



Category
SEXUAL MISCONDUCT POLICY – 8:02:00:00
Approval
Corresponding Policies & Laws: TBR Policy 6:01:00:00 - Sexual Discrimination, Sexual Harassment or Sexual Misconduct , TBR Policy 6:02:00:00 - Sexual Discrimination and Sexual Harassment , TBR Policy 6:03:00:00 - Sexual Misconduct , TBR Guideline P-080 - Discrimination & Harassment – Complaint & Investigation Procedure , Campus SaVE Act , Title IX of Education Amendments of 1972 , TCA § 36-3-601; TCA § 36-3-601(5)(c); TCA § 39-17-315
Leadership Council Approved: October 27, 2015
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Revised: October 14, 2014; October 27, 2015; editorial update July 14, 2016
Responsible Party: Title IX Coordinator

I. PURPOSE

This policy is intended to provide an easily accessible and user-friendly document for students, employees, and others affected by sexual misconduct to find information regarding the rules and procedures of Motlow State Community College related to the offenses defined herein.

II. GENERAL

It is the intent of Motlow State Community College that the institution shall full comply with Title IX of the Education Amendments of 1972, §485(f) of the HEA, as amended by §304 of the Violence Against Women Reauthorization Act of 2013, the regulations implementing these Acts found at 34 CFR §668.41, §668.46, and Appendix A to Subpart D of Part 668; and Sections 799A and 845 of the Public Health Service Act and regulations issued pursuant thereto found at 45 CFR Parts 83 and 86, as well as all applicable state statutes and all regulations promulgated pursuant thereto.

III. POLICY

This policy is adopted by Motlow State Community College specifically to address the offenses defined herein. 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 Motlow State Community College policies 8:01:00:00 General Prohibition against Discrimination, Harassment and Sexual Misconduct, 8:03:00:00 Sex Discrimination and Sexual Harassment, and 8:04:00:00 Discrimination and Harassment.

Sexual misconduct is a form of sex discrimination prohibited by Title IX. Motlow State Community College is committed to eliminating any and all acts of sexual misconduct and discrimination on its campuses. As set forth in this policy, sexual misconduct includes dating violence, domestic violence, stalking, and sexual assault. Motlow State Community College strictly prohibits these offenses. An inquiry will be initiated when any allegation of sexual misconduct is reported and will be adjudicated according to this policy.

IV. SCOPE

These procedures shall be utilized by:

- A. Any employee or student who has been a victim of sexual misconduct, regardless of sexual orientation or gender identity/expression;
- B. Former employees or students if the conduct took place during the time of employment or enrollment at Motlow State Community College and the conduct has a reasonable connection to the institution; and
- C. All third parties with whom Motlow State Community College has an educational or business relationship and the conduct has a reasonable connection to the institution.

V. DEFINITIONS

- A. **Consent**—an informed decision, freely given, made through mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity. Consent cannot be given by an individual who is asleep; unconscious; or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason; or, is under duress, threat, coercion, or force. Past consent does not imply future consent. Silence or an absence of resistance does not imply consent. Consent can be withdrawn at any time.
- B. **Dating Violence**—violence against a person when the accuser and accused are dating, or have dated, or 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;
 5. Placing a victim in fear of physical harm to any animal owned, possessed, leased, kept, or held by the accuser – TCA § 36-3-601(5)(c); or,
 6. Placing a victim in fear of physical harm to another person: friends, family, or associate.
- C. **Domestic Violence Victim**—violence against a person when the accuser and accused:
 1. Are current or former spouses;
 2. Live together or have lived together;
 3. Are related by blood or adoption;
 4. Are related or were formally related by marriage; or
 5. Are adult or minor children of a person in a relationship described above.
- D. **Domestic Violence** – includes, but is not necessarily limited to:
 1. Inflicting, or attempting to inflict, physical injury on the accuser by other than accidental means;
 2. Placing the accuser in fear of physical harm;
 3. Physical restraint;
 4. Malicious damage to the personal property of the accuser, including inflicting, or attempting to inflict, physical injury on any animal owned, possessed, leased, kept, or held by the accuser;
 5. Placing the accuser in fear of physical harm to any animal owned, possessed, leased, kept, or held by the accuser – TCA § 36-3-60; or
 6. Placing a victim in fear of physical harm to another person: friends, family, or associate.
- E. **Sexual Assault**—the nonconsensual sexual contact with the accuser by the accused, or the accused by the accuser when force or coercion is used to accomplish the act, the sexual contact is accomplished without consent of the accuser, and the accused knows or has reason to know at the time of the contact that the accuser did not or could not consent. Sexual contact includes, but is not limited to, the intentional

touching of the accuser's, the accused's, or any other person's intimate parts, or the intentional touching of the clothing covering the immediate area of the accuser's, the accused's, or any other person's intimate parts, if that intentional touching can be reasonably construed as being for the purpose of sexual arousal or gratification.

- F. **Sexual Contact** - includes, but is not limited to, the intentional touching of the accuser's, the accused's, or any other person's intimate parts, or the intentional touching of the clothing covering the immediate area of the accuser's, the accused's, or any other person's intimate parts, if that intentional touching can be reasonably construed as being for the purpose of sexual arousal or gratification.
- G. **Sex Discrimination** is treating someone less favorably because of that person's sex, sexual orientation or gender identity/expression.
- H. **Sexual Harassment** is conduct based on a person's sex, sexual orientation or gender identity/expression that:
 - 1. Adversely affects a term or condition of an individual's employment, education, participation in an institution's activities or living environment;
 - 2. 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; or
 - 3. 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.
- I. **Sexual Misconduct**—for the purposes of this policy, “sexual misconduct” is defined as dating violence, domestic violence, stalking, and sexual assault.
- J. **Stalking**—a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the accuser to feel terrorized, frightened, intimidated, threatened, harassed, or molested.
- K. **Harassment**—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 actually causes the accuser to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose – TCA § 39-17-315.

VI. IMMEDIATE ACTIONS A VICTIM SHOULD TAKE

- A. In the immediate aftermath of a sexual assault, domestic violence, dating violence or similar event, the most important thing is for the victim to get to a safe place.
- B. When a feeling of safety has been achieved, the victim should seek medical attention, regardless of his or her decision to report the crime to the police. It is very important for the victim of sexual assault to seek medical attention immediately so that the victim can be screened for sexually transmitted diseases/pregnancy/date rape drugs, obtain emergency contraception, and receive treatment for any physical injuries.
- C. A victim has the right to accept or decline any or all parts of a medical exam. However, critical evidence may be lost or missed if not collected or analyzed.
- D. Valuable physical evidence can be obtained from the victim and the victim's clothing. A victim should make every effort to save anything that might contain the offender's DNA. Therefore, a victim should not:
 - 1. Bathe or shower;
 - 2. Wash his/her hands;
 - 3. Brush his/her teeth;
 - 4. Use the restroom;
 - 5. Change clothes;

6. Comb hair;
 7. Clean up the crime scene; or
 8. Move anything the offender may have touched.
- E. Even if the victim has not yet decided to report the crime, receiving a forensic medical exam and keeping the evidence safe from damage will improve the chances that the police can access and test the stored evidence at a later date.
- F. Victims of sexual misconduct are encouraged to preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to investigators.

VII. REPORTING SEXUAL MISCONDUCT

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

A. Reporting Confidentially

1. If a victim chooses to report an incident of sexual misconduct in a confidential manner, the victim can report the incident to a professional, licensed or pastoral counselor, who is required by Tennessee State law to maintain confidentiality of a victim.
2. There are other external resources that victims may wish to utilize that can provide confidential support and advocacy services including:

Organization	Coverage Location	Telephone
Haven of Hope	Moore County & Fayetteville Center	1-800-435-7739
Families in Crisis	McMinnville Center	1-800-675-0766
Domestic Violence Program & Sexual Assault Services	Smyrna Center	615-896-2012 (Domestic Violence) or 615-494-9262 (Sexual Assault)

3. If the victim chooses to report in a confidential manner to any of these organizations or other external agencies, Motlow State Community College may be unable to conduct an inquiry into the matter or pursue disciplinary action against the alleged offender.

B. Filing a Formal Complaint with the Institution

Motlow State Community College strongly encourages all individuals to report these incidents to College officials. Any College official who has received a report of sexual misconduct or who has knowledge of sexual misconduct shall immediately notify the Title IX Coordinator. An inquiry will be initiated and will be conducted in a prompt, equitable and impartial manner. All complaints will be properly resolved through administrative procedures. Information will only be divulged to those with a need to know, to include College officials involved in the conduct of the inquiry, witnesses, and the accused individual.

1. Motlow State Community College shall not share information with law enforcement without the victim's consent or unless the victim has also reported the incident to law enforcement.
2. Before a complainant reveals any information to an employee, the employee must ensure that the complainant understands the employee's reporting obligations.
3. If the complainant wants to maintain confidentiality, the employee must direct the victim to confidential resources as detailed in Paragraph IV, sub-paragraph A.
4. If the complainant wants to tell an employee what happened but also maintain confidentiality, the employee must advise the complainant that Motlow State Community College will consider the

request, but cannot guarantee that it will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the employee will also inform the Title IX Coordinator of the complainant's request for confidentiality.

5. All formal complaints will be reported directly to the following:

Primary	Alternate
Brian Stacy	Laura Jent
Title IX Coordinator	Executive Director of Human Resources
6015 Ledford Mill Road	6015 Ledford Mill Road
Lynchburg, Tennessee	Lynchburg, Tennessee
Eoff Hall, Room 202	Ingram Administration Building, Room 126
Office: 931-393-1713	Office: 931-393-1544
Email: bstacy@mscc.edu	Email: ljent@mscc.edu

C. Filing a Criminal Complaint

Contact local law enforcement where the assault occurred. The local law enforcement agency will determine the subsequent steps. An advocate from one of the resources found in Paragraph IV, subparagraph A can assist in the reporting process.

D. Filing an Anonymous Complaint

Filing an anonymous report will assist the institution with compiling statistical information that can call attention to the number of incidents that occur at Motlow State Community College. If the victim's identity is not known, no subsequent appropriate services will be made available. The suspect will not be notified that a report was filed if no name is revealed. Anonymous reports will be sent to the Director of Public Safety & Security for recording and tracking of incidents on and around Motlow State Community College. Anonymous reports may be filed by contacting one of the resources listed in Paragraph IV, Subparagraph A, or by mailing a complaint to:

Title IX Coordinator
Motlow State Community College
P. O. Box 8500, Department 100
Lynchburg, Tennessee 37352

VIII. ROLE OF THE TITLE IX COORDINATOR

- A. Motlow State Community 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. Inquiries or oversight of inquiries of allegations related to Title IX;
 2. Informing the President and the Tennessee Board of Regents (TBR) Office of General Counsel (OGC) of allegations pertaining to this policy;
 3. Coordination and oversight of educational programs including mandatory training for new students and employees and awareness campaigns for current students and employees;
 4. Coordination with local law enforcement on matters related to allegations related to sexual misconduct;
 5. Coordination and oversight of training for anyone involved in responding to, conducting inquiries for, or adjudicating sexual misconduct;
 6. Coordination and oversight of training for employees related to their responsibility when they are aware of sexual misconduct;
 7. Coordination and oversight of annual training for fact-finders, decision-makers, and appellates on the issues related to sexual misconduct and on how to conduct an inquiry and appeals process that protects the safety of complainants and promotes accountability; and

8. Attending appropriate training annually on topics related to responding to or conducting inquiries for allegations of sexual misconduct.
- B. The Title IX Coordinator may designate deputies and fact-finders (“designees”) to assist in carrying out any of the responsibilities related to implementing this policy.
- C. The Title IX Coordinator shall report at the beginning of each new school year to TBR’s Office of General Counsel the name of and contact information for Motlow State Community College’s Title IX Coordinator.

IX. INQUIRY REQUIREMENTS AND PROCEDURES

- A. All proceedings will include a prompt, fair, and impartial inquiry and result. Motlow State Community College will provide the Respondent and complainant equitable rights during the inquiry process.
- B. All complaints of sexual misconduct shall be presented to the Title IX Coordinator for inquiry and disposition.
- C. Mediation between the complainant and respondent will never be considered an appropriate resolution for allegations of sexual misconduct, as defined in Section II of this policy.
- D. Initiating an Inquiry
 1. Immediately upon receipt of a complaint, the Title IX Coordinator will communicate with the complainant to determine and implement reasonable interim measures, if necessary. Absent good cause, within three (3) business days of receipt of a report of sexual misconduct the Title IX Coordinator or designee shall attempt to get a written statement from the complainant that includes information related to the circumstances giving rise to the complaint, the dates of the alleged occurrences, and names of witnesses, if any. The complainant should be encouraged to complete a complaint form and submit a detailed written report of the alleged incident.
 2. When the complainant chooses not to provide a written complaint, the Title IX Coordinator or designee will still initiate an inquiry and take appropriate action.
 3. Both before and during the pendency of the inquiry, the Title IX Coordinator shall consult with the complainant and consider what, if any, interim measures may be necessary. Inquiries will also be conducted for complaints received anonymously or by a third party to the extent possible.
 4. After consultation with TBR General Counsel, if the Title IX Coordinator determines that the complaint contains an allegation of sexual misconduct, the Title IX Coordinator shall follow the procedures set forth in this policy to gather the facts and adjudicate the complaint.
 5. The Title IX Coordinator may appoint a qualified, sufficiently trained person to act as a fact-finder to conduct an inquiry into the allegations made in the complaint.
 6. Only one person shall be identified as the fact-finder for a complaint.
 7. Inquiries shall be conducted by officials who do not have a conflict of interest or bias for or against the complainant or respondent.
 8. If the complainant or respondent believes the assigned fact-finder has a conflict of interest, that party must submit a written explanation of the reason for that belief to the Title IX Coordinator. The explanation must be submitted within three (3) business days, absent good cause, of the time when the party knew or should have known the facts that would give rise to the alleged conflict of interest. The Title IX Coordinator will determine if the facts warrant the appointment of a different fact-finder and respond to the party in writing within three (3) business days, absent good cause. The decision of the Title IX Coordinator shall be final.
- E. What the Inquiry Should and Should Not Entail
 1. Once the fact-finder receives the complaint, the fact-finder shall notify the complainant in writing of his/her rights and request a meeting.
 2. The fact-finder shall also notify the respondent in writing of the complaint and his/her rights and request a meeting with the respondent.

3. The fact-finder shall notify the complainant, respondent and all individuals interviewed during the inquiry that retaliation is strictly prohibited and may be grounds for disciplinary action. In addition, the fact-finder shall advise all interviewees that they should contact the fact-finder immediately if they believe they are being retaliated against.
4. The inquiry shall include interviews with both the complainant and respondent, unless either declines an in-person interview.
5. The complainant and respondent shall be provided with the same opportunities to have others present during an interview, including the opportunity to be accompanied by the advisor of their choice to any related meeting or proceeding.
6. Motlow State Community College will not limit the choice of advisor for either the complainant or respondent; however, the fact-finder may limit the participation of advisors during the inquiry.
7. The inquiry shall include interviews with relevant witnesses identified by the complainant and respondent or any other potential, relevant witness made known to the fact-finder via other means.
8. The inquiry shall include the gathering and reviewing of any documentary, electronic, physical, or other type of relevant evidence.
9. The fact-finder is expected to request a list of relevant witnesses and evidence from the complainant and respondent and take such into consideration.
10. The fact-finder shall not consider any evidence about the complainant's prior sexual conduct with anyone other than the respondent. Evidence of a prior consensual dating or sexual relationship between the parties does not, by itself, imply consent or preclude a finding of sexual misconduct. Past consent does not imply future consent.
11. Should the complainant or respondent elect to be accompanied by an attorney when meeting with the fact-finder or other College officials, he/she shall provide notice of that fact prior to the scheduled meeting. Failure to provide timely notice may result in the re-scheduling of any meeting so that Motlow State Community College can arrange for participation by a representative from the TBR Office of General Counsel at any meetings when another attorney is present.

X. TIMEFRAME FOR CONDUCTING THE INQUIRY

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

XI. OUTCOME OF THE INQUIRY & DETERMINATION OF APPROPRIATE ACTION

- A. Upon completion of the inquiry, the fact-finder shall prepare a written report, which will include the allegations made by the complainant, the response of the respondent, corroborating or non-corroborating statements of the witnesses and review of other evidence obtained.
- B. It is the responsibility of the fact-finder to weigh the credibility of all individuals interviewed and to determine the weight to be given to information received during the course of the inquiry.
- C. The fact-finder will deliver the preliminary report to the appropriate decision-maker.

1. For complaints where a student is the respondent, the decision-maker will be Title IX Coordinator.
 2. For complaints where a faculty member, adjunct faculty member or employee is the respondent, the decision-maker will be Deputy Title IX Coordinator.
- D. After reviewing the preliminary report, the decision-maker may refer back to the fact-finder with a request for additional information, or adopt the findings of the preliminary report as final. The decision-maker's final determination will be based on a preponderance of the evidence presented, as to whether a violation of the sexual misconduct policy occurred.
- E. The decision-maker's determination shall be communicated in writing simultaneously to the complainant and respondent, along with notice to the parties of their right to request an appeal on the determination that a policy violation did or did not occur.

XII. APPEAL OF THE DECISION-MAKER'S DETERMINATION TO THE VICE PRESIDENT

- A. Either the respondent or the complainant may appeal the determination of the decision-maker. All appeals will be made as follows:
1. If the respondent is a faculty or adjunct faculty member, the appeal shall be to the Vice President for Academic Affairs.
 2. If the respondent is a student or non-faculty employee, the appeal shall be to the Vice President for Student Affairs.
 3. Should the vice-president slated to hear the appeal believe that a conflict of interest exists, they may submit a request to be recused from the appeal to the Title IX Coordinator. The Title IX Coordinator will determine if the facts warrant the appointment of a different vice president to hear the appeal within three (3) business days, absent good cause. The decision of the Title IX Coordinator shall be final.
- B. If the complainant or respondent believes the vice president slated to hear the appeal has a conflict of interest, that party must submit a written explanation of the reason for that belief to the decision-maker.
1. The explanation must be submitted within three (3) business days, absent good cause, of the time when the party knew of, or should have known the facts that would give rise to the alleged conflict of interest.
 2. The Title IX Coordinator will determine, in consultation with the TBR Office of General Counsel, if a conflict of interest exists and arrange for assignment of a substitute to hear the appeal. The Title IX Coordinator will respond to the parties, in writing, within three (3) business days, absent good cause. The Title IX Coordinator's determination shall be final.
- C. Written requests for appeals to the vice president shall be delivered to the decision-maker within ten (10) calendar days from receipt of notice of the decision.
- D. If a written request to appeal the determination is not received within ten (10) calendar days, the decision-maker's determination is final.
- E. The appeals process to the vice president shall be conducted consistent with the procedures established in Motlow State Community College Policy 3:02:00:06 for a student disciplinary hearing with the vice president sitting in place of the Institutional Hearing Committee.
1. Vice presidents will apply the preponderance of evidence standard in the appeal proceedings.
 2. The appeal to the vice president shall be limited to a determination as to whether the underlying factual information was incomplete, the analysis of the facts was incorrect, and/ or the appropriate legal standard was not applied and how errors with regard to those factors would change the determination of the complaint.
 3. All notices from the vice presidents will be delivered to the complainant and respondent at the same time and in the same form.
 4. The vice president will issue a written determination regarding the appeal as promptly as possible.

5. Both the complainant and the respondent shall have an opportunity to appeal the vice president's decision to the President.
6. Requests for appeals to the President shall be delivered to the decision-maker within ten (10) calendar days from receipt of notice of the vice president's decision.
7. If a written request to appeal the vice president's decision is not received within ten (10) calendar days, the vice president's determination is final.

XIII. APPEAL OF THE VICE PRESIDENT'S DECISION TO THE PRESIDENT

- A. Either the respondent or the complainant may appeal the determination of the vice president to the President.
- B. The appeals process to the President shall consist of an opportunity for the parties to provide information to the institution's attention that would change the determination of the complaint.
 1. The appeal process will not be a de novo review of the decision, and the parties will not be allowed to present their appeals in person to the President unless the President determines, in his/her sole discretion, to allow an in-person appeal.
 2. The appealing party(ies) must explain why it is believed the factual information was incomplete, the analysis of the facts was incorrect, and/ or the appropriate legal standard was not applied and how this would change the determination of the complaint.
 3. The President will issue a written response to the appeal as promptly as possible. This decision will constitute Motlow State Community College's final decision on the complaint.

XIV. EFFECT OF FINDING OF A VIOLATION OF THIS POLICY

- A. If the final decision has been made that a violation of this policy did occur, disciplinary sanctions will be administered as follows:
 1. If the respondent is a student, Motlow State Community College will follow the procedures for disciplining students as described in TBR Policy 3:02:00:01 General Regulations on Student Conduct & Disciplinary Sanctions and Motlow State Community College Policy 3:03:00:03 Student Disciplinary Policy-Part 6 Disciplinary Procedures.
 2. If the Respondent is an employee, Motlow State Community College will follow the procedures related to disciplining employees as described in applicable employee policies.
- B. Notwithstanding any policy to the contrary, the following additional requirements apply to disciplinary actions related to violations of this policy:
 1. The complainant shall receive sufficient notice of and be allowed to attend any meeting or hearing during the disciplinary process.
 2. The complainant shall be allowed to have an advisor of his/hers choice attends any meeting or hearing.
 3. The complainant shall be allowed to testify at any hearing during the disciplinary process, even if neither party intends to call the complainant as a witness during the case-in-chief.
 4. The complainant shall be allowed access to any evidence presented during any disciplinary meeting or hearing.
 5. The decision-maker or designee shall be appointed as the complainant's contact person for any questions or assistance during the disciplinary process.
 6. The complainant shall receive written notice of the outcome of the disciplinary process.
- C. Once any disciplinary proceedings are complete, the decision-maker or designee shall determine if any remedies are required to address the campus-wide environment, taking into consideration the impact of an incident of sexual misconduct on the campus as a whole and on specific groups or areas on campus. For example, the decision-maker or designee may determine that specific training is needed for a student group whose members have been accused of sexual assault.

XV. INTERIM MEASURES

- A. In situations that require immediate action because of safety or other concerns, Motlow State Community College will take any reasonable administrative action that the decision-maker deems appropriate. Student respondents may be placed on interim suspension under the appropriate circumstances pending the outcome of the inquiry.
- B. Motlow State Community College shall follow TBR Policy 3:02:00:01 General Regulations on Student Conduct & Disciplinary Sanctions and Motlow State Community College Policies 3:02:00:02 Student Disciplinary Policy- Part 2 Disciplinary Offenses and 3:02:00:04 Student Disciplinary Policy-Part 4 Disciplinary Sanctions.
- C. Employee respondents may be, consistent with Human Resources policies, placed on administrative leave pending the outcome of the matter.

XVI. EDUCATION AND PREVENTION PROGRAMS

- A. Motlow State Community College will engage in comprehensive educational programming to prevent sexual misconduct. Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students, faculty, and staff 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 in the State of Tennessee;
 - 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; and
 - 5. Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks.

XVII. ASSISTANCE FOR VICTIMS OF SEXUAL MISCONDUCT: RIGHTS AND OPTIONS

- A. Regardless of whether a victim elects to pursue a criminal complaint, Motlow State Community College will assist victims of sexual misconduct and will provide each victim with a written explanation of his/her 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: [Tennessee District Attorneys Victim Rights](#).
- C. Protection from abuse orders may be available through [TNCOURTS.gov](#), with forms found at: [Order of Protection Forms](#), and additional information related to such orders may be found at [Tennessee Coalition to End Domestic & Sexual Violence](#).
- D. Motlow State Community 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.

XVIII. RESOURCES FOR VICTIMS OF SEXUAL ASSAULT

The resources listed below are not exhaustive or limited to victims who wish to make an official report or participate in an institutional hearing, police investigation or criminal prosecution. However, in cases where a victim wishes to maintain complete confidentiality, the victim should review carefully Section IV, A. "Reporting Confidentially" related to the limits on Motlow State Community College's ability to maintain confidentiality.

A. Campus Resources:

Title IX Coordinator	Eoff Hall, Room 202	(931) 393-1713
Executive Director of Human Resources	Ingram Administration Bldg, Room 126	(931) 393-1544
Director of Public Safety	Marcom Technology Bldg, Room 259	(931) 393-1737
Public Safety Officer	Apple Science & Math Bldg, Room 137	(615) 220-7937

B. In the McMinnville area:

Police - City of McMinnville	204 Red Rd. McMinnville, TN 37111	931-473-3808
Sheriff - Warren County	108 Security Circle McMinnville, TN 37110	931-473-7863
St. Thomas River Park Hospital	1559 Sparta St. McMinnville, TN 37110	(931) 815-4000
Families in Crisis	708 S. Chancery St. McMinnville, TN 37110	(931) 473-6221

C. In the Lynchburg/ Tullahoma area:

Sheriff - Moore County	58 Elm St. S. Lynchburg, TN 37352	(931) 759-7323
Police - City of Tullahoma	201 W. Grundy St. Tullahoma, TN 37388	(931) 455-0530
Sheriff - Coffee County	300 Hillsboro Blvd. Manchester, TN 37355	(931) 728-3591
Harton Regional Medical Center - Tullahoma	1801 N. Jackson St. Tullahoma, TN 37388	(931) 393-3000
Unity Medical Center - Manchester	481 Interstate Dr. Manchester, TN 37355	(931) 728-6354
Haven of Hope	Serves Bedford, Coffee, Franklin, Lincoln, Marshall and Moore Counties	1-800-435-7739

D. In the Fayetteville area:

Police- City of Fayetteville	308 Market St. W. Fayetteville, TN 37334	(931) 438-7771
Sheriff- Lincoln County	4151 Thornton Taylor Pkwy. Fayetteville, TN 37334	(931) 433-9821
Lincoln Medical Center	106 Medical Center Blvd. Fayetteville, TN 37334	(931) 438-1100
Haven of Hope	Serves Bedford, Coffee, Franklin, Lincoln, Marshall and Moore Counties	1-800-435-7739

E. In the Smyrna area:

Police- City of Smyrna	400 Enon Springs Rd. E. Smyrna, TN 37167	(615) 459-6644
Police- City of La Vergne	5093 Murfreesboro Rd. La Vergne, TN 37086	(615) 793-7744
Sheriff- Rutherford County	940 New Salem Hwy. Murfreesboro, TN 37129	(615) 898-7720
Stonecrest Medical Center	200 Stonecrest Blvd. Smyrna, TN 37167	(615) 768-2000
St. Thomas Rutherford Hospital	1700 Medical Center Pkwy. Murfreesboro, TN 37129	(615) 396-4100
Domestic Violence Program & Sexual Assault Services	2106 E. Main St. Murfreesboro, TN 37130	615-896-2012 (Domestic Violence) or 615-494-9262 (Sexual Assault)

F. Online Resources:

Tennessee State Coalition Against Rape & Domestic Violence	http://tncoalition.org/
National Domestic Violence Hotline	http://www.thehotline.org/
Pandora's Project (Male survivors of rape & sexual abuse)	http://www.pandys.org/malesurvivors.html
Rape, Abuse and Incest National Network	http://www.rainn.org
U. S. Department of Justice	http://www.justice.gov/ovw/sexual-assault
U. S. Department of Education, Office of Civil Rights	http://www2.ed.gov/about/offices/list/ocr/index.html

XIX.RETALIATION

Motlow State Community College, its officers, employees, or agents are strictly prohibited from retaliating, intimidating, threatening, coercing, or otherwise discriminating against any individual for exercising his or her rights or responsibilities under any provision of this policy. Retaliation will result in disciplinary measures, up to and including termination or expulsion.