

Tennessee College of Applied Technology - Memphis

# Annual Security Report

2021

Reporting Period January 1, 2020 to December 31, 2020

**TCAT Public Safety Office  
TCAT Memphis  
620 Mosby Avenue  
Room B104  
Memphis, TN 38105**

0911-256 – Tennessee College of Applied Technology - Memphis 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:

Gwen Sutton, 550 Alabama Avenue, Memphis, TN 38105, 901-543-6137

# Annual Security Report

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This Annual Security Report was compiled in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and the College and University Security Information Act.

# ANNUAL SECURITY REPORT

## I. General Information

### a. Emergency Numbers:

#### **FOR IMMEDIATE EMERGENCY ASSISTANCE, DIAL 911**

<b>Switchboard</b>	<b>901-543-6100</b>
<b>Administration</b>	<b>901-543-6156</b>
<b>Memphis Fire Department</b>	<b>901-458-3311</b>
<b>Airport Police (Aviation Campus)</b>	<b>901-922-8298</b>
<b>Memphis Police Department</b>	<b>901-545-2677</b>
<b>Memphis Light, Gas, and Water</b>	<b>901-528-4465</b>
<b>Maintenance (Physical Plant)</b>	<b>901-543-6935</b>

TCAT Public Safety Office is the office responsible for security of the campus.

The TCAT Public Safety Office is located at

620 Mosby Avenue Rm: B104, Memphis, TN 38105

If you have any questions about this report or any of our services, please feel free to stop by our office or contact our office at (901) 543-6935.

## **b. The Clery Act Requirements**

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

- publish an annual report by October 1 that contains three years of campus crime and fire safety statistics and certain campus security policy statements
- disclose crime statistics for the campus, public areas immediately adjacent to or running through the campus, and certain non-campus facilities and remote classrooms. The statistics must be gathered from campus police or security, local law enforcement, and other Tennessee College of Applied Technology officials who have significant responsibility for student and campus activities
- provide timely warning notices of those crimes that have occurred and pose an ongoing threat to students and employees
- implement emergency notification procedures if there is an immediate threat to the health or safety of students or employees on campus
- disclose in a public crime log any crime that occurred on campus . . . or within the patrol jurisdiction of campus security and is reported to campus security and
- maintain in a public fire log a record of any fire that occurred in an on-campus student housing facility.

## **c. Introduction to the Clery Act Policies and Procedures**

Tennessee College of Applied Technology - Memphis (“TCAT” or “the College of Applied Technology”) is committed to disseminating relevant and pertinent information regarding reported criminal activities in a reasonable manner to its community and to interested parties. To that end, TCAT is implementing and maintaining policies and procedures in compliance with the College of Applied Technology reporting requirements of the Clery Act and the Higher Education Opportunity Act (HEOA), two pieces of federal legislation that provide guidance in disseminating certain types of information to campus communities and to the general public. Because the Clery Act and the HEOA encompass several areas of campus responsibility, the College of Applied Technology utilizes the TCAT Public Safety Office to issue information that pertains to the criminal reporting requirements and policies of these two federal laws.

Additional information regarding other areas of reporting requirements may be distributed by other TCAT departments and/or online at: <http://www.tcatmemphis.edu/>.

## **d. Preparation of the Annual Disclosure of Crime Statistics**

Crime statistics which are provided in TCAT's Annual Security Report are based upon incidents reported by campus security authorities and local police agencies. This institution shall annually report statistics for the three most recent calendar years concerning the occurrence on campus and on public property (as those terms are defined and interpreted for purposes of the Clery Act) for occurrences of murder, manslaughter, sexual assault, robbery, arson, aggravated assault, burglary, and motor vehicle theft, VAWA (Violence Against Women Act) incidents such as domestic violence, dating violence, and stalking; statistics on arrests for violations of liquor, drug, and weapons law violations; disciplinary referrals for liquor, drug, and weapons law violations; and statistics on hate crimes. The TCAT Public Safety Office will make the determination as to whether a reportable offense has occurred. These reports will be compiled to prepare the annual Campus Safety and Security Survey for submission to the United States Department of Education, Office of Postsecondary Education.

This report will be made available to the campus population by October 1st of each year. This report will be posted to the TCAT website for public viewing.

## **II. Law Enforcement on Campus**

### **a. TCAT Public Safety Office**

TCAT Public Safety Office consists of joint efforts between TCAT staff and subcontracted security services. Security services are available at the Main Campus every weekday, during which classes are in session, from 9:30 AM to 9:00 PM and at the Aviation Facility every weekday from 9:00 AM to 2:00 PM.

### **b. Relationship with Federal, State and Local Law Enforcement**

The TCAT Public Safety Office has a close working relationship with local, state, and federal law enforcement agencies including the Memphis Police Department, the Shelby County Sheriff's Office, the Tennessee Bureau of Investigation, and the Memphis Airport Police Department. TCAT has requested that local law enforcement agencies provide information about crimes reported to them that may warrant TCAT issuing an emergency notification or a timely warning. The TCAT Public Safety Office will actively investigate any crime information it receives concerning or involving a member of the campus community, and it will supply information regarding the incident as requested or required to local, state, or federal law enforcement authorities.

In addition to the requirements of the Clery Act, The TCAT Public Safety Office submits an as needed report to the Tennessee Bureau of Investigation of crimes that occur within our

campus community. Each year TBI takes these monthly reports and publishes a compilation from all institutions of higher education in Tennessee.

### **III. Weapons on Campus**

Weapons of any kind, most notably firearms and cutting weapons, are prohibited on the TCAT campus. The penalty for possession of deadly weapons is enhanced by state law to a FELONY if that possession takes place on campus.

Possession of firearms (or other statutorily defined weapons) on campus is prohibited pursuant to TCA 39-17-1309, and subject to exceptions contained in TCA 39-17-1309.

The TCAT Student Code of Conduct prohibits the possession or use of firearms, slingshots, paintball guns, “super soakers,” explosives, fireworks, flammable fluids, dangerous chemical mixtures, pellet guns, BB guns, propelled missiles or ammunition (which includes but is not limited to bullets, paint balls, pellets and BBs).

### **IV. Victim’s Rights**

#### **Victim’s Rights; Crimes of Violence Notification**

The College of Applied Technology will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary proceeding conducted by TCAT against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for notification purposes.

Victims of sex crimes are afforded specific rights. Please see the Sex Offense Section of this report for more information on students’ rights.

#### *Students or employees with criminal records:*

TCAT does not collect information on criminal records on applications for admission of students to the College of Applied Technology. The application for employment of all employees except faculty requires that the applicant state whether he/she has been convicted of a misdemeanor or a felony. The Human Resource Office ensures that background checks are done for all Classified and Administrative positions. The Human Resource Office ensures that background checks are done for all Faculty and staff positions. Background checks are not typically done for temporary or student employee positions unless requested by the employing department or required by statute. Acknowledged conviction of any crime results in an evaluation of the applicant's fitness for employment in consultation with legal staff. TCAT requires that employees notify the

institution of any drug convictions resulting from a violation in the workplace no later than five days after the conviction.

Current College of Applied Technology students convicted of a violation of a law or ordinance off-campus, whose violation also adversely affects the College of Applied Technology's pursuit of its educational objectives, will become subject to judicial sanction by Administration. Students committing a crime on-campus are subject to arrest and/or prosecution by law enforcement and are subject to judicial sanction by Administration.

## **VI. Timely Warnings and Emergency Notifications**

An Emergency Notification will be distributed by TCAT when there is confirmation of a violent crime or a threatening event that immediately endangers the campus community. A timely warning will be issued by TCAT when a crime is reported and determined to be an on-going or continuous threat to the campus.

### **a. Emergency Notification**

TCAT is committed to notifying persons regarding various types of threatening events or situations that occur on its campus property. An emergency notification is an alert issued to notify affected persons of a significant emergency or dangerous situation occurring on the TCAT campus involving an immediate or imminent threat to the health or safety of students or employees. An alert is issued once it is confirmed that a legitimate emergency or dangerous situation exists. These incidents and situations will typically be characterized as:

- (1) Ongoing in nature in that they continue to pose a real or likely threat;
- (2) They may be mitigated by the quick release of information to the campus community;
- (3) The release of information regarding the possible threats in a more immediate fashion may significantly reduce the chances of individuals or groups becoming victims.

#### **Events Typically Warranting Issuance of an Emergency Notification**

Emergency notifications will be issued for events or incidents which meet the above criteria on the TCAT campus. Examples of such events or incidents include:

- Active shooter
- Armed robbery
- Bomb Threats
- Tornado approaching (as indicated by SchoolCast Weather Alert)

## **b. Notification Methods**

Notification for those previously described incidents that pose a grave and immediate threat to people and/or property will be made using one or more notification systems. Currently, the notification systems and methods utilized by TCAT include network email, automated phone messages or text messages that can be sent to a mobile device (individuals can sign up for this service at the Testing Center), fire alarm notification systems, public address systems, email, website messages, or campus phone/intercom system.

Those who are interested in receiving information about emergencies on campus via text messaging and/or recorded phone messages (called “Voice Alerts”) are given this option at the time of enrollment (i.e., “TCAT SchoolCast Alert System”).

All campus community members’ may elect to have their e-mail addresses uploaded into the TCAT SchoolCast Alert System, so that they will automatically receive emergency notification messages via e-mail.

## **c. Emergency Notification Process**

The TCAT Public Safety Office typically receives information from individuals and various offices/departments on campus regarding suspicious activity and criminal incidents. Information may also come from the Memphis Police Department concerning situations reported to the MPD that may warrant an emergency response.

If the TCAT Public Safety Office confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of members of the TCAT community, an emergency notification will be issued and the President will be notified.

In making the decision about whether to activate emergency notification systems or to order an evacuation of TCAT campus and/or property, the following factors are considered:

- 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?

Dependent on the nature and scope of the event or incident, a determination will be made concerning whether the entire campus or specific portions of it will receive the

emergency notification. If the potential exists that a very large segment of the campus will be impacted, the entire campus community will be notified. If only a portion of the campus is notified, there will be a continuing assessment of the situation and additional segments of the campus community may be notified if the situation warrants such action.

The TCAT President and the Public Relations Coordinator (or designee) may collaborate to determine the content of the emergency notification message and will use some or all of the systems to communicate the threat to all or to specific segments of the TCAT community, without delay. However, if it is determined after taking into account the safety of the community, that issuing a notification will, in the judgment of the first responders (including, but not limited to: TCAT Public Safety Office, Memphis Police Department, Memphis Airport Police, Shelby County Sheriff's Office and/or the Memphis Fire and Emergency Medical Services), 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, issuance may not occur or may be delayed.

TCAT Public Safety Office is primarily responsible for issuing Emergency Notifications for law enforcement emergencies. The President of the College of Applied Technology and the Public Relations Coordinator (or designee), acting on information provided by the TCAT Public Safety Office or other law enforcement/emergency service providers, may also issue Non-Emergency Notifications for incidents that are not law enforcement related (i.e. inclement weather, other school closings).

The decision-makers may also determine that a particular building or structure on campus, an area of TCAT campus, the entire TCAT campus, or other TCAT property should be immediately evacuated in order to create or maintain a safer situation for persons inhabiting those areas. In these instances, the authorities may require evacuated persons to temporarily refrain from remaining or entering specified areas of campus or TCAT property for safety purposes. In those cases, TCAT employees, students and visitors will be informed as to how to leave the TCAT campus or TCAT property. They will also be informed as to where they should assemble or disperse.

The TCAT President and Public Relations Coordinator will work with news agencies to distribute TCAT press releases, as they are made available, concerning critical incidents. The TCAT website and other social media networks may be utilized to disseminate information outside the TCAT community concerning critical incidents.

#### **d. Timely Warnings**

TCAT will make timely warnings to members of the campus community concerning crimes reported to a Campus Security Official or local law enforcement that are determined by the institution to represent a serious or continuing threat to the campus. A timely

warning is an alert issued after review of all available information concerning an incident or event occurring on the TCAT campus that is considered to be a serious or continued threat to TCAT employees or students. The information is provided with the intent to enable persons to protect themselves and to aid in the prevention of similar crimes.

#### **Crimes Warranting Issuance of a Timely Warning**

- Criminal homicide
- Sexual assault
- Robbery involving force or violence
- Aggravated assault
- Burglary Motor vehicle theft
- Arson
- Crimes of Intimidation, Simple Assault, Vandalism, and Larceny when those crimes are motivated by the offender's hate/bias based on the victim's race, gender, religion, disability, sexual orientation or ethnicity/national origin.

The TCAT Public Safety Office will consult with the President to determine whether a timely warning will be issued. If a timely warning is to be issued, the President of TCAT and Public Relations Coordinator (or designee) will collaborate on the preparation of the timely warning which will be distributed by email, voice, and/or text to the campus community.

Decisions whether to issue a timely warning are made on a case-by-case basis considering all the facts surrounding the crime, including factors such as the nature of the crime; when and where the incident occurred and when it was reported; the continuing danger to the campus community; and, the possible risk of compromising law enforcement efforts. If a crime is reported long after it has occurred, there would be no ability to issue a timely warning and, thus, one would not be issued. Timely warnings may also be posted for other crimes as deemed appropriate.

#### **e. Drills**

In an effort to better prepare for emergencies, the College of Applied Technology participates in one fire drill, near the beginning of each trimester, at all facilities. Both are unannounced. The purpose of these drills is to prepare building occupants for an organized evacuation in case of fire or other emergencies.

These drills will be documented to include a description of the exercise, the date and time of the drill, and whether it was announced or unannounced, as well as the number of people participating from each program.

#### **f. Emergency Procedures**

**Fires or Fire Alarms:** Persons should activate the building alarm system upon detecting a fire or visible smoke and immediately evacuate the building. Persons should REPORT ALL FIRES, regardless of size (even if extinguished), smoke or fire alarms on campus to the Fire Department by dialing 911. *Be prepared to state your location.*

**Medical Emergencies:** Request an ambulance and immediate medical assistance on campus by dialing 911. *Be prepared to state your location.*

**Bomb Threats:** Report bomb threats or the discovery of suspicious objects or devices on campus by dialing 911. *Be prepared to state your location.*

**Weather Emergencies:** Alert other building occupants and move to the safest place in your building and/or complex. DO NOT PULL A FIRE ALARM – do not leave the safety of the building, unless it is to seek shelter in a designated “safer place” in a nearby structure or building. If a weather-designated “safer place” is unavailable, seek shelter in the middle of the building. Take cover next to heavy furniture or in an interior hallway against a strong, inside wall on the lowest floor. Do not leave a relatively safe place or get in a vehicle and attempt to drive. Follow the instructions of emergency response personnel or remain in your area until the TCAT Public Safety Office or other emergency response personnel give the all clear signal.

**Other Emergencies:** All other emergencies on campus may also be reported by dialing 911. *Be prepared to state your location.*

The TCAT Public Safety Office will implement a series of training sessions to discuss “active shooter” situations on campus. These sessions will discuss the police response to active shooter, sheltering in place, and the survival mindset needed in this type of encounter.

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

## **VII. Reporting Crimes and Other Emergencies on Campus**

### **a. Report All Crimes to the TCAT Public Safety Office**

All faculty, staff, and students of, as well as visitors to the College of Applied Technology are urged to report crime and suspicious activity to the TCAT Public Safety

Office as soon as possible. Any suspicious activity or person seen in the parking lots or loitering around vehicles, or inside buildings should be reported to the police department. This allows law enforcement officers and/or the appropriate personnel to respond and assist. The TCAT Public Safety Office may be reached at (901) 543-6100. The TCAT Public Safety Office personnel respond to all calls for assistance that involve potential criminal incidents, medical injuries, or other emergencies that occur on TCAT's campus. Occasionally complainants may be referred to other TCAT Departments or to agencies outside TCAT for appropriate assistance or guidance depending on the incident. The TCAT Public Safety Office personnel will also contact other agencies, such as the Shelby County Emergency Medical Services or the Memphis Fire Department, to assist with ongoing or reported incidents that require additional resources, expertise, or specialized assistance.

### **b. Anonymous Reporting**

The TCAT Public Safety Office encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, the TCAT Public Safety Office cannot hold reports of crime in confidence.

TCAT is an active supporter of CrimeStoppers. You are urged to contact CrimeStoppers at (901) 528-CASH (2274) if you have information about a crime that has occurred and wish to remain anonymous. If the information leads to an arrest and prosecution, you may receive a cash reward up to \$1,000.00.

### **c. Campus Security Authorities**

Reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made to other TCAT campus security authorities as identified below. Reports made to these authorities are mandatorily reported to law enforcement agencies. Campus Security Authorities are defined by the Clery Act as:

- Individuals having responsibility for campus security, who are not members of the College of Applied Technology law enforcement department, such as those responsible for monitoring the access to College of Applied Technology facilities or property.
- All employees, including student employees, who work in a position where they control or monitor access to some part of campus.
- Any person or organization specified in TCAT Public Safety policy as one to which student and employees should report criminal offenses.

- All College of Applied Technology officials who have significant responsibility for student and campus activities

If confidentiality is preferred, a student or employee may report to Pastoral or Professional Counselors.

#### **d. Pastoral and Professional Counselors**

Crimes disclosed to a pastoral or mental health counselor, serving in that capacity at the time of disclosure, are not subject to mandatory reporting. The term "pastoral counselor" is defined as a person who is associated with a religious order or denomination that recognizes him/her as someone who provides confidential counseling.

The term "mental health counselor" is defined as a fully qualified and/or licensed professional whose official responsibilities include providing mental health counseling to members of the College of Applied Technology's community and is functioning within the scope of his/her license or certification.

This exemption does not relieve counselors of the duty to exercise reasonable care to protect a foreseeable victim from danger posed by the person being counseled. When speaking to a victim or witness to a crime, counselors are encouraged to inform the individual of voluntary disclosure procedures.

## **VIII. Security of and Access to Campus Facilities**

### **a. General**

The campus, facilities and property of TCAT are restricted to use by TCAT, TCAT administration for official functions, Affiliated Individuals/Entities, and invited or sponsored guests of TCAT except as specifically provided by policy or when part or all of TCAT campus, buildings, or facilities are open to the general public for a designated time and purpose. All persons on the campus of the College of Applied Technology shall be subject to all rules and regulations of the College of Applied Technology and the Tennessee Board of Regents which are applicable to the conduct of students on campus, and/or to all applicable federal and state laws and regulations. The campus and facilities of TCAT are governed by the Tennessee Board of Regents (Policy No. 3:02:02:00). For security reasons, not all areas in TCAT buildings are open to the public. Furthermore, most buildings open to the public are closed and locked after regular business hours.

All persons on the campus of the College of Applied Technology shall provide adequate identification upon request to appropriate officials and security personnel of the College of Applied Technology. All students, faculty and staff are issued a TCAT Identification Card and are required to wear it on their upper torso while on campus. Personnel and students of the College of Applied Technology who refuse to provide such identification may be subject to disciplinary action; other persons who refuse to provide

such identification shall be requested to leave campus, and if they refuse, may be subject to lawful removal and prosecution.

## **IX. Crime Prevention**

### **a. Programs to Inform Students/Employees about Campus Security Procedures**

Faculty, staff, and student orientations are conducted to inform students/employees about security procedures that are available.

The TCAT Human Resource Office offers orientation for all new employees. The orientation is an overview of the TCAT campus and the many services available to its occupants.

## **X. Sexual Assault Offenses**

### **a. Procedures Students Should Follow if a Sex Offense Occurs**

- Procedures concerning who should be contacted:
- The importance of preserving evidence for the proof of a criminal offense:
- To whom the offense should be reported:

Any student who has experienced sexual assault or attempted assault is well aware of the trauma associated with such an act. Sexual assault can range from stranger rape to being emotionally coerced for sex by someone the victim knows. Statistics estimate that approximately one in every four women will be a victim of date or acquaintance rape during her college career. Students should be aware that any sexual intercourse without their consent or the consent of their partner is rape. Furthermore, sexual intercourse with a partner who is unconscious or unable to consent for any reason is rape.

**IF YOU ARE RAPED OR SEXUALLY ASSAULTED:**

- **Get to a safe place as soon as you can.**
- **Try to preserve all physical evidence.** Do not wash, use the toilet, or change clothing if you can avoid it. If you do change clothes, put all clothing you were wearing at the time of the attack in a paper, not plastic, bag.
- **Get medical attention** as soon as possible to make sure you are physically well and to permit collection of important evidence in the event you may later wish to take legal action.
- **Contact Law Enforcement.**
- **Talk with an advocate or a counselor** who will maintain confidentiality, help explain your options, give you information, and provide emotional support.
- **Contact someone you trust** to be with you and support you.

**Past Abuse**

Many individuals experience sexual assault and never tell anyone about it at the time of the incident. If you were victimized weeks or years ago, assistance is still available to you. Talking with someone now may help you cope better with abuse from the past, whether it was rape, child sexual abuse, incest, or sexual harassment.

As a victim of sexual assault, you are encouraged to report the assault and seek medical treatment. You may report this crime by calling Memphis Police Department at (901) 545-2677. You may request assistance in reporting the crime by contacting any of the offices in Student Services. It is important to report the assault so that evidence may be preserved to provide proof of criminal sexual assault if and when the victim chooses to make a criminal complaint.

Complaints of alleged sexual assault may be made to any Campus Security Authority, or to the Title IX Coordinator or one of the Title IX Deputy Coordinators.

**b. Reporting the Crime to Law Enforcement**

You may report this crime by calling the TCAT Public Safety Office at (901)543-6156 or the Memphis Police Department at (901) 545-2677.

**c. Nottingham Act**

TCA 49-7-129 - TCA Title 49, Chapter 7, Part 1 has been amended to add section 49-7-129 which states in essence "... the chief security officer or chief law enforcement officer of such institution shall immediately notify the local law enforcement agency with territorial jurisdiction over the institution if the medically unattended death of a person occurs on the property of such institution or if such officer or any other official of the institution is in receipt of a report alleging that any degree of rape has occurred on the property of such institution. Upon notification, pursuant to subsection (b), it shall be the duty of each agency to participate in a joint investigation of the death or alleged rape. In case of a medically unattended death, the local law enforcement agency shall lead the investigation. In the case of an alleged rape, the institution's law enforcement agency shall lead the investigation".

## **b. Assistance for Victims**

The College of Applied Technology will assist victims in notifying the appropriate legal authorities should the victim wish to do so. The College of Applied Technology will also assist victims, if requested, in making any additional accommodations to remedy the effects of the misconduct.

It is important that victims understand the value of obtaining and/or receiving help in dealing with the crime. Existing counseling, mental health or student services for victims of sexual assault include:

For Employees Only: EAP 855-437-3486 Shelby County Rape Crisis Center 901-222-4350 Lakeside Hospital Crisis Care 901-377-4733 Delta Medical Behavioral Health 901-369-8190 Frayser Family Counseling Center 901-352-5440
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## **e. Student Rights**

### *1. Change of Academic Situations*

Assistance is available in changing academic situations after an alleged sexual assault if requested by the victim and if such changes are reasonably available. The Assistant Director will assist the victim in making these changes.

### *2. Accuser and Accused Entitled to Have Others at Hearing*

In cases of sexual assault, both the accuser and the accused shall be informed of the following: both the accuser and the accused are entitled to the same opportunity to have others present during a disciplinary proceeding.

*3. Both the accuser and the accused shall be informed of the outcome of any on-campus disciplinary proceeding, and of any right to appeal the outcome.*

*4. Any student found responsible for a sexual assault shall be appropriately sanctioned.*

A range of sanctions up to and including suspension or expulsion from the College of Applied Technology are possible depending upon individual circumstances. These sanctions can be found in the TCAT Student Code of Conduct.

## **f. Educational Programs to Promote the Awareness of and Prevent Dating Violence, Domestic Violence, Sexual Assault, and Stalking**

TCAT-Memphis prohibits crimes of dating violence, domestic violence, sexual assault, and stalking. Educational Programs will be implemented to promote awareness of and prevent dating violence, domestic violence, sexual assault, and stalking.

\* During student orientation, we offer crime prevention information to incoming students. When new employees attend orientation, they are informed of good security practices and crime prevention information. Safety and security information and training are regularly provided to students, staff, and faculty through email, bulletins, and crime alerts.

\* Haven – Understanding Sexual Assault; a sexual assault training program that addresses the critical issues of sexual assault, relationship violence, and stalking has been implemented at the college.

## **g. Sex Offender Registration Information**

Any person who is required under the laws of the state of Tennessee to register as a sex offender may be required to provide notice that they are enrolled as a student, carry on a vocation, or are employed by TCAT. Furthermore, the student or employee is required to provide written notice of each change in enrollment or employment to the Shelby County Sheriff's Office and/or Memphis Police Department. The Sex Offender registry for the State of Tennessee is located on the Tennessee Bureau of Investigation website or at the address below:

<https://www.tn.gov/tbi/general-information/redirect-tennessee-sex-offender-registry-search/sex-offender-registry-search.html>

# **XI. Alcohol and Drugs**

## **a. Possession, Use and Sale of Alcoholic Beverages and Enforcement of State Underage Drinking Laws:**

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

TCAT 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, 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.

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

TCAT 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 disciplinary probation and, in appropriate cases, suspension from the College of Applied Technology. Individuals involved in the sale or distribution of illegal drugs will be suspended from the College of Applied Technology 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 TCAT. Empty alcohol containers (including but not limited to bottles, cans, and kegs) may not be used for display purposes.

The use and/or possession of alcoholic beverages on College of Applied Technology owned or controlled property is prohibited (Tennessee Board of Regents Policy No. 3:05:01:01)

## **b. 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:

TCAT 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, 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.

TCAT 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 disciplinary probation and, in appropriate cases, suspension from the College of Applied Technology. Referral for criminal prosecution may be made in appropriate cases. Individuals involved in the sale or distribution of illegal drugs will be suspended from the College of Applied Technology 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 TCAT. Empty alcohol containers (including but not limited to bottles, cans, and kegs) may not be used for display purposes

### **c. Drug-Free workplace:**

It is the policy of TCAT 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.

TCAT 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.

#### **d. Assistance or Counseling Programs Available to Employees and Students**

The Employee Assistance Program (EAP) is a short-term counseling service available to TCAT employees and immediate family members who may be experiencing personal or workplace problems. The EAP is also a part of the Blue Cross and Blue Shield 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 College of Applied Technology employees are eligible for referral assistance through the TCAT Employee Assistance Program. The Student Services Department maintains a list of campus and community agencies which provide referral information, and/or counseling to students and employees.

The Division of Student Affairs offers limited assistance through personal counseling services for students who are experiencing alcohol and drug abuse problems. Counselors utilize community resources through professional referrals when appropriate.

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

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

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

## **XI. Title IX**

Consistent with its commitment to addressing gender-based discrimination and harassment, TCAT-Memphis complies with Title IX of the Higher Education Amendment of 1972, which prohibits discrimination on the basis of sex in education programs or activities. Gender-based misconduct, as defined in this document, constitutes forms of sexual discrimination prohibited by Title IX.

### **a. Gender-Based Misconduct**

Gender-based misconduct comprises a broad range of behaviors focused on sex and/or gender that may or may not be sexual in nature. Any intercourse or other intentional sexual touching or activity without the other person's consent is sexual assault, which is a form of gender-based misconduct under this policy. Sexual harassment, sexual assault, gender-based harassment, stalking, and intimate partner violence (including dating violence and domestic violence) are also forms of gender-based misconduct, as is retaliation following an incident of alleged gender-based misconduct or attempted gender-based misconduct. Misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Gender-based misconduct can be committed by men or women, and it can occur between people of the same sex.

### **b. Preventing and Responding to Dating Violence, Domestic Violence, Sexual Assault, and Stalking**

Dating violence, domestic violence, sexual assault, and stalking are serious concerns at Tennessee Colleges of Applied Technology campuses throughout the State. To address these issues, TCAT-Memphis provides orientation to incoming students and new employees with information intended to prevent rape, acquaintance rape, sexual assault, domestic violence, dating violence, and stalking before it occurs through the changing of social norms and other approaches. The information comprises definitions and a clear statement that the College prohibits such acts. Additionally, training and materials are provided defining consent, options for bystander intervention, risk reduction, and our policies and procedures for responding to these incidents. Ongoing prevention and awareness campaigns are offered throughout the year. These programs include the New Student Orientation Program, Consent Posters distributed throughout the campus, electronic information monitors with consent descriptions and related information, Bystander Train-the-Trainer sessions. In addition, the College also provides services for individuals who have been impacted by dating violence, domestic assault, and stalking and accessible, prompt, and equitable methods of investigation and resolution for those students who report instances of dating violence, domestic violence, sexual assault, and stalking.

The College treats allegations of dating violence, domestic violence, sexual assault, or stalking extremely seriously and has procedures in place to assist survivors in obtaining medical assistance, counseling and advocacy services, and legal assistance. The College will provide

written information to students to students and employees about existing counseling, health, mental health, victim advocacy, visa and immigration assistance, and other services available for victims, both within the College and in the community. When a student or an employee reports to the institution that the student or employee is a survivor of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the College will provide the student or employee with a written explanation of the student's or employee's options. TCAT-Memphis is committed to treating survivors with care, compassion, and respect.

Any nonconsensual sexual activity is gender-based misconduct. Consensual sexual activity requires unambiguous communication and mutual agreement for the act in which the participants are involved. Sexual activity accompanied by coercion or force is not consensual. A person cannot give consent if he or she lacks the ability to make or understand the decision because of disability, lack of sleep, consumption of alcohol or drugs, or if he or she is unwillingly physically constrained. A sleeping or unconscious person cannot give consent. The use of alcohol or drugs does not justify or excuse gender-based misconduct.

TCAT-Memphis recognizes that dating violence, domestic violence, sexual assault, or stalking is never the fault of the victim. Please read the information provided herein and in other publications from the TCAT Public Safety Office and be aware of the effects of alcohol and other drugs and the dynamics of social gatherings. Please refer to the TCAT-Memphis and TBR websites for the most up-to-date policy information. See Appendix 1 for the College, and the Tennessee Board of Regents definitions of sexual assault, dating violence, domestic violence, stalking, and consent.

### **c. Actions for Survivors of Dating Violence, Domestic Violence, Sexual Assault, and Stalking**

Survivors of dating violence, domestic violence, sexual assault, and stalking will be notified of the following options:

#### **1. MEDICAL TREATMENT**

**For immediate medical treatment call 911.**

It is important that a person who has been recently assaulted receive prompt medical attention to ensure that he/she is medically well. Because physical injury is not always noticeable at first, it is important to receive a medical examination and treatment as soon as possible.

**Shelby County Rape Crisis Center** can provide advocacy assistance. Advocates can also provide information about resources and reporting options. To reach an advocate, you may call 901-276-2200 or 901-272-2020.

#### **2. SUPPORT SERVICES**

The safety and well-being of survivors is of paramount importance. The College strongly encourages survivors to contact professionals for emotion support, medical services, and advocacy as soon as possible.

**Contact options include:**

- Shelby County Rape Crisis Center
- The Administration Office
- Student Services
- A medical treatment facility
- Any trusted friend, adviser, or faculty member

Most College faculty and staff members have the duty to report incidents to a designated administrator responsible for campus safety. Students wishing to keep their information as confidential as possible should speak with a rape crisis counselor, a medical provider in the context of receiving medical treatment, or a member of the clergy. These members of the community are confidential and private resources for students and do not have the obligation to report instances of dating violence, domestic violence, sexual assault, and stalking.

**3. COUNSELING SERVICES**

TCAT-Memphis and the community offer a variety of counseling resources to survivors of dating violence, domestic violence, sexual assault, and stalking. Counseling and Psychological Services supports the psychological and emotional well-being of the college community by providing counseling, consultations, and crisis interventions- all which adhere to strict standards of confidentiality. For further information on the full range of supportive services available including advocacy, information, and referrals please contact the Administrative Office at 901-543-6100.

**4. LOCAL LAW ENFORCEMENT**

Survivors have the option to report the dating violence, domestic violence, sexual assault, and stalking to the Memphis Police Department or the local law enforcement agency where the incident occurred. Although the College strongly encourages pressing criminal charges, it respects the survivor’s choice in deciding to pursue criminal prosecution. Survivors can contact MPD or Shelby County District Attorney’s Office at:

- Memphis Police Department
- Emergency 911
- Non-Emergency 901-636-3700
- Shelby County District Attorney’s Office 901-222-1300

**5. COLLEGE DISCIPLINARY PROCEDURES**

Students and employees may also choose to file a report with the College. The College system and police/legal system work independently from one another. Students can file reports with the College, with law enforcement, or with both systems.

## Appendix 1

### **DEFINITIONS OF REPORTABLE OFFENSES AND TERMS USED IN REPORT**

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is accompanied by the use of a weapon or by a means likely to produce death or great bodily harm.

**Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

**Burglary:** The unlawful entry of a structure to commit a felony or theft.

**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 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.

**Domestic Violence:** Violence against a person when the accuser and accused are:

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

Domestic Violence includes, but is not necessarily limited to, the following:

- (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.

**Dating Violence:** Violence against a person when the accuser and the 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.

**Drug Law Violations:** Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous nonnarcotic drugs (barbiturates, benzedrine).

**Fondling:** the touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

**Hate Crimes:** Any crime that manifests evidence that the victim was intentionally selected because of the victims actual or perceived race; religion; gender; sexual orientation; national origin; ethnicity; gender identity, or disability. This includes murder and non-negligent manslaughter, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property.

**Hierarchy Rule:** The requirement in the FBI's UCR program that, for purposes of reporting crimes in that system, when more than one criminal offense is committed during a single incident, only the most serious offense is to be included in the institution's Clery Act statistics. An exception to the rule would apply only in cases where a sexual assault and a murder occur in the same incident.

**Incest:** Sexual Intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Liquor Law Violations:** The violation of laws or ordinances prohibiting the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a bus or public conveyance; and all attempts to commit any of the aforementioned activities.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. Use of a motor vehicle without the expressed permission of the owner of the vehicle.

**Rape:** The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

**Robbery:** The taking or attempting to take anything of value from the care, or control of a person or persons by force, or threat of force or violence, and/or by putting the victim in fear.

**Sexual Assault:** Any sexual act directed against a person, without the consent of the victim, including instances where the victim is incapable of giving consent.

**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. Harassment means conduct directed toward the accuser that includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable person to suffer emotional distress, and that causes the accuser to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose.

**Tennessee College of Applied Technology, Memphis**  
**2021 Campus Security Report**  
**Crime Statistics**

The *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* requires campus crime statistics for the previous three-year period be compiled and made readily available to all current and prospective students and employees. Listed below are the Tennessee College of Applied Technology - Memphis criminal incidents, required to be reported to the Department of Education, for the three-year period ending December 31, 2018. Printed copies of this Campus Security Report, or the full report, are available upon request. If you have questions or concerns, you may contact Jeremy Lamont at 901-543-6935 or Gwen Sutton at 901-543-6137.

Main Campus, 550 Alabama Avenue & 620 Mosby Avenue

Criminal Offenses	On Campus			On Adjacent Public Property		
	2018	2019	2020	2018	2019	2020
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	1	0	0	0	0	0
Burglary	1	0	2	0	0	0
Motor Vehicle Theft	2	0	0	0	0	0
Arson	0	0	0	0	0	0
<b>Sexual Assault</b>	2018	2019	2020	2018	2019	2020
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
<b>VAWA Offenses</b>	2018	2019	2020	2018	2019	2020
Domestic Violence	1	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0
<b>Campus Arrests</b>	2018	2019	2020	2018	2019	2020
Weapons Law Violations	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0
<b>Referrals for Disciplinary Action</b>	2018	2019	2020	2018	2019	2020
Weapons Law Violations	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0
<b>Hate Crimes</b>	2018	2019	2020	2018	2019	2020
Simple Assault	0	0	0	0	0	0
Larceny - Theft	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Other Criminal Offenses Committed with a Known Bias	0	0	0	0	0	0
<b>Unfounded Crimes</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Tennessee College of Applied Technology, Memphis**  
**2021 Campus Security Report**  
**Crime Statistics**

Aviation Facility, 3435 Tchulahoma Road

<b>Criminal Offenses</b>	On Campus			On Adjacent Public Property		
	2018	2019	2020	2018	2019	2020
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	1	0	0	0	0
Arson	0	0	0	0	0	0
<b>Sexual Assault</b>	2018	2019	2020	2018	2019	2020
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
<b>VAWA Offenses</b>	2018	2019	2020	2018	2019	2020
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0
<b>Campus Arrests</b>	2018	2019	2020	2018	2019	2020
Weapons Law Violations	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0
<b>Referrals for Disciplinary Action</b>	2018	2019	2020	2018	2019	2020
Weapons Law Violations	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0
<b>Hate Crimes</b>	2018	2018	2020	2018	2019	2020
Simple Assault	0	0	0	0	0	0
Larceny - Theft	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Other Criminal Offenses Committed with a Known Bias	0	0	0	0	0	0
<b>Unfounded Crimes</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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