Chief Carroll, Columbia State Police Department (931)540-2700

Mike Whitehead, TCAT-Pulaski President (931)424-2420

Wendy Hopper, TCAT-Pulaski Vice President of Instruction and Operations (931)424-2426

Christa Williams, TCAT-Pulaski Vice President of Student Services (931)424-2404

Amy Key, TCAT-Pulaski Director of Nursing and Allied Health (931)424-2437

Stephanie Grissom, TCAT-Pulaski Fiscal Coordinator (931)424-2422

Rob Alford, TCAT-Pulaski SIT, ISC, and Evening Coordinator (931)424-2433

All employees have the ability to contact the President directly with information related to emergencies and dangerous situations, or information may be submitted to the CSAs identified above.

### ***Decisions to Notify Certain Campuses***

The TCAT will notify students, employees, and staff based on the assessed need. In the case of large segments of the TCAT population being affected, notifications may be made to all campuses. Notifications may be made to individual campuses when conditions causing the notice are localized; however, a continuing assessment of situations may warrant additional notifications to other segments of the community.

### ***Content of Notifications***

The President or the President's senior staff designee will determine what information will be contained in notifications; depending on the segments being affected, notifications may vary between targets.

### ***Means of Communication***

Notifications will be disseminated using methods likely to reach members of the campus community. Those include electronic communication (email, text, cell), public address systems, or via alarms based on the timeliness of need for the message being communicated.

### ***Timeliness***

The TCAT will inform the community of a confirmed significant emergency or dangerous situation in a timely manner (as soon as pertinent information is available). The institution will take into consideration the safety of the community, will determine the content of any notifications, and will initiate the notification system. The institution may withhold a notification in situations where the professional judgment of responsible authorities indicates that issuing a

notification will compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

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

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

The Guide is also available on at <https://tcatpulaski.edu/file/2023-08/healthsafetyemployeesstudentsguestsmaintainreadinessplan-2023pdf>.

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 *Rave alert message system (text/phone/email)*, *the college e-mail system*, *Facebook page*, and *TCAT website*.

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

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

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

The *Student Services Department* prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. Copies of the crime statistics for the reporting period covered under this report have been included as Appendix A-C of this report. The statistics contained in this report are prepared in cooperation with the Columbia Sate Community College Police Department and local law enforcement agencies surrounding our main campus and alternate sites. Campus crime, arrest, and referral statistics include those reported to the campus security authorities and local law enforcement agencies when reported to the TCAT. Upon completion of the Annual Security Report, an e-mail notification is made to all enrolled students, faculty and staff that provide the website to access this report. Copies of the report may also be obtained from the *Student Services Department (931)424-4014*.

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

The TCAT encourages anyone who is the victim or witness or has knowledge of any crime to promptly report the incident to one of the Campus Security Authorities described above. The confidentiality of persons reporting criminal activity can be requested and will be respected when possible but cannot be assured, as police reports for closed cases are generally available under the Tennessee Public Records Act. The annual crime statistics do not include personally identifiable information.

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

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

The TCAT examines security issues such as landscaping, locks, alarms, lighting, and communications. Any maintenance needs are reported to Ronnie Hughes, Facilities Maintenance. Any identified security concern will be evaluated by Terrence Howard, Campus Police Officer and the TCAT-Pulaski Safety Committee

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

The Columbia State Community College Police Department and TCAT staff TCAT staff at each campus location maintains a close working relationship with their local law enforcement agencies. There is not a written memorandum of understanding between the TCAT and law enforcement agencies.

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

The campus community (students, faculty and staff), as well as others, are encouraged to report any criminal behavior or suspected criminal acts promptly to the Columbia State Community College Police Department, to a local law enforcement agency identified above, or to a Campus Security Authority identified above. In the event an emergency is occurring, call 911 to obtain immediate assistance from local law enforcement, and then contact a CSA. It is a core objective of the TCAT to maintain a safe environment for the entire campus population and visitors. To help achieve this goal, each person is encouraged to promptly and accurately report criminal activity.

## **Security Awareness Programs for Students and Employees [34 CFR §668.46(b)(5) and (6)] (All Campuses)**

During orientation, staff and students are informed of the need to exercise personal safety and help maintain security at the TCAT. Once enrolled in class, all students receive a program orientation that promotes personal security and safety. Using common sense safety practices such as walking in groups, reporting suspicious activities, keeping money, books and other personal items protected, locking car and office doors when leaving, observing speed limits and generally being alert to personal welfare will ensure personal safety on and off campus.

The TCAT provides information on how to prevent crime through a prevention of workplace violence policy, firearms and other weapons policy, bystander intervention strategies, and risk reduction strategies. These resources are available on the school's web site or through training available on the website.

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

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

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

TCAT students and employees are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, use of or being under the influence of illicit drugs as defined in the Controlled Substances Act, 21 U.S.C. § 812 and/or alcohol on any TCAT campus, property owned or controlled by the TCAT, or as part of any TCAT activity. The possession or consumption of alcoholic beverages on property owned or controlled by the college is prohibited, except as provided in TBR Policy 1.07.00.05, General Policy on Alcoholic Beverages. Students are subject to TBR Policy 3.02.00.01, General Policy on Student Conduct and Disciplinary Sanctions.

Violation of TCAT policies is grounds for disciplinary action, up to and including discharge of an employee and permanent dismissal of a student. Federal and state laws provide additional penalties for such unlawful activities, including fines and imprisonment, as do some local ordinances. See 21 U.S.C. § 812, T.C.A. § 39-6-401 et seq.

It is unlawful for any person under the age of twenty-one (21) to buy, possess, transport (unless in the course of his or her employment), or consume alcoholic beverages, wine or beer, such offenses being classified as Class A misdemeanors punishable by imprisonment for not more than 11 months, 29 days, or a fine of not more than \$2,500, or both. (T.C.A. § 1-3-113 and T.C.A. § 57-5-301). It is further an offense to provide alcoholic beverages to any person under the age of twenty-one (21), such offense being classified a Class A misdemeanor. (T.C.A. § 39-15-404). The offense of public intoxication is a Class C misdemeanor punishable by imprisonment of not more than 30 days or a fine of not more than \$50, or both. (T.C.A. § 39-17-310).



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

### **A. General**

#### **Drug and Alcohol Awareness**

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

A synopsis of those health risks is presented below.

### **B. Alcohol**

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

### **C. Illicit Drugs**

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

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

The **[insert job title]** will assist students and/or employees by providing information concerning treatment resources in the surrounding area and assisting individuals in making initial contact with treatment providers. Regular employees may also use the

Employee Assistance Program (EAP) by calling 1-855-437-3486 or on the web at <https://Here4TN.com>. Information concerning the EAP is available from Human Resources.

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

Sexual misconduct, including sexual assault, dating violence, domestic violence, and stalking, is a form of sex discrimination prohibited by Title IX. The TCAT is committed to eliminating any and all acts of sexual misconduct and discrimination on its campuses. A copy of the Sexual Misconduct Policy is contained in Appendix B and may also be found in the TCAT Handbook at <https://tcatpulaski.edu/current-students/student-handbookcatalog>.

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

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

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

### ***Assistance for Victims of Sexual Misconduct: Rights and Options***

A. Regardless of whether a victim elects to pursue a criminal complaint or whether the offense occurred on or off campus, the College will assist victims of sexual misconduct and will provide each victim with a written explanation of her/his rights as a member of the College.

B. Additionally, in the Tennessee court system, a victim of domestic violence, dating violence, sexual assault and stalking has the following rights: the right to confer with the prosecution, right to be free from intimidation, harassment and abuse throughout the criminal justice system, the right to be present at all proceedings where the defendant has the right to be present, the right to be heard, when relevant, at all critical stages of the criminal justice process as defined by the General Assembly, the right to be informed of all proceedings, and of the release, transfer or escape of the accused or convicted person, the right to a speedy trial or disposition and a prompt

and final conclusion of the case after the conviction or sentence, the right to restitution from the offender and the right to be informed of each of the rights established for victims. Information related to these rights may be found at <https://www.tn.gov/correction/redirect-agency-services/redirect-victim-services/tennessee-crime-victims--bill-of-rights/>

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 <https://tncoalition.org/get-help/legal-services/>

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

### ***Resources for Victims of Sexual Misconduct***

The resources listed below are not exhaustive or limited to victims who wish to make an official report or participate in an institutional hearing, police investigation or criminal prosecution. However, in cases where a victim wishes to maintain complete confidentiality, the victim should review carefully the section “Reporting Confidentially” below related to the limits on the College’s ability to maintain confidentiality. Victims can seek information on treatment for injuries, preventative treatment for sexually transmitted diseases, and where and how to get a rape kit or find a Sexual Assault Nurse Examiner (SANE) from the resources listed in this section.

#### ***On campus resources***

Wendy Hopper, Vice President of Instruction and Operations, Title IX Coordinator, (931)424-2426

#### ***On-line Resources***

<http://tncoalition.org/> - State Coalition Against Rape  
<http://tncoalition.org/> - State Coalition Against Domestic Violence  
<http://www.thehotline.org/> - National Domestic Violence Hotline for victims of sexual or domestic violence, including support for women, LGBTQ, and minority individuals.  
<http://www.rainn.org> – Rape, Abuse and Incest National Network  
<https://www.justice.gov/usao-dc/information-victims-sexual-assault> -- Department of Justice  
<http://www2.ed.gov/about/offices/list/ocr/index.html> -- Department of Education, Office of Civil Rights

#### ***Phone Number Resources:***

Free National Resources

National Domestic Violence Hotline ----- 1-800-799-SAFE (7233)

National Sexual Assault Hotline ----- 1-800-656-HOPE (4673)

National Stalking Resources ----- 1-800-FYI-CALL (1-800-394-2255)  
National Teen Dating Abuse ----- 1-866-331-9474

## Local Resources

[Family Justice Centers \(tn.gov\)](http://tn.gov)

## ***Reporting Confidentially***

If a victim chooses to report an incident of sexual misconduct in a confidential manner, the victim can report the incident to the following agency who employs licensed counselors and is required by Tennessee state law to maintain confidentiality of a victim:

### ***Sexual Assault Center, Counseling & Education***

101 French Landing Dr., Nashville, TN 37228; (615) 259-9055  
24-hour hotline 1-866-811-7473.

1725-I Wilma Rudolph Blvd., Clarksville, TN 37040; (931) 241-4143  
[www.sacenter.org](http://www.sacenter.org)

Counselors and health care providers not affiliated with the institution will generally maintain confidentiality and not share information with the institution unless the Complainant requests the disclosure and signs a consent or waiver form. However, these resources may have reporting obligations under state or federal law. For example, healthcare providers and certain other individuals are required to notify law enforcement when a person seeks treatment for injuries related to a violent crime, including injuries resulting from Sexual Misconduct or abuse of a minor.

Additional information about confidential reporting of sexual assault, sexual harassment, dating violence, domestic violence, and stalking can be found in the Sexual Misconduct Policy attached as Appendix B and available at <https://tcatpulaski.edu/current-students/student-handbookcatalog>.

## **Role of Title IX Coordinator**

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

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

2. Coordination and oversight of educational programs including mandatory training for new students and employees and awareness campaigns for current students and employees;
3. Coordination with local law enforcement on matters related to allegations related to sexual misconduct;
4. Coordination and oversight of training for anyone involved in responding to, investigating, or adjudicating sexual misconduct;
5. Coordination and oversight of training for employees related to their responsibility when they are aware of sexual misconduct;
6. Coordination and oversight of annual training for investigators, decision makers, hearing officers and hearing committee members on the issues related to sexual misconduct and on how to conduct an investigation and hearing process that protects the safety of Complainants and promotes accountability; and
7. Attending appropriate training annually on topics related to responding to or investigating allegations of sexual misconduct.

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

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

### **Bystander Intervention and Risk Reduction**

Helping prevent sexual harassment is everyone’s responsibility. Bystander intervention is one means of prevention and reducing risks. Bystander intervention essentially means interrupting problematic behavior. Bystanders can help prevent sexual harassment in a safe way by being involved before, during, or after a situation where an individual may make inappropriate jokes or comments, may make threats, or may behave in a way that is harmful to another person. Individuals are encouraged to review bystander tips and strategies published by national resources.

[Prevention Links | National Sexual Violence Resource Center \(NSVRC\)](#)

<https://www.rainn.org/articles/practicing-active-bystander-intervention>  
[Prevention Strategies | Violence Prevention | Injury Center | CDC](#)

## **Definitions [34 CFR §668.46(j)]**

The TCAT prohibits Sexual Misconduct, which includes rape, fondling, incest, statutory rape, dating violence, domestic violence, and stalking. Those terms are defined in the Sexual Misconduct policy (Appendix B) in accordance with federal Title IX and Clery Act regulations. The crime statistics reported in Appendix A are based on the Clery Act.

Crimes as defined by the Tennessee criminal code differ from the definitions in the Clery Act (and are not used for purposes of Clery Act reporting). Tennessee's criminal code includes the following definitions.

**Stalking** (T.C.A. § 39-17-315) is a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

- A "Course of conduct" means a pattern of conduct composed of a series of two or more separate, noncontinuous acts evidencing a continuity of purpose, including, but not limited to, acts in which the defendant directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to a person, or interferes with a person's property.
- "Emotional distress" means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.
- "Harassment" means conduct directed toward a victim that includes, but is not limited to, repeated or continuing unwanted contact that would cause a reasonable person to suffer emotional distress, and that actually causes the victim to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose.
- "Unwanted contact" means any contact with another person that is initiated or continued without that person's consent, or in disregard of that person's expressed desire that the contact be avoided or discontinued. Unwanted contact includes, but is not limited to, any of the following: (1) following or appearing within the sight of that person; (2) approaching or confronting that person in a public place or on private property; (3) appearing at that person's workplace or residence; (4) entering onto or remaining on property owned, leased, or occupied by that person; (5) contacting that person by telephone; (6) sending to that person mail or any electronic communications, including, but not limited to, electronic mail, text messages, or any other type of electronic message sent using the Internet, web sites, or a social media platform; or (7) placing an object on, or delivering an object to, property owned, leased, or occupied by that person.
- "Victim" means an individual who is the target of a willful course of conduct involving repeated or continuing harassment.

**Sexual Assault** is not specifically defined in the Tennessee Code, but several sexual offenses are defined.

- **Rape** (T.C.A. § 39-13-503) is the unlawful sexual penetration of a victim by the defendant or of the defendant by a victim accompanied by any of the following circumstances: (1) Force or coercion is used to accomplish the act; (2) The sexual penetration is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the penetration that the victim did not consent; (3) The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or (4) The sexual penetration is accomplished by fraud.
- **Sexual Battery** (T.C.A. § 39-13-505) is unlawful sexual contact with a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances: (1) force or coercion is used to accomplish the act; (2) the sexual contact is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the contact that the victim did not consent; (3) the defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or (4) the sexual contact is accomplished by fraud.
- **Statutory Rape** (T.C.A. § 39-13-506) is the unlawful sexual penetration of a victim by the defendant or of the defendant by the victim when: (1) the victim is at least thirteen but less than fifteen years of age and the defendant is at least four years but less than ten years older than the victim; or (2) the victim is at least fifteen but less than eighteen years of age and the defendant is more than five but less than ten years older than the victim.
- **Incest** (T.C.A. § 39-15-302) is sexual penetration as defined in T.C.A. § 39-13-501, with a person, knowing the person to be, without regard to legitimacy: (1) the person's natural parent, child, grandparent, grandchild, uncle, aunt, nephew, niece, stepparent, stepchild, adoptive parent, adoptive child; or (2) the person's brother or sister of the whole or half-blood or by adoption.
- **Other sexual offenses** are included in T.C.A. § 39-13-501 through § 39-13-511.

**Domestic Violence** and **Dating Violence** are not defined in the Tennessee criminal code, but the **Domestic Assault** and domestic abuse victim (T.C.A. § 39-13-111) are defined as any person who falls within the following categories: (1) adults or minors who are current or former spouses; (2) adults or minors who live together or who have lived together; (3) adults or minors who are dating or who have dated or who have or had a sexual relationship, but does not include fraternization between two individuals in a business or social context; (4) adults or minors related by blood or adoption; (5) adults or minors who are related or were formerly related by

marriage; or (6) adult or minor children of a person in a relationship that is described in subdivisions (1)-(5).

- For purposes of these definitions, as defined in T.C.A. § 39-13-101 a person commits **Assault** who: (1) intentionally, knowingly or recklessly causes bodily injury to another; (2) intentionally or knowingly causes another to reasonably fear imminent bodily injury; or (3) intentionally or knowingly causes physical contact with another and a reasonable person would regard the contact as extremely offensive or provocative.
- **Abuse** (T.C.A. § 36-3-601) means inflicting, or attempting to inflict, physical injury on an adult or minor by other than accidental means, placing an adult or minor in fear of physical harm, physical restraint, malicious damage to the personal property of the abused party, including inflicting, or attempting to inflict, physical injury on any animal owned, possessed, leased, kept, or held by an adult or minor, or placing an adult or minor in fear of physical harm to any animal owned, possessed, leased, kept, or held by the adult or minor.
- **Adult** means any person eighteen (18) years of age or older, or who is otherwise emancipated.

**Consent** is not specifically defined in the Tennessee criminal code, but with respect to most criminal offenses relating to sexual activity, sexual activity is criminal if: (1) the activity was accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the activity that the victim did not consent; (2) force or coercion is used to accomplish the activity; (3) the defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated, or physically helpless; or (4) the sexual activity is accomplished by fraud.

- “Coercion” (T.C.A. § § 39-13-501(1)) means a threat of kidnapping, extortion, force, or violence to be performed immediately or in the future.
- “Mentally defective” (T.C.A. § § 39-13-501(3)) means that a person suffers from a mental disease or defect which renders that person temporarily or permanently incapable of appraising the nature of the person's conduct.
- “Mentally incapacitated” (T.C.A. § 39-13-501(4)) means that a person is rendered temporarily incapable of appraising or controlling the person's conduct due to the influence of a narcotic, anesthetic or other substance administered to that person without the person's consent, or due to any other act committed upon that person without the person's consent.
- “Physically helpless” (T.C.A. § 39-13-501(5)) means that a person is unconscious, asleep or for any other reason physically or verbally unable to communicate unwillingness to do an act.
- Consent is not relevant to sexual activity with a person under the age of eighteen (18) years of age because under Tennessee law a minor is not capable of consenting to sexual activity. Tennessee law, however, provides a close-in-age exception that allows minors



who are at least thirteen (13) and less than eighteen (18) to give consent to sexual acts with another person who is less than four (4) years older than the minor.

### **Sex Offender Registration [34 CFR §668.46(b)(12)] (All Campuses)**

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

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

Appendix A:

YEAR: 2022	Location:		
OFFENSE	ON-CAMPUS PROPERTY	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
Murder/Non-Negligent Manslaughter	0	0	0
Manslaughter by Negligence	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0
Arrests: Weapons, carrying, possessing, etc.	0	0	0
Disciplinary Referrals: Weapons, carrying, possessing, etc.	0	0	0
Arrests: Drug Abuse Violations	0	0	0
Disciplinary Referrals: Drug Abuse Violations	0	0	0
Arrests: Liquor Law Violations	0	0	0
Disciplinary Referrals: Liquor Law Violations	0	0	0

## *Appendix B:*

### Campus Sexual Misconduct Policy

TCAT Pulaski complies with [TBR Policy No. 6.03.00.00](#) regarding Sexual Misconduct. All other forms of sex discrimination, including sexual harassment, are also strictly prohibited. Allegations that are not within the scope of this policy are subject to the procedures described in TBR Policies 6.01.00.00 & 6.02.00.00 and TBR Guideline P- 080 located at <https://policies.tbr.edu/policies/sexual-discriminationharassmentmisconduct>.

#### I. Prohibition of Sexual Misconduct and General Information

- A. Sexual Misconduct is a form of sex discrimination prohibited by Title IX. TCAT Pulaski is committed to eliminating any and all acts of Sexual Misconduct. As set forth in this policy, Sexual Misconduct includes Title IX Sexual Harassment, Dating Violence, Domestic Violence, Stalking, and Sexual Assault. TCAT Pulaski strictly prohibits these offenses. For purposes of institutional policies, a reference to the institution includes the TBR System Office for any complaints, investigations, adjudications, and other proceedings that involve the TBR System Office.
  - 1. Because Sexual Misconduct is a subset of the broader category of sexual harassment, not all sexual harassment allegations will be handled according to this policy. Allegations of sexual harassment that do not fall within the more limited definition of Sexual Misconduct or otherwise do not meet the criteria for filing a Formal Complaint will be handled in accordance with TBR Guideline P-080 and institutional policy.
- B. With respect to allegations of Sexual Misconduct against faculty and staff in which a student is not the Complainant, additional laws and policies apply, most notably Title VII and anti-discrimination policies. In such situations and absent unusual circumstances, the Complainant may file a Formal Complaint pursuant to this policy or proceed pursuant to TBR Guideline P-080 and the appropriate institutional policy.
- C. With respect to allegations of Sexual Misconduct in which a student is either a Complainant or Respondent and meets the criteria for filing a Formal Complaint, absent unusual circumstances, pursuing a Formal Complaint pursuant to this policy will be the appropriate method of addressing the allegations.
- D. Upon receiving and assessing a report of Sexual Misconduct and/or sexual harassment, the Title IX Coordinator will decide whether the criteria for proceeding under this policy are met and whether another policy may apply. If there is a possibility of proceeding pursuant to TBR Guideline P-080 and another institutional policy, the Title IX Coordinator will explain the options.

- E. In addition to conduct by students, faculty, and staff, this policy applies to conduct by third parties. An example of a third party is a vendor with whom the institution contracts to provide services.
- F. This policy applies to all students and employees, regardless of sexual orientation or gender identity. **Title IX Coordinator** Complaints of Sexual Misconduct (or any sexual harassment or sex discrimination) should be made to:

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**TCAT Pulaski Title IX Coordinator**  
**Wendy Hopper**  
**1233 E. College St. Pulaski, TN 38478**  
[wendy.hopper@tcatpulaski.edu](mailto:wendy.hopper@tcatpulaski.edu)  
**931-424-2426**