



POWER
Stand up. Speak Out. Support.



RESPONDENT GUIDE

Developed for you by

Motlow MPower

5002 Motlow College Blvd.

Smyrna, TN 37167

<https://www.motlow.edu/belong/safety/sexual-violence-prevention.html>

CONTENTS

Introduction.....	3
Definitions.....	4
Respondent Support	10
What to Expect in a University Investigation	12
What to Expect in a Law Enforcement Investigation.....	13
Support and Resources	14
Appendix	
A: Title IX Model	
B: Confidentiality and Privacy	
C: Title IX Coordinators	
D: Title IX Hearings Process	

Motlow State Community College is committed to providing a safe living, learning, and working environment. This booklet provides an overview of care, support, and reporting options for students and members of our community. The college's full Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking, which will be referred to as the "Policy" throughout this document, can be found at [Motlow Title IX Policies](#)

The term Prohibited Conduct, as used in this booklet and the college Policy, refers to Sexual Harassment (including Sexual Assault, Domestic Violence, Dating Violence, and Stalking), Sexual Exploitation, and Retaliation. A brief overview of Prohibited Conduct is found within this booklet. More extensive definitions of these terms and related terms can be found at [Motlow Title IX Policies](#)

If you need assistance or have questions about this policy or how the college works with students, the college's Title IX coordinator and deputy Title IX coordinators are trained and accessible to discuss care, support, and reporting options. A full list of Title IX officials is included on page 24

DEFINITIONS

Complainant- a person who is alleged to be the victim of conduct that could constitute Sexual Misconduct.

Respondent- a person who has been alleged to be a perpetrator of conduct that could constitute Sexual Misconduct.

Consent- an active agreement to participate in a sexual act. An active agreement is words and/or actions that indicate a willingness to participate in a sexual act.

- Consent cannot be given by an individual who is:
 - Asleep, unconscious, or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason
 - 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- Consent can be withdrawn at any time.

Coercion- pressuring, tricking, threatening, or non-physically forcing someone into any sexual activity.

Incapacitation- a person lacks the ability to actively agree to a sexual act because the person is asleep, unconscious, under the influence of an anesthetizing or intoxicating substance such that the person does not have control over their body, is otherwise unaware that a sexual act is occurring, or their mental, physical, or developmental abilities renders them incapable of making a rational, informed judgment. Incapacitation is not the same as legal intoxication.

Force/Forced- words and/or conduct that, viewed from the perspective of a reasonable person, substantially impair(s) a person's ability to voluntarily choose whether to take action or participate in an activity. Examples of Force include:

- Physical force (e.g., hitting, punching, slapping, kicking, restraining, choking, kidnapping, using a weapon, blocking access to an exit);
- Words and/or conduct that would cause a reasonable person to fear;
- Physical force or other harm to the person's health, safety, or property, or a third person's health, safety, or property.
- Loss or impairment of an academic benefit, employment benefit, or money.
- Disclosure of sensitive personal information or information that would harm a person's reputation.
- Disclosure of video, audio, or an image that depicts the person's nudity or depicts the person engaging in a sexual act(s); or
- Other immediate or future physical, emotional, reputational, financial, or other harm to the person or a third person.

DEFINITIONS

Sexual Misconduct- includes dating violence, domestic violence, sexual assault, stalking, and Title IX sexual harassment as they are defined in Policy 8.03.00.00.

Sexual Harassment- unwelcome conduct based on a person's sex, sexual orientation, or gender identity/expression that:

- Adversely affects a term or condition of an individual's employment, education, and participation in an institution's activities or living environment.
- Has the purpose or effect of unreasonably interfering with an individual's employment or academic performance or creating an intimidating, hostile, offensive, or abusive environment of the individual.
- Is used as a basis for or a factor in decisions that tangibly affect that individual's employment, education, participation in an institution's activities or living environment; or
- Some sexual harassment can also meet the definition of sexual misconduct.

Dating Violence- violence against a person when the accuser and accused are dating, or who have dated, or who have or had a sexual relationship. Violence includes, but is not limited to:

- Inflicting, or attempting to inflict, physical injury on the accuser by other than accidental means.
- Placing the accuser in fear of physical harm.
- Physical restraint.
- 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,
- Placing a victim in fear of physical harm to any animal owned, possessed, leased, kept, or held by the accuser.

Domestic Violence- includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurs, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime occurs.

DEFINITIONS

Sexual Assault- includes rape, fondling, incest, and statutory rape.

Sexual Harassment- unwelcome conduct based on a person's sex, sexual orientation, or gender identity/expression that:

- "Rape" means 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.
- "Fondling" means the touching of the private body 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 age or because of temporary or permanent mental incapacity.
- "Incest" means sexual intercourse between persons who are related to each other within degrees where marriage is prohibited by law.
- "Statutory rape" means sexual intercourse with a person who is under the statutory age of consent, at least the age of 13, and under 18 years of age.

Stalking- engaging in a course of conduct directed at a specific person that would cause a reasonable person to either (a) fear for his or her safety or the safety of others or (b) suffer substantial emotional distress.

- "Course of conduct" means two or more acts, including, but not limited to, acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates with or about another person, or interferes with another person's property.
- "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Sex Discrimination- treating someone less favorably because of that person's sex, sexual orientation or gender identity/expression

DEFINITIONS

Title IX Sexual Harassment– conduct on the basis of sex that satisfies either of the following:

- An employee of an institution conditioning provision of an aid, benefit, or service of an institution on an individual's participation in unwelcome sexual conduct (quid pro quo);
- Unwelcome conduct of a sexual nature determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institution's education program or activity.
- TBR institutions will consider the totality of the circumstances, including, without limitation, the context in which the conduct and/or words occurred and the frequency, nature, and severity of the words and/or conduct.

Retaliation– to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing.

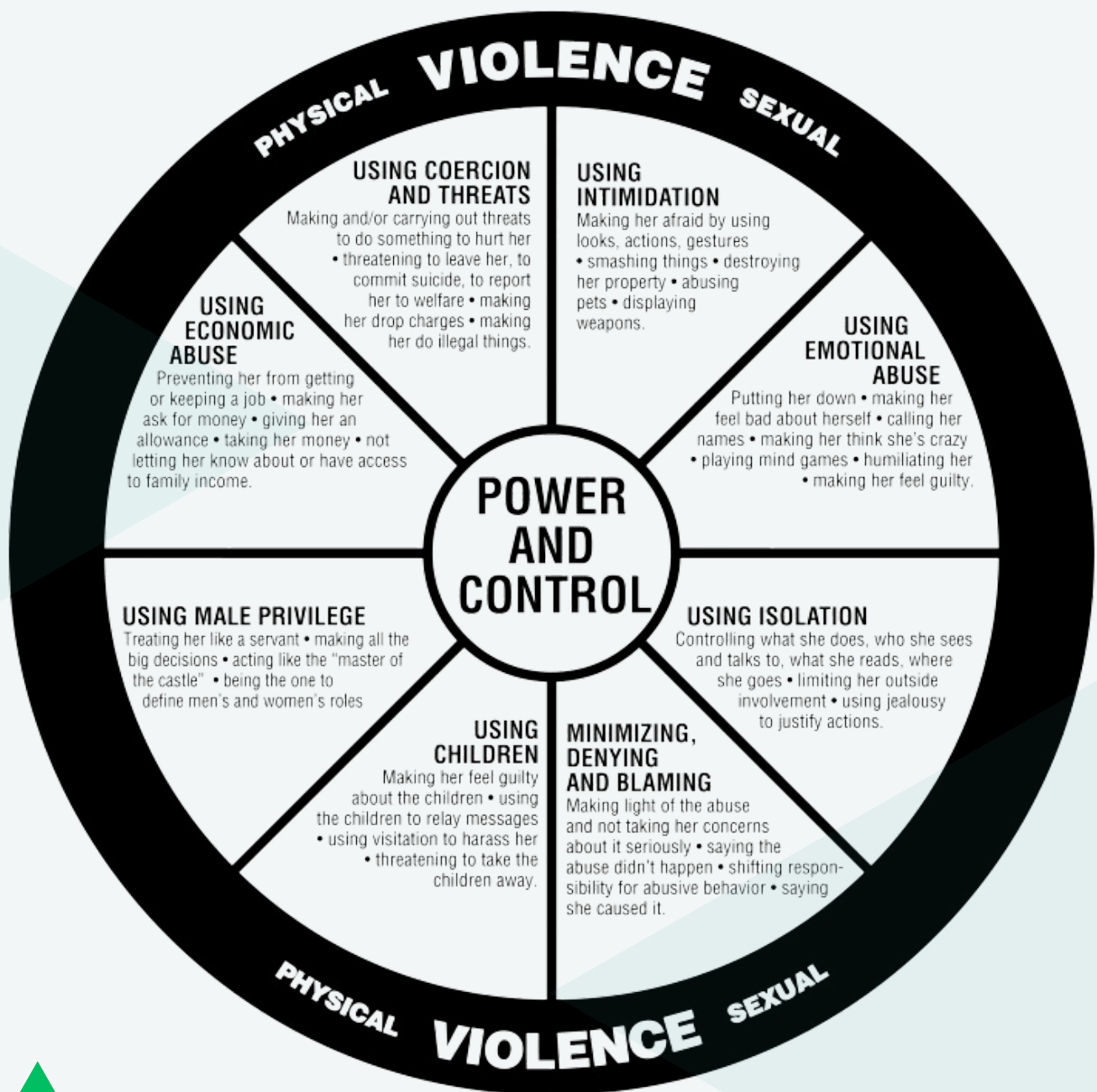
- Intimidation, threats, coercion, or discrimination, including charges against an individual for conduct violations that do not involve sex discrimination or sexual harassment but arise out of the same facts or circumstances as a report or complaint of sex discrimination or a report or Formal Complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by this policy constitutes retaliation.
- Charging an individual with a policy or conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy does not constitute retaliation.

Power-Based Violence– any form of interpersonal violence intended to control or intimidate another person through the assertion of power over the person (stalking, dating violence, domestic violence, sexual assault, rape).

Victim Blaming– a devaluing act that occurs when the victim(s) of a crime or an accident is held responsible– in whole or in part– for the crimes that have been committed against them.

DEFINITIONS

Power Control Wheel– Tactics that an abusive partner uses to keep their victims in a relationship.



RESPONDENT SUPPORT

If you have been identified as a respondent in an investigation being conducted by the university's Office of Student Conduct and Community Standards or Office of Equity and Diversity, or as the subject of a law enforcement investigation, you are encouraged to contact the Office of Title IX about respondent support services. They will work with you to evaluate your care and support needs and discuss your options under university policy.

Support Offered by the Office of Title IX

Title IX Coordinators are not a confidential resource; however, they will keep information provided as private as possible.

You can meet with Title IX Coordinator by phone, by video conference, or in person to discuss your situation and connect with resources and support during an investigative process. The Title IX coordinator evaluates requests and grants support services as reasonable and necessary for each individual.

Possible assistance is available in obtaining supportive measures, which may include:

- A no-contact directive
- Medical, advocacy, or counseling services
- Exploration of changes in class, workplace configuration, and extracurricular activities
- Exploration of changes in working arrangements
- Appointments for follow-up support services on or off campus
- Assistance communicating with faculty members and supervisors
- Requesting that directory information be removed from public sources by the Office of the College Registrar
- Requesting academic support, including tutoring
- Requesting academic accommodations such as rescheduling exams, obtaining extensions of time for assignments, retaking a course, dropping a course, or withdrawing for a semester without financial or academic penalty

Title IX Hearings & Advisors

You have the right to be assisted by an advisor during all stages of the prohibited conduct investigation and, if applicable, hearing process, including all meetings, investigative interviews, and hearings. The advisor may be, but is not required to be, an attorney.

In general, an advisor is not permitted to speak for you or on your behalf, appear instead of you, participate as a witness, or participate directly in any other way except in a Title IX hearing. In a Title IX hearing, the advisor must ask the complainant and any witnesses all relevant questions and follow-up questions.

If you do not have an advisor at a Title IX hearing, the college will provide one (selected by the college) without fee or charge.

Non-Title IX Hearings & Advisors

The advisor's role is limited to assisting, advising, and supporting you during the student conduct process. Your advisor can support you by attending meetings (investigative conversations, housing removal or relocation discussions, or resolution agreement discussions) as a support person

and reviewing documents and materials from the investigation, final report, and sanctioning decisions.

A college advisor will treat you with respect, dignity, and sensitivity throughout the process and will consider all the facts you share with them to provide you with appropriate resources and information.

Your college advisor will not be permitted to speak for you or on your behalf, appear in your place, participate as a witness, or participate directly in any other manner during the student conduct process.

College advisors and the Office of Title IX cannot:

- Advocate on your behalf
 - Serve as a confidential resource
 - Provide legal advice
 - Provide responses or statements on your behalf to the Office of Student Conduct.

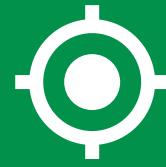
You have the option of choosing a friend or attorney who is not employed by the university to serve as your advisor. Your advisor's schedule must allow attendance at meetings and hearings as scheduled by the Office of Student Conduct and Community Standards. Meetings and hearings generally will not be rescheduled to meet an advisor's needs.



WHAT TO EXPECT IN A UNIVERSITY INVESTIGATION

If you have been named a respondent in a prohibited conduct investigation, the Dean of Students or the Office of Organizational Culture & Enrichment will send a Notice of Receipt of a Formal Complaint to your official college email address.

The Notice of Receipt of Formal Complaint includes information about the grievance process, and following that note you will receive a notice of your scheduled meeting and interview. Your advisor may join you at this meeting, and you will have a minimum of five - ten days between the notice and your meeting.



WHAT TO EXPECT IN A LAW ENFORCEMENT INVESTIGATION

If a report of prohibited conduct was made to law enforcement, the law enforcement agency within the jurisdiction will contact you for an interview. The police interview may take as long as several hours, depending on the circumstances of your case. Some questions will probably feel intrusive, and the officer will probably go over the details several times. The extensive questioning is not because the police do not believe you; it is the officer's job to get every detail down precisely.

Multiple interviews may be required, and throughout the process, law enforcement officials will keep you aware of the progress of your case. The district attorney will decide whether to pursue prosecution.

FORMAL COMPLAINT AND INVESTIGATION OPTIONS

Consider your reporting options.

Campus and community resources are available if you wish to speak with someone about an incident and discuss your options for reporting.

Reporting prohibited conduct to the college or law enforcement is a personal choice that only you can make.

The college strongly encourages you to report an incident of prohibited conduct. Reporting the incident is the only way that the college and/or law enforcement can take action. Reporting the incident—and, for sexual assault cases, having a medical exam performed within 72 hours—is critical in preserving evidence and allowing law enforcement and/or the college to respond effectively, but you can report an incident at any time.

You can report an incident to law enforcement before, during, or after an investigation or a resolution of the incident by the college. You have the right to decline to report the incident to law enforcement. If you do decline you can still access medical care, counseling, and other support from the college by notifying the Title IX Coordinator or the Dean of Students. While these college officials are not confidential resources, they will protect the privacy of your report as much as possible. See “Confidentiality and Privacy” on page XX for more information on this aspect of reporting.

Nonconfidential Reporting Resources:

Title IX Coordinator
615-220-7976
5002 Motlow College Blvd,
Smyrna, TN 38167

Campus Security
police@mscc.edu
931-393-1737

Disability Services
disabilityservices@mscc.edu
Smyrna Campus- 615-220-7857
Moore, McMinnville & Fayetteville- 931-393-1765

Dean of Students
deanofstudents@mscc.edu

**TO MAKE A
REPORT CLICK ON
Just Report It!**



Just Report It!

SUPPORT AND RESOURCES

On-Campus Resources

• ALL Campuses

- Compliance Office
 - Barbara Scales:
 - bscales@mscc.edu
 - 615-220-7976
 - 5002 Motlow College Blvd, Smyrna, TN 38167
- Campus Security
 - police@mscc.edu
 - 931-393-1737
- Disability Services
 - disabilityservices@mscc.edu
 - Smyrna Campus- 615-220-7857
 - Moore, McMinnville & Fayetteville- 931-393-1765
- Dean of Students
 - deanofstudents@mscc.edu

• Moore Campus

- Counseling Services- Clayton Glass Library 221

• Smyrna Campus

- Counseling Services- AWJ 103

• McMinnville

- Counseling Services- MC 134A

• Fayetteville

- Counseling Services- FC 112

SUPPORT AND RESOURCES

Off-Campus Resources

Moore:

Law Enforcement-

Sheriff's Department- 123 N Jackson St, Tullahoma, TN 37388
Phone Number- 931-795-7323

Legal Aid Society- Tullahoma- 281 Industrial Blvd, Tullahoma, TN 37388
Phone Number- 931-455-7000

District Attorney General-

Fayetteville Office- 311 market St E, Fayetteville, Tn 37334
Phone Number- 931-438-1906

Domestic Violence-

Haven of Hope- 931-728-1133
Hotline- 800-435-7739

Crisis Center for Women- 865-258-9041
Hotline- 866-239-0871

Safe Haven of Cheatham County- 615-681-5863

Morning Star Sanctuary Shelter- 615-860-0188
Hotline-615-860-003

Sexual Assault-

Haven of Hope- 931-728-1133
Hotline- 800-435-7739



Just Report It!

SUPPORT AND RESOURCES

Off-Campus Resources

Smyrna:

Law Enforcement-

Smyrna Police Department- 400 Enon Springs Rd E, Smyrna, TN 37167
Phone Number- 615-459-6644

Murfreesboro Police Department- 1004 N Highland Ave, Murfreesboro, TN, 37130
Phone Number- 615-849-2637

Sheriff's Department- 940 New Salem Rd, Murfreesboro, TN, 37129
Phone Number- 615-904-3170

Legal Aid Society- Murfreesboro- 526 N Walnut St #2852, Murfreesboro, TN 37130
Phone Number- 615-890-0905

District Attorney General- Murfreesboro Office- 320 building, 320 W Main St #100, Murfreesboro, TN, 37130
Phone Number- 615-898-8008

Sexual Assault-

Domestic & Sexual Assault Center- 615-494-9262
SA Hotline- 615-896-7377
Sexual Assault Center- 615-259-9055
Nashville Hotline- 800-879-1999

SUPPORT AND RESOURCES

Smyrna:

Domestic Violence-

Sexual Assault Center- 101 French Landing Dr, Nashville Tn, 37228

Phone Number- 615-259-9055

Domestic Violence & Sexual Assault Center- 1423 Kensington Square Ct,
Murfreesboro, TN 37130

Phone Number- 615-896-2012

DV Hotline- 615-896-7377

SA Hotline- 614-494-9262

Cannon County SAVE- 615-563-6690.

Morning Star Sanctuary Shelter- 615-860-0188

Hotline- 615-860-0003

Fayetteville:

Law Enforcement-

Fayetteville Police Department- 225 College St E, Fayetteville, TN 37334

Phone Number- 931-438-7771

Sheriff's Department- 4151 Thornton Taylor Pkwy, Fayetteville, TN 37334

Phone Number- 931-433-9821

Legal Aid Society- Tullahoma- 281 Industrial Blvd, Tullahoma, TN 37388

Phone Number- 931-455-7000



Just Report It!

SUPPORT AND RESOURCES

Fayetteville:

Law Enforcement-

District Attorney General- Fayetteville Office- Fayetteville Office- 311
market St E, Fayetteville, Tn 37334
Phone Number- 931-438-1906

Domestic Violence-

Haven of Hope
Phone Number- 931-728-1133
Hotline- 800-435-7739

Sexual Assault-

Sexual Assault Center- 101 French Landing Drive, Nashville, Tn
Phone Number- 615-259-9055
Nashville Hotline- 800-879-1999

McMinnville:

Law Enforcement-

McMinnville Police Department- 101 E Main St, McMinnville, TN 37110
Phone Number- 931-473-7863

Sheriff's Department- 108 Security Cir, McMinnville, Tn 37110
Phone Number- 931-473-7863

Legal Aid Society-
Tullahoma-281 Industrial Blvd, Tullahoma, TN 37388
Phone Number- 931-455-7000



Just Report It!

SUPPORT AND RESOURCES

McMinnville:

Law Enforcement-

District Attorney General-

McMinnville Office- 131 E Main St, McMinnville, TN, 37110

Phone Number- 931-473-9572

Domestic Violence-

Families in Crisis, Inc- 101 W Main St, McMinnville, TN, 37110

Phone Number- 931-473-6543

Hotline- 931-473-6221

Cannon County SAVE

Phone Number- 615-563-6690

Sexual Assault-

Families in Crisis, Inc- 101 W Main St, McMinnville, TN, 37110

Phone Number- 931-473-6543

Hotline- 931-463-6221

APPENDIX



APPENDIX A

**Title IX
Model**



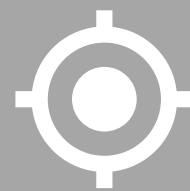
APPENDIX C

**Title IX
Coordinators**



APPENDIX B

**Title IX
Process**



APPENDIX D

**Title IX
Hearings Process**

TITLE IX MODEL

POLICY

PREVENTION

SUPPORTIVE MEASURES

INVESTIGATION & RESOLUTION

PATTERNS & TRENDS

Grounded in the social ecological model, the college's Title IX commitment emphasizes five key areas:

Policy. Our foundation is in the policy and procedures we follow.

Prevention. Our goal is to prevent sexual misconduct, relationship violence, stalking, and retaliation before they happen.

Supportive measures. Our promise is to provide appropriate supportive measures to individuals involved in the Title IX process.

Investigation and resolution. Our commitments to due process, campus safety, and encouraging reporting guide how we investigate and resolve reports.

Patterns and trends. Our responsibility is to utilize the best available research, evidence-based practice, and our own campus trends in our prevention and response efforts

32.24%

Aenean metus eros,
tincidunt sed urna in
trungilla metus eros
sed ncidun u.

CONFIDENTIALITY & PRIVACY

Confidentiality and privacy are not the same. Confidentiality is limited to someone who, by law, can keep information confidential. Information communicated in the Title IX process or other mandatory reporters cannot be treated as confidential but will be kept private and shared only with college employees who need to be involved in responding to or addressing a report.

In accordance with the Family Educational Rights and Privacy Act of 1974, or FERPA, personally identifiable information concerning a student report to a college official who is not a law enforcement officer (for example, to the Office of Title IX) will not be disclosed to third parties outside the college without the consent of the student except in response to a lawfully issued subpoena or as otherwise required or allowed by law.

In contrast to a report to a college administrative official, incident reports prepared by Motlow Safety for law enforcement purposes are generally considered public records under the Tennessee Public Records Act (Tennessee Code Annotated § 10-7-503 et seq.) and are not protected by FERPA, which means the university is obligated by law to make them available to any Tennessee citizen upon request unless the report is part of an ongoing criminal investigation. Local law enforcement agencies may

also be required to make their records available under similar circumstances. In addition, investigative reports prepared by other college officials that do not contain personally identifiable student information also are generally considered public records under the Tennessee Public Records Act.

However, Tennessee law provides that information that is reasonably likely to identify a student accused of committing an alleged sexual offense or alleged violent sexual offense as defined in Tennessee Code Annotated § 40-39-202 or any information that is reasonably likely to identify the victim of an alleged sexual offense or alleged violent sexual offense as defined in Tennessee Code Annotated § 40-39-202, must be treated as confidential and not be open for inspection by members of the public under the Tennessee Public Records Act.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics (Clery) Act is a federal law requiring all higher education institutions that receive federal financial aid to report crime statistics to their communities. This includes statistics related to sexual misconduct, relationship violence, and stalking that occur on Motlow-controlled property. Certain individuals on campus who are

CONFIDENTIALITY & PRIVACY

designated campus security authorities or CSAs are required to submit reports to the Clery compliance officer at Motow, who keeps a log of all Clery crime statistics reported within the past 60 days at clery.utk.edu/crime-log. Not all incidents reported to the Title IX Coordinator result in a safety notice to the community. For questions about Clery statistics, CSAs, or the crime log, contact the [Clery compliance officer](#).

For more information about the Policy, confidentiality, privacy, or FERPA as related to reports of prohibited conduct, see [CONFIDENTIALITY OF STUDENT RECORDS POLICY](#) : [3:02:03:00](#)



TITLE IX COORDINATORS



BARBARA SCALES

Title IX Coordinator

Executive Director of Organizational Culture & Enrichment



JEANNA SCHOLZ

Deputy Title IX Coordinator

Assistant Director of Organizational Culture & Enrichment

TITLE IX HEARINGS & ADVISORS

You have the right to be assisted by an advisor during all stages of the prohibited conduct investigation and, if applicable, hearing process, including all meetings, investigative interviews, and hearings. The advisor may be, but is not required to be, an attorney.

In general, an advisor is not permitted to speak on your behalf, appear instead of you, participate as a witness, or participate directly in any other way, except in a Title IX hearing. In a Title IX hearing, the advisor must ask the respondent and any witnesses all relevant questions and follow-up questions.

If you do not have an advisor at a Title IX hearing, the college will provide one (selected by the university) without fee or charge.





“This project was supported by Award No. 2020-WA-AX-0028 awarded by the Office on Violence Against Women. The opinion, findings, and conclusions or recommendations expressed in this publication, conference agenda, or product, are those of the author(s) and do not necessarily reflect the view of the Department of Justice.”

Motlow State Community College is committed to cultivating a campus community free from sex and gender-based discrimination and harassment, including sexual misconduct and relationship violence. Dedicated to delivering the MSCC’s Promise, the Title IX & Compliance Office supports this commitment through compliance efforts, promoting community accountability, responding to incidents, education, and encouraging student leadership.