



ANNUAL SECURITY REPORT *2023*



Reporting Period: January 1, 2023, to December 31, 2023

Prepared by: **Ray Higginbotham, Director of Public Safety**

6015 Ledford Mill Road
P.O. Box 8500, Dept. 600
Lynchburg, TN 37352-8500



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Overview

The following report is the **Annual Security Report (ASR)** for Motlow State Community College for the calendar year **2023**. The Director of the Motlow State Public Safety Department prepares this annual report to comply with the *Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act*. The Clery Act requires all colleges and universities to:

- Collect, classify, and count crime reports and crime statistics
- Issue campus alerts to provide the campus community with information necessary to make informed decisions about their health and safety. The two (2) types of alerts required are “Timely Warnings” and “Immediate Emergency Notifications”.
- Provide educational programs and campaigns promoting awareness of dating violence, domestic violence, sexual assault, and stalking focusing on primary prevention and awareness.
- Disclose procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred.
- Disclose procedures for institutional disciplinary action in cases of dating violence, domestic violence, sexual assault, and stalking.
- Publish an annual security report every year by October 1 that contains three (3) years of campus crime statistics and certain campus security policy statements.
- Annually submit crime statistics by type, location, and year to the U.S. Department of Education.
- Publish a daily crime log of alleged criminal incidents that is open to public inspection.

The Motlow State Annual Security Report can also be accessed on the College’s web page at: <http://www.motlow.edu/security/index.aspx>. This report contains safety and security policies, procedures, external links, and guidelines. Crime statistics for the calendar year periods of **2021**, **2022**, and **2023** are included in the report. The crime statistics are based on incidents reported at four (4) campus locations. You may request a paper copy of this report from the Director of the Motlow State Public Safety Department, located on the Moore County campus at PO Box 8500, Dept. 600, Lynchburg, TN 37352-8500.

Crime Statistics: Statement Concerning Law Enforcement (All Campuses)

Motlow State Community College does have the Motlow State Public Safety Department serving as the primary law enforcement agency on all Motlow campuses. The Motlow State Public Safety Department is a POST certified Tennessee law enforcement agency, recognized by the Tennessee Peace Officer Standards and Training (POST) Commission. The Department is staffed with dedicated and professional staff and they are always willing to serve the Motlow community. The Department is committed to the prevention of crime and the protection of life and property on all Motlow State campuses. The Department employs Tennessee POST certified law enforcement officers, provides protection of campus and local assets, and enforces all State laws and ordinances.

All officers of the Motlow State Public Safety Department are highly qualified professionals and are required to complete annual in-service training. Officers attend specialized training courses to continuously sharpen their skills and increase their knowledge. The Motlow State Public Safety Department may be contacted at (931) 393-1737, (615) 220-7937, or via e-mail at Police@mscc.edu.

The College also utilizes local law enforcement agencies as deemed necessary. The following is a list of Motlow campuses, along with the outside law enforcement agencies with concurrent jurisdiction over each campus:

1. The **Fayetteville campus** is located in the City of Fayetteville, and is under the concurrent jurisdiction of the Fayetteville Police Department, 308 Market Street West, Fayetteville, Tennessee, 37334. **(931) 438-7771**
2. The **McMinnville campus** is located in the City of McMinnville, and is under the concurrent jurisdiction of the McMinnville Police Department, 204 Red Road, P.O. Box 7088, McMinnville, Tennessee, 37111. **(931) 668-7000**
3. The **Moore County campus** is located in Metropolitan Moore County, and is under the concurrent jurisdiction of the Metropolitan Moore County Sheriff's Department, 58 South Elm Street, Lynchburg, Tennessee 37352-8323. **(931) 759-7323**
4. The **Smyrna Campus** is located in the City of Smyrna, and is under the concurrent jurisdiction of the Smyrna Police Department, 400 Enon Springs Road East, Smyrna, Tennessee 37167. **(615) 459-6644**

Motlow Public Safety Department Contact Information by Campus Location

MSCC Public Safety Police			
<u>Moore County Campus</u>	<u>Smyrna Campus</u>	<u>McMinnville Campus</u>	<u>Fayetteville Campus</u>
Higginbotham, Ray Director of Public Safety rhigginbotham@mscc.edu 931-393-1737	Rhodes, Allen Assistant Director erhodes@mscc.edu 615-220-7937	Michael Smith Police Officer msmith1@mscc.edu 931-393-1586	Jennifer Curbow Police Officer jcurbow@mscc.edu 931-433-9364
Brown, Joe Police Officer jbrown@mscc.edu 931-393-1632			

Motlow State Campuses and Clery Geography

The definitions for each of these geographic categories are Clery Act-specific and the categories are the same for every institution, regardless of its physical size or configuration.

On Campus – Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or other retail vendor).

Public Property – All public property including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Non-Campus Buildings or Property – Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

The Motlow State Public Safety Department is the primary law enforcement agency responsible for law enforcement services at all Motlow State campus sites. Information regarding policies and access is the same for all Motlow State campus sites. Comments, concerns, or questions about police and security services should be communicated to the Director of the Motlow State Public Safety Department, Ray Higginbotham by e-mail at rhigginbotham@mscc.edu, or by telephone **(931) 393-1737**.

Crime Statistics (All Campuses)

Motlow State Community College has published the crime statistics for the last three (3) year calendar year reporting periods for all campuses on its website at <http://www.motlow.edu/security/index.aspx>. Additionally, copies of the crime statistics for the calendar year reporting periods covered under this report, along with aerial maps of each campus geographical areas have been included in **Appendix A** of this report.

How to Report Criminal Offenses (All Campuses)

To report an emergency, always dial **911**. To report a non-emergency crime to the Motlow State Public Safety Department, contact the appropriate numbers listed below, depending on your campus location. Any suspicious activity or person(s) seen in the parking lots or any suspicious person(s) loitering around vehicles and inside buildings should be reported to the appropriate Motlow State Public Safety Department office immediately.

MSCC Public Safety Police

Moore County Campus

Higginbotham, Ray
Director of Public Safety
rhigginbotham@mscc.edu
931-393-1737

Smyrna Campus

Rhodes, Allen
Assistant Director
erhodes@mscc.edu
615-220-7937

McMinnville Campus

Michael Smith
Police Officer
msmith1@mscc.edu
931-393-1586

Fayetteville Campus

Jennifer Curbow
Police Officer
jcurbow@mscc.edu
931-433-9364

Brown, Joe
Police Officer
jbrown@mscc.edu
931-393-1632

Campus Security Authorities

In addition to reporting crimes to local law enforcement, a crime may be reported to any institutional campus security authority (CSA). The Campus Security Authorities for Motlow State Community College are listed below:

Fayetteville Campus

Josh Caldwell	jcaldwell@mscc.edu	931-433-9343
Dawn Copeland	dcopeland@mscc.edu	931-433-1699
Jennifer Curbow	jcurbow@mscc.edu	931-433-9364
Cynthia Hall	chall@mscc.edu	931-433-9346
Carla Logue	clogue@mscc.edu	931-438-0028

McMinnville Campus

Larry Flatt	lflatt@mscc.edu	931-393-1720
Gregg Garrison	ggarrison@mscc.edu	931-668-2120
Charles King	cking@mscc.edu	931-668-2144
Misty Mazzie	mmazzie@mscc.edu	931-668-2114
Sally Pack	spack@mscc.edu	931-668-2133
Allen Sanders	asanders@mscc.edu	931-668-2140
Michael Smith	Msmith1@mscc.edu	931-393-1586

Moore County Campus

David Bethea	dbethea@mscc.edu	931-393-1616
David Bowlby	dbowlby@mscc.edu	931-393-1726
Joe Brown	jbrown@mscc.edu	931-393-1632
Laura Brown	lbrown@mscc.edu	931-393-1769
Belinda Champion	bchampion@mscc.edu	931-393-1765
Lucy Craig	lcraig@mscc.edu	931-393-1567
Sharon Edwards	sedwards1@mscc.edu	931-393-1663
Nickie Fanning	nfannning@mscc.edu	931-393-1815
Yaritza Gotay	ygotay@mscc.edu	931-393-1691
Stephen Guerin	sguerin@mscc.edu	931-393-1703
Pamela Harris	pharris@mscc.edu	931-393-1835
Ray Higginbotham	rhigginbotham@mscc.edu	931-393-1737
Andy Lyon	alyon@mscc.edu	931-393-1622
Kyle Macon	kmacon@mscc.edu	931-393-1623
Dan McShea	dmcshea@mscc.edu	931-393-1615
Janice Morey	jmorey@mscc.edu	931-393-1617
Katie Reid	kreid@mscc.edu	931-393-1614
Brian Robinson	brobinson@mscc.edu	931-393-1674
Lori Rogers	lrogers@mscc.edu	931-393-1601

Moore County Campus (Cont.)

Mae Lyons	msanders@mscc.edu	931-393-1530
Emily Seal	eseal@mscc.edu	931-393-7838
Caitlin Tripp	ctripp@mscc.edu	931-393-1597

Smyrna Campus

Laura Booth	lbooth@mscc.edu	615-220-7886
Nick Bush	nbush@mscc.edu	615-220-7833
Clay Caldwell	ccaldwell@mscc.edu	615-220-7807
Angelica Dotson	adotson@mscc.edu	615-220-7972
Elizabeth Fitch	efitch@mscc.edu	615-220-7818
Kevin Fitch	kfitch@mscc.edu	615-220-7824
Whitney Fletcher	wfletcher@mscc.edu	615-220-7974
Jonathan Graham	jgraham@mscc.edu	615-220-7839
Erica Lee	elee@mscc.edu	615-220-7827
Van Lomenick	vlomenick@mscc.edu	615-220-7814
Brian Mitchell	bmitchell@mscc.edu	615-220-7825
Eric Murry	emurry@mscc.edu	615-220-7960
George Ortega	gortega@mscc.edu	615-220-7835
Allen Rhodes	erhodes@mscc.edu	615-220-7937
Alix Rude	arude@mscc.edu	615-220-7975
Barbara Scales	bscales@mscc.edu	615-220-7976
Kelly Tilton	ktilton@mscc.edu	615-220-7816
Gary Winton	gwinton@mscc.edu	615-220-7803

Timely Warnings (All Campuses)

If a situation arises, either on or off campus, that in the judgment of the Director of Public Safety or campus management constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued. The warning(s) will be issued through the “**MOTLOW ALERT**” system, Motlow’s Facebook page, and the Motlow website:
<https://www.motlow.edu/index.html>

The Executive Vice President of Finance & Administration or the Director of Public Safety should be contacted to initiate a timely warning. Timely warnings may be issued by the Director of Public Safety and/or the Vice President of Finance & Administration.

Anyone with information warranting a timely warning should immediately report the circumstances to the Director of the Motlow State Public Safety Department, (931) 393-1737. The Director of Public Safety will coordinate with the College President and the Executive Vice-President of Finance & Administration to determine whether a timely warning will be issued. The Vice-President of External Affairs will assist with the dissemination of timely warning messages.

A timely warning will be issued for criminal incidents or circumstances that may pose a serious or continuing threat to the campus community that occurs within the Motlow State campus geography that has been:

- Reported to the College, Motlow State Public Safety, a CSA, or local law enforcement; and is
- Considered by the College to represent a serious or continuing threat to students, employees, and guests.

Timely warnings are not limited to incidents of violent crimes or crimes against persons. Incidents that may warrant the issuance of a timely warning include, but are not necessarily limited to:

- Homicide – murder and non-negligent manslaughter, manslaughter by negligence
- Sex offenses – rape, fondling, incest, statutory rape
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson
- Hate crimes – a criminal offense committed that is motivated by bias

Preparation of Disclosure of Crime Statistics (All Campuses)

The Director of the Motlow State Public Safety Department prepares this report to comply with the *Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act*. The complete text of this report can be located on the Motlow State website at:

<https://www.motlow.edu/belong/safety/police/index.html>

The report is prepared in cooperation with the local law enforcement agencies surrounding each of the Motlow campuses. Campus crime, arrest, and referral statistics include those reported to the campus officials and local law enforcement agencies. Upon completion of the Annual Security Report, an e-mail notification is made to all enrolled students, faculty and staff that provides the website information to access the report. Copies of the report may also be obtained at the main office of the Motlow State Public Safety Department located at 6015 Ledford Mill Road, Tullahoma, Tennessee 37388, by calling (931)-393-1737, or e-mailing the Department at Police@mscc.edu.

Voluntary Confidential Reporting of Crimes (All Campuses)

Motlow State Community College does not have procedures for voluntary, confidential reporting of crime statistics, except in cases of sexual misconduct. Violations of the law will be referred to the Motlow State Public Safety Department, local law enforcement agencies, and when appropriate, to the appropriate disciplinary committee for review. When a potentially dangerous threat to the college community arises, timely reports or warnings will be issued. All reports of criminal activity will be investigated.

Motlow State Community College encourages anyone who is a victim or witness, or has knowledge of any crime to promptly report the incident. The confidentiality of persons reporting criminal activity may be requested. Confidentiality will be respected whenever possible, but it cannot be ensured, depending on the nature of the crime reported.

Security and Access (All Campuses)

During business hours, the College will be open to students, parents, employees, contractors, guests and invitees. During non-business hours, access to all college facilities is by key, if issued. Some facilities may have individual hours, which may vary at different times of the year. In these cases, the facilities will be secured according to schedules developed by the person responsible for the facility. Emergencies may necessitate changes or alterations to any posted work schedules. Safety and security have been considered in the landscape and lighting of all Motlow campuses. All maintenance needs are reported to the Facility Services Department, at (931) 393-1575. Any identified security/safety concern will be evaluated by the appropriate Facilities Services personnel and/or the appropriate personnel from the Motlow State Public Safety Department. These evaluations examine security issues such as landscaping, locks, alarms, lighting, signage, and communications.

Essential Public Safety Department/Security Operations

The Motlow State Public Safety Department has police officers who work evening hours on the Moore County campus, the Smyrna campus, the McMinnville campus, and the Fayetteville campus. The Facilities Services Department also has staff available at the Moore County campus during evening and weekend hours. These personnel are allowed to use the emergency cell phones during normal operation and may be contacted as follows:

Moore County Campus:

To request assistance from the Motlow State Public Safety Department personnel while on the Moore County campus, during normal business hours (*8:00 AM to 4:30 PM, Monday-Friday*), call the Moore County campus Motlow State Public Safety Department, at **Ext# 1632** or **Ext.# 1737**. If on the Moore County campus after normal business hours (*4:30 PM to 10:00 PM, Monday-Thursday*), contact the on-duty Motlow State Public Safety officer, at (931) 393-1668 or (931) 581-6867. If no answer, leave a message. The on-duty Motlow State Public Safety officer should promptly return your call. The Moore County Campus is closed on Saturdays and Sundays. The Clayton Glass Library is open on Sundays, 1:00 PM – 4:00 PM.

Smyrna Campus:

For assistance from the Motlow State Public Safety Department personnel while on the Smyrna campus, during normal business hours (7:30 AM to 4:00 PM, Monday-Friday), call the Smyrna campus office of the Motlow State Public Safety Department, at **Ext.# 7937**. If on the Smyrna campus after normal business hours (4:00 PM to 10:00 PM, Monday-Friday), call the on-duty Motlow State Public Safety officer at the Smyrna campus at (615) 220-7831. If no answer, leave a message; the on-duty Motlow State Public Safety officer should promptly return your call. If you are on the Smyrna campus on the weekends (Saturday 7:30 AM-5:30 PM), call the on-duty Motlow State Public Safety officer, at (615) 220-7831 or (931) 581-6949. The on-duty Motlow State Public Safety officer will respond and assist the faculty or staff member as needed. The Smyrna Campus is closed on Sundays.

McMinnville Campus:

For assistance from the Motlow State Public Safety personnel while on the McMinnville campus, during normal business hours (7:30 AM to 4:00 PM, Monday-Friday) call the McMinnville campus Motlow State Public Safety Department at **Ext.# 1586**. The on-duty Motlow State Public Safety officer will respond and assist the faculty or staff member as needed. If on the McMinnville campus after normal business hours (4:00 PM to 10:00 PM, Monday-Thursday), call the on-duty Motlow State Public Safety officer at the McMinnville campus at (931) 581-6859. If no answer, leave a message; the on-duty Motlow State Public Safety officer should promptly return your call. The on-duty Motlow State Public Safety officer will respond and assist the faculty or staff member as needed or contact the McMinnville Police Department as necessary. The McMinnville campus is closed on Saturdays and Sundays.

Fayetteville Campus:

For assistance from the Motlow State Public Safety Department personnel while on the Fayetteville campus, during normal business hours (7:30 AM to 4:00 PM, Monday-Friday), call the Fayetteville campus office of the Motlow State Public Safety Department at **Ext.# 3024**. If on the Fayetteville campus after normal business hours (4:00 PM to 10:00 PM, Monday-Thursday), call the on-duty Motlow State Public Safety officer at the Fayetteville campus at (931) 581-9312. If no answer, leave a message; the on-duty Motlow State Public Safety officer should return your call promptly. The on-duty Motlow State Public Safety officer will respond and assist the faculty or staff member as needed. The Fayetteville campus is closed on Saturdays and Sundays.

The above procedures apply to all non-emergency situations only.

If you are experiencing, or witnessing an emergency involving an immediate threat or danger, dial 911 from a campus phone or 911 from a cell phone.

Campus Law Enforcement Authority (All Campuses)

All Motlow State Public Safety Department personnel are commissioned law enforcement officers, commissioned by the Tennessee Peace Officer Standards and Training (POST) Commission. They have law enforcement authority and jurisdiction on all Motlow campuses and all Motlow State Community College property. All Motlow State Public Safety Department personnel maintain a highly professional working relationship with each of the local law enforcement agencies in the communities of each campus location and work together with those agencies whenever necessary.

All crime victims and witnesses are strongly encouraged to report the crime to either the Motlow State Public Safety Department, a Campus Security Authority (CSA), or the appropriate law enforcement agency immediately. Prompt reporting will assure timely warning notices on-campus and timely disclosure of crime statistics. The following law enforcement agencies have concurrent jurisdiction on Motlow campuses. They also have law enforcement authority on the campus where they have concurrent jurisdiction:

Fayetteville Police Department, Lincoln County Sheriff's Department – **Fayetteville campus**
McMinnville Police Department, Warren County Sheriff's Department – **McMinnville campus**
Metropolitan Moore County Sheriff's Department – **Moore County Campus**
Smyrna Police Department, Rutherford County Sheriff's Department – **Smyrna campus**

Memorandum of Understanding (MOU) with Local Law Enforcement Agencies

The Motlow State Public Safety Department staff maintains a close working relationship with the local law enforcement agencies having concurrent jurisdiction on all campuses. There are written memorandums of understanding between Motlow State Community College and the local law enforcement agencies having concurrent jurisdiction at each campus location. The memorandums of understanding are on file at Motlow State Community College and at each law enforcement agency.

Encouragement of Accurate and Prompt Crime Reporting (All Campuses)

The campus community (students, faculty and staff) are to report any criminal behavior or suspected criminal acts promptly to the Motlow State Public Safety Department for investigation. In the event an emergency is occurring, call **911** to obtain immediate assistance from the appropriate local law enforcement agency, and then contact the Director of the Motlow State Public Safety Department, at (931) 393-1737. It is a core objective of Motlow State Community College to maintain a safe environment for the entire campus population and public visitors. To ensure this, each person must take the proper reporting of criminal activity seriously and act promptly.

All incident reports are forwarded to the Motlow State Public Safety Department for review and potential action. Local law enforcement may be asked to investigate a report when it is deemed appropriate. Additional information obtained via the investigation may also be forwarded to Student Services and/or Human Resources as necessary.

If you are the victim of a crime and do not want to pursue action within the college system or the criminal justice system, you may still want to consider making a confidential report. With your permission, the local law enforcement agency can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, Motlow State Community College can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime regarding a specific location, method, or assailant, and alert the campus community to any potential danger(s). Reports filed in this manner are counted and disclosed in the institution's annual crimes statistics.

Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents to the Motlow State Public Safety Department, at (931) 393- 1737, in a timely manner. Promptly reporting a crime increases the chance of the suspect, or suspects, being apprehended and will aid in preventing future criminal activity.

Security and Safety Awareness Programs for Students and Employees (All Campuses)

Members of the Motlow State Public Safety Department staff conduct security and safety awareness programs during convocations, coordinated assemblies, employee orientations, student classes, and other events throughout the year. The Department also provides Rape Aggression Defense (RAD) basic self-defense training for all female faculty, staff, and students. The training sessions are held on various campuses throughout the calendar year.

Programs Designed to Inform Students and Employees About Prevention of Crime (All Campuses)

Helpful tips and suggestions for crime prevention are available on the Motlow State Public Safety Department website:

<https://www.motlow.edu/belong/safety/police/index.html>

Monitoring Off-Campus Student Organizations (All Campuses)

Motlow State Community College does not have officially recognized student organizations with off-campus location

Possession and Use of Weapons

As provided in **Tennessee Code Annotated §39-17-1309**, any unauthorized or illegal possession of, use of, or wearing of firearms or dangerous weapons of any kind shall not be permitted on any Motlow State Campus.

Weapons shall include, though not exclusively, the following:

- An explosive or an explosive weapon, or device. Explosive means any explosive, incendiary or poisonous gas bomb, grenade, rocket, mine or shell, missile or projectile that is designed, made or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage.
- A device principally designed, made or adapted for delivering or shooting an explosive weapon.
- Any knife that has a blade that opens automatically by applied pressure, gravity, or inertia, bowie knife, hawk bill knife, or other weapons of like kind.
- Any other device used for the infliction of serious bodily injury or death that has no common lawful purpose.

T.C.A. §39-17-1309(e)(g) has been amended allowing full-time employees of public institutions of higher education who possess a valid handgun carry permit/enhanced handgun carry permit issued under T.C.A. §39-17-1351 to carry a concealed handgun on property owned, operated, or controlled by Motlow State. Full-time Motlow State employees must meet specific requirements and must register and be approved through the Motlow State Public Safety Department.

Behavioral Intervention Team (BIT)

Motlow State is strongly committed to providing the safest learning and working environment possible for all of its campuses. The Behavioral Intervention (BIT) Team is responsible for maintaining a database of and track behavioral issue reports of students that have been identified by faculty or staff, offer professional development for faculty and staff. The BIT Team may recommend policies and procedures that encourage intervention, to maintain a safe learning environment. The BIT Team establishes communication protocol for all campuses, while respecting the need for sensitivity and confidentiality for troubled students. The BIT Team conducts threat assessments using the “NABITA Threat Assessment Tool”. The BIT Team also collaborates with other entities on campus to provide preventative activities for students related to personal safety, such as alcohol and other drug use. Additional information regarding the BIT Team policy may be found at the following link:

<https://www.motlow.edu/about/policies/crisis-assessment-and-risk-evaluation-team.html>

Alcohol and Illegal Drugs (All Campuses)

Motlow State Community College students and employees are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, use of or being under the influence of illicit drugs and/or alcohol on any Motlow campus, property owned or controlled by Motlow, or as part of any Motlow activities.

A. Penalties for Violation

1. Legal Sanctions under Federal, State or Local Law

Various federal, state, and local statutes make it unlawful to manufacture, distribute, dispense, deliver, sell, or possess with intent to manufacture, distribute, dispense, deliver or sell, controlled substances. The penalty imposed depends upon many factors which include the type and amount of controlled substance involved; the number of prior offenses, if any; whether death or serious bodily injury resulted from the use of such substance; and whether any other crimes were committed in connection with the use of the controlled substance.

Possible maximum penalties for a first-time violation include imprisonment for any period up to a term of life imprisonment, a fine of up to \$4,000,000, supervised release, any combination of the above or all three.

These sanctions are doubled when the offense involves either: (1) distribution or possession at or near a school or college campus; or (2) distribution to persons less than 21 years of age. Repeat offenders may be punished to a greater extent as provided by statute. Further, a civil penalty of up to \$10,000 may be assessed for simple possession of "personal use amounts" of certain specified substances under federal law. Under state law, the offense of possession or casual exchange is punishable as a Class A misdemeanor; if there is an exchange between a minor and an adult at least two (2) years the minor's senior, and the adult knew that the person was a minor, the offense is classified a felony as provided in **TCA § 39-17-417**. (21 U.S.C. 801, et. Seq.; **TCA § 39-12-417**) It is unlawful for any person under the age of twenty-one (21) to buy, possess, transport (unless in the course of his or her employment), or consume alcoholic beverages, wine or beer, such offenses being classified as Class A misdemeanors punishable by imprisonment for not more than 11 months, 29 days, or a fine of not more than \$2,500, or both. (**TCA § 1-3-113** and **TCA § 57-5-301**) It is further an offense to provide alcoholic beverages to any person under the age of twenty-one (21), such offense being classified a Class A misdemeanor. (**TCA § 39-15-404**) The offense of public intoxication is a Class C misdemeanor punishable by imprisonment of not more than 30 days or a fine of not more than \$50, or both. (**TCA § 39-17-310**)

2. Students

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

- a. Warning
- b. Probation
- c. Reprimand
- d. Referral for prosecution
- e. expulsion

3. Employees

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

- a. Letter of Warning
- b. Probation
- c. Suspension without pay
- d. Recommendation for professional counseling
- e. Referral for prosecution
- f. Demotion
- g. Termination

As a condition of employment, employees, including student employees, must abide by the terms of this policy and must notify their supervisor of any criminal drug statute or alcohol abuse conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

B. Dissemination of Policy

1. Employees

- a. The Human Resources office will provide new employees with a copy of this policy, as part of the new employees' orientation.
- b. New employees will sign orientation forms acknowledging that the policy was disseminated as part of their orientation.
- c. The Human Resources office will send e-mail copies of this policy annually to all employees with e-mail access. Supervisors of employees without e-mail access will distribute paper copies to those employees.

2. Students

A copy of this policy will be included in the Motlow "Student Handbook" and on the college's web page.

- a. The student services and enrollment management office will provide new students with a copy of this policy, as part of the new student's orientation

C. Violations

1. Supervisor notification of Human Resources

Any supervisor becoming aware of an employee violation of this policy, whether by virtue of notification by an employee of a conviction or by other means, will immediately notify the Director of Human Resources.

2. Employees funded by Federal Grants

The Director of Human Resources will notify the appropriate sponsor or granting agency within ten (10) days after the college receives actual notice of an employee conviction.

Policy Statement Addressing Substance Abuse Education (All Campuses)

A. General

Drug and Alcohol Awareness

Motlow State Community College is committed to raising the awareness of students and employees of the health risks associated with the use of illicit drugs and the abuse of alcohol.

A synopsis of those health risks is provided below.

B. Alcohol

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

C. Illicit Drugs

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

D. Counseling, Treatment and Rehabilitation Programs

Motlow State has counseling services that are available free to Motlow students. All Motlow counselors are licensed therapists. The length of treatment from a Motlow counselor/therapist will consist of short-term assistance. If it is determined that long-term counseling services are more appropriate to address a student's needs, the counselor/therapist will work with the student to provide a referral to a qualified mental health professional therapist in the community.

The Human Resources Department will assist employees by providing information concerning treatment resources in the surrounding area and assisting individuals in making initial contact with treatment providers. Regular employees may use the Employee Assistance Program (EAP) by calling Optum at 1-855-437-3486, or on the web at <http://www.here4tn.com/>. Additional information concerning the EAP is available in the office of Human Resources.

Sexual Misconduct (All Campuses)

It is the intent of Motlow State that the institution shall fully 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, as well as all applicable state statutes and all regulations promulgated pursuant thereto. The entire Motlow State Sexual Misconduct Policy may be accessed using the following link: <https://www.motlow.edu/about/policies/sexual-misconduct.html#iii>

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 Title IX Sexual Harassment, Dating Violence, Domestic Violence, Stalking, and Sexual Assault. Motlow State Community College strictly prohibits these type offenses.

Definitions:

Complainant – a person who is alleged to be the victim of conduct that should constitute Sexual Misconduct. A complainant may also be referred to as a Party.

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; or, is under duress, threat, coercion, or force. Past consent does not imply future consent. Consent can be withdrawn at any time.

Dating Violence—violence committed by a person:

1. Who is, or has been in a social relationship of a romantic or intimate nature with the victim; and
2. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - a. The length of the relationship;
 - b. The type of relationship; and
 - c. The frequency of interaction between the persons involved in the relationship.

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. In cases involving allegations of mutual acts or threats of acts of violence, the investigator will, when appropriate, identify the primary aggressor in the situation based on the totality of the information gathered, including without limitation: the history of violence between the parties; the relative severity of the injuries inflicted on each person; information gathered from the persons involved in the situation and witnesses to the situation; and whether the acts or threats were done in self-defense. The primary aggressor will be considered the Respondent for purposes of evaluating domestic violence

Domestic Violence – includes, but is not necessarily limited to:

1. Inflicting, or attempting to inflict, physical injury on the accuser by other than accidental means;
2. Placing the accuser in fear of physical harm;
3. Physical restraint;
4. Malicious damage to the personal property of the accuser, including inflicting, or attempting to inflict, physical injury on any animal owned, possessed, leased, kept, or held by the accuser; or,
5. Placing the accuser in fear of physical harm to any animal owned, possessed, leased, kept, or held by the accuser – **TCA § 36-3-601**; or,
6. Placing a victim in fear of physical harm to another person: friends, family, or associate.

Education Program or Activity – Education programs or activities include locations, events, or circumstances over which TBR, or a TBR institution exercises substantial control over both the Respondent and the context in which the alleged sexual misconduct occurred. Relevant factors include whether the alleged conduct took place on or off premises.

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 an action or participate in an activity. Examples of Force include, without limitation:

1. Physical force (e.g., hitting, punching, slapping, kicking, restraining, and choking).

Formal Complaint – a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Misconduct against a Respondent and requesting the institution investigate the allegation. At the time of filing a Formal Complaint, a Complainant either must be participating in or attempting to participate in the institution’s education program or activity.

Respondent – A person who has been alleged to be a perpetrator of conduct that could constitute Sexual Misconduct. A Respondent may also be referred to as a Party.

Retaliation – Retaliation means to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege.

Reasonable Person – Reasonable Person means a reasonable person under similar circumstances as and with similar identities to the Complainant. 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. In no event shall Title IX sexual harassment be construed to prohibit speech protected by the First Amendment to the United States Constitution (e.g., merely offensive or insulting speech) See Clarifications for more information.

Sexual Assault — “Sexual Assault” is an umbrella term that includes rape, fondling, incest, and statutory rape.

1. **“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.
2. **“Fondling”** means the touching of the private body part 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.
3. **“Incest”** means sexual intercourse between persons who are related to each other within degrees where marriage is prohibited by law.
4. **“Statutory rape”** means sexual intercourse with a person who is under the statutory age of consent,

Sexual Misconduct—Sexual Misconduct is a subset of a broader category of sexual harassment. Allegation of sexual harassment that do not meet the definition of Sexual Misconduct will be handled in accordance with [TBR Guideline P-080](#) .

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. For the definition of Stalking, “reasonable person” means a reasonable person under similar circumstances and with similar identities to the Complainant.

Sexual Contact—includes, but is not limited to, the intentional touching of the accuser's, the accused, or any other person's intimate parts, or the intentional touching of the clothing covering the immediate area of the accuser's, the accused, 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.

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

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 and 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.
4. Is 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.
5. Sexual Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose – TCA § 39-17-315

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

1. 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);
2. Unwelcome conduct of a sexual nature determined by a reasonable person to be so severe, pervasive, and objectionably offensive that it effectively denies a person equal access to the institution's education program or activity.

Sexual Misconduct Educational Programs and Campaigns (All Campuses)

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, staff, and faculty that:

1. Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
2. Defines what behavior constitutes domestic violence, dating violence, sexual assault and stalking;
3. Defines what behavior and actions constitute consent to sexual activity;

4. Provides safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault and stalking against a person other than the bystander;
5. Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks; and
6. Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

Procedures Victims Should Follow If A Sex Offense Occurs (All Campuses)

If you are a victim of a sexual assault, your priority should be to get to a place of safety. You should then obtain necessary medical treatment. Motlow State Community College strongly advocates that a victim of sexual assault reports the incident in a timely manner. Time is a critical factor for evidence collection and preservation. An assault can be reported directly to **911**, the Motlow State Public Safety Department, or to a local law enforcement agency. The victim may also report any sex offenses by using the Motlow ***“Just Report It”*** on-line reporting system, at the following link: <https://www.motlow.edu/belong/report.html>. If the victim wishes to make a confidential notification, the victim should follow the procedure outlined below for confidentially reporting sexual misconduct. The victim may be assisted by campus authorities in notifying local law enforcement. The victim should contact the Office of Compliance, or the Title IX Coordinator for assistance. The Motlow State “Sexual Misconduct Policy” may be accessed on-line by using the following link: <https://www.motlow.edu/about/policies/sexual-misconduct.html#viii>. A victim has the right to decline to notify local law enforcement. However, filing a police report with a local law enforcement agency will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. Filing a police report will:

- ensure that a victim of sexual assault receives the necessary medical treatment and tests at no expense to the victim;
- provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam); and
- ensure the victim has access to confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

When a victim of sexual misconduct presents to Motlow State Community College, the College will provide written information about the importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order. The College will also provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available for victims, both on our campus and in the community. The College will further provide written notification to victims about options for, and available assistance in, changing academic, transportation, and working situations.

The College must make such accommodations if the victim requests them and they are reasonably available, regardless of whether the victim chooses to report the crime to local law enforcement.

Regardless of whether an offense occurred on or off campus, Motlow State Community College will provide a student or employee a written explanation of their rights and options when a student or employee reports to the institution that they have been a victim of dating violence, domestic violence, sexual assault, or stalking.

Protection from abuse orders may be available through [TNCOURTS.gov](https://www.tncourts.gov), with forms found at: www.tncourts.gov/programs/self-help-center/forms/order-protection-forms, and additional information related to such orders may be found at:

Reporting Sexual Misconduct (All Campuses)

Motlow State takes seriously all complaints of sexual discrimination, sexual harassment, and Sexual Misconduct. This section explains the various reporting, complaint, and confidential disclosure options available to enable individuals to make informed choices about where to turn should they experience sexual discrimination, sexual harassment, or Sexual Misconduct. Motlow State encourages anyone who witnesses, experiences, or has information about possible Sexual Misconduct to take reasonable actions to prevent or stop such actions. This may include speaking up while the behavior is taking place or immediately afterwards, reporting the behavior (in accordance with the reporting options outlined in this policy), directly intervening when it is safe and reasonable to do so, contacting law enforcement, or other means. A person who has been subjected to any type of Sexual Misconduct need not confront the other Party. The appropriate process to address the conduct is through this or other applicable policy.

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.
 - a. **Motlow State's designated Title IX Coordinator is:**
Barbara Scales
Executive Director of Organizational Compliance and Enrichment
5002 Motlow College Blvd.
Smyrna, TN 37167
615-220-7976
bscales@mscc.edu

b. **Motlow State's designated Title IX Coordinator is:**

Jeanna Scholz
Assistant Director of Organizational Compliance and Enrichment
5002 Motlow College Blvd.
Smyrna, TN 37167
615-220-7994
jscholz@mscc.edu

c. **Motlow Counseling Services**

Make an Appointment Online
(931) 393-1960
counseling@mscc.edu

d. **Domestic Violence and Sexual Assault Program**

1423 Kensington Square Court
Murfreesboro, TN 37130
Tel: (615) 896-7377

2. There are other external resources that victims may wish to utilize that can provide confidential support and advocacy services including the following:

Motlow Counseling Services

<u>Smyrna Campus</u>	<u>Moore County Campus</u>	<u>McMinnville Campus</u>	<u>Fayetteville Campus</u>
Kimara Clarke (615) 220-7913	Lisa Stone (931) 393-1923	Melanie Pykiet (931) 668-2175	Melanie Pykiet (931) 668-2175

All Motlow Counseling Services counselors are licensed therapists.

Students may also make an appointment online:

<https://www.motlow.edu/counseling/>

Appointments may be conducted in-person or via tele-med.

Domestic Violence & Sexual Assault Program

1423 Kensington Square Court

Murfreesboro, TN 37130

Tel: [\(615\) 896-7377](tel:6158967377)

For domestic violence call [\(615\) 896-2012](tel:6158962012)

For sexual assault call [\(615\) 494-9262](tel:6154949262)

<https://dvpshelter.org/>

Families in Crisis Domestic Violence & Sexual Assault Program

706 S Chancery St, McMinnville, TN 37110

Tel: [\(931\) 473-6221](tel:9314736221)

<https://www.warrentn.com/list/member/families-in-crisis-new-beginnings-mcminnville-96>

Tennessee Suicide Prevention Network

If you are experiencing a mental health emergency,

Call 855-CRISIS-1 or 855-274-7471

Haven of Hope Domestic Violence and Sexual Assault Program

Counties: Moore, Bedford, Lincoln, Franklin, Coffee, Marshall

Crisis Hotline: 800-435-7739 (24/7)

Office: (931) 728-1133

Tennessee Coalition to End Domestic and Sexual Violence

<https://www.tncoalition.org/>

Sexual Assault Center of TN

<http://www.sacenter.org/>

Additional law enforcement and medical resources in the Fayetteville area

<u>Police - City of Fayetteville</u>	225 College St. Fayetteville, TN 37334	(931) 438-7771
<u>Sheriff - Lincoln County</u>	4151 Thornton Taylor Pkwy. Fayetteville, TN 37334	(931) 433-9821
<u>Lincoln County Health Systems Hospital</u>	106 Medical Center Blvd. Fayetteville, TN 37334	(931) 438-1100

Additional law enforcement and medical resources in the McMinnville area

<u>Police - City of McMinnville</u>	204 Red Rd. McMinnville, TN 37111	(931) 473-3808
<u>Sheriff - Warren County</u>	108 Security Circle McMinnville, TN 37110	(931) 473-7863
<u>St. Thomas River Park Hospital</u>	1559 Sparta St. McMinnville, TN 37110	(931) 815-4000

Additional law enforcement and medical resources in the Lynchburg/Tullahoma area

<u>Sheriff - Moore County</u>	58 Elm St. S. Lynchburg, TN 37352	(931) 759-7323
<u>Police - City of Tullahoma</u>	201 W. Grundy St. Tullahoma, TN 37388	(931) 455-0530
<u>Sheriff - Coffee County</u>	300 Hillsboro Blvd. Manchester, TN 37355	(931) 728-3591
<u>Vanderbilt Tullahoma-Harton Hospital</u>	1801 N. Jackson St. Tullahoma, TN 37388	(931) 393-3000
<u>Unity Medical Center Manchester</u>	481 Interstate Drive Manchester, TN 37355	(931) 728-6354

Additional law enforcement and medical resources in the Smyrna area

<u>Police- City of Smyrna</u>	400 Enon Springs Rd. E. Smyrna, TN 37167	(615) 459-6644
<u>Sheriff-Rutherford County</u>	940 New Salem Hwy. Murfreesboro, TN 37129	(615) 898-7720
<u>Police- City of LaVergne</u>	5093 Murfreesboro Rd. La Vergne, TN 37086	(615) 793-7744
<u>Stonecrest Medical Center</u>	200 Stonecrest Blvd. Smyrna, TN 37167	(615) 768-2000
<u>St. Thomas Rutherford Co.</u>	1700 Medical Center Pkwy. Murfreesboro, TN 37129	(615) 396-4100

Additional 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>
- 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>

Related Policies:

1. [TBR Policy 6:01:00:00 - Sexual Discrimination, Sexual Harassment or Sexual Misconduct](#)
2. [TBR Policy 6:02:00:00 - Sexual Discrimination and Sexual Harassment](#)
3. [TBR Policy 6:03:00:00 - Sexual Misconduct](#)
4. [TBR Guideline P-080 - Discrimination & Harassment – Complaint & Investigation](#)
5. [MSCC Policy 8:01:00:00 - General Prohibition Against Sex Discrimination, Sexual Harassment, or Sexual Misconduct Policy](#)
6. [MSCC Policy 8:03:00:00 - Sexual Discrimination and Sexual Harassment](#)
7. [MSCC Policy 8:04:00:00 – Discrimination and Harassment – Complaint and Investigation: P-080](#)

Filing an Institutional Complaint

Reports of acts of sexual misconduct must be reported to the Title IX Coordinator, and the institution will take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. The complainant may also submit a report via the Motlow ***“Just Report It”*** on-line reporting system using the following link:

<https://www.motlow.edu/belong/report.html>.

- a. The College shall not share information with law enforcement without the complainant's consent or unless the victim has also reported the incident to law enforcement.
- b. Before a complainant reveals any information to an employee, the employee must ensure that the complainant understands the employee's reporting obligations.
- c. If the complainant wants to maintain confidentiality, the employee must direct the victim to confidential resources as detailed in Section A above.
- d. If the complainant wants to tell an employee what happened, but also maintain confidentiality, the employee must advise the complainant that the institution 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. In addition to all other employees on campus, an institutional complaint can be filed directly with the following:

Motlow State's designated Title IX Coordinator is:

Barbara Scales

Executive Director of Organizational Compliance and Enrichment

5002 Motlow College Blvd.

Smyrna, TN 37167

615-220-7976

bscales@mscc.edu

Filing a Criminal Complaint

If the incident happened on Motlow campus property, contact the Motlow State Public Safety Department, (931) 393-1737, or contact the local law enforcement agency having concurrent jurisdiction where the assault occurred. The contacted agency will determine the subsequent steps. An advocate from the local rape crisis center and/or the Title IX Coordinator can assist in the reporting process. Local rape crisis centers are available in each community where Motlow campuses are located.

Filing an Anonymous Complaint

Filing an anonymous report will assist the institution with compiling statistical information that can call attention to the number of incidents that occur at the institution. If the survivor's identity is not known, no subsequent appropriate services will be made available. The report will be sent to the Director of the Motlow State Public Safety Department for recording and tracking of incidents on and around all Motlow State Community College campuses.

An advocate from the local rape crisis center and/or the Title IX Coordinator can assist in the Reporting process. Local rape crisis centers are available in each community where Motlow campuses are located.

To file an anonymous report, use the following method:

Send by mail to:

Motlow State's designated Title IX Coordinator is:

Barbara Scales

Executive Director of Organizational Compliance and Enrichment

5002 Motlow College Blvd.

Smyrna, TN 37167

615-220-7976

bscales@mscc.edu

The complainant may also submit a report via the Motlow "***Just Report It***" on-line report system using the following link: <https://www.motlow.edu/belong/report.html>.

Motlow State Community College will, to the extent possible, complete publicly available record- keeping, including Clery reporting, without identifying information about the victim.

The College will, to the most reasonable extent possible, maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

Investigation Requirements and Procedures (All Campuses)

- A. All proceedings will include a prompt, fair, and impartial investigation and result. The College will provide the respondent and complainant equitable rights during the investigative process.
- B. All complaints of sexual misconduct shall be presented to the Title IX Coordinator or designee for investigation and appropriate disposition, subject to the confidentiality policy.
- C. Mediation between the complainant and respondent will never be considered an appropriate resolution in sexual misconduct cases.
- D. **Initiating an inquiry**
 - 1. Immediately upon receipt of a complaint, the Title IX Coordinator shall communicate with the complainant to identify and implement any reasonable interim measures necessary. Absent good cause, within three (3) business days of receipt of a report of sexual misconduct the Title IX Coordinator or designee shall attempt to get a written statement from the complainant that includes information related to the circumstances giving rise to the complaint, the dates of the alleged occurrences, and names of witnesses, if any. The complainant should complete a complaint form and submit a detailed written report of the alleged incident.
 - 2. When the complainant chooses not to provide or sign a written complaint, the Title IX Coordinator or designee will initiate an inquiry and take appropriate action.
 - 3. In addition to immediate interim measures, the Title IX Coordinator shall consider what, if any, interim measures may be necessary during the pendency of the inquiry.
 - 4. Complaints made anonymously or by a third party will be investigated to the extent possible.
 - 5. After consultation with TBR General Counsel, if the Title IX Coordinator determines that the complaint contains an allegation of sexual misconduct, the Title IX Coordinator shall follow the procedures set forth in this policy to gather the facts and adjudicate the complaint.
 - 6. The Title IX Coordinator may appoint a qualified, sufficiently trained person to act as a factfinder to conduct an inquiry into the allegations made in the complaint.
 - 7. Only one person shall be identified as the factfinder for a complaint.
 - 8. Inquiries shall be conducted by officials who do not have a conflict of interest or bias for or against the complainant or respondent.

9. If the complainant or respondent believes the assigned factfinder 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 factfinder 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/or should not entail:

- Once the factfinder receives the complaint, the factfinder shall notify the complainant in writing of his/her rights and request a meeting.
- The factfinder shall also notify the respondent in writing of the complaint and his/her rights and request a meeting with the respondent.
- The factfinder 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 factfinder shall advise all interviewees that they should contact the factfinder immediately if they believe they are being retaliated against.
- The inquiry shall include interviews with both the complainant and respondent, unless either declines an in-person interview.
- The complainant and respondent shall be provided with the same opportunities to have others present during any interview, including the opportunity to be accompanied by the advisor of their choice to any related meeting or proceeding.
- Motlow State Community College will not limit the choice of advisor for either the complainant or respondent; however, the factfinder may limit the participation of advisors during the inquiry.
- The inquiry shall include interviews with relevant witnesses identified by the complainant and respondent, or any other potential, relevant witness made known to the factfinder via other means.
- The inquiry shall include the gathering and reviewing of any documentary, electronic, physical, or other type of relevant evidence.
- The factfinder is expected to request a list of relevant witnesses and evidence from complainant and respondent and take such into consideration.
- The factfinder 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.

Outcome of Inquiry and Determination of Appropriate Action

1. Upon completion of the inquiry, the factfinder shall prepare a written report that includes the allegations made by the complainant, the response of the respondent, corroborating or non-corroborating statements of the witnesses, review of other evidence obtained.
2. It is the responsibility of the factfinder to weigh the credibility of all individuals interviewed and to determine the weight to be given to information received during the inquiry.
3. The report shall be delivered to the appropriate “decision-maker.”
4. The Title IX Coordinator, if the respondent is a student or if the respondent is an employee.
5. After reviewing the preliminary report, the decision-maker may refer to the factfinder with a request for additional information or adopt the findings of the preliminary report as final.
6. The decision-maker’s determination will be based on a preponderance of the evidence submitted as to whether a violation of the sexual misconduct policy occurred.

Timeframe for Conducting the Inquiry

- A. The Office of General Counsel (OGC) shall always be consulted prior to investigation.
- B. Intake and Assessment of Formal Complaints
 1. The Title IX Coordinator will assess the nature of reports and Formal Complaints, including whether one or more allegations meet the criteria for the filing of a Formal Complaint (e.g., whether the allegations include conduct that, if proven, took place in the United States and will constitute sexual misconduct in an education program or activity by a participant or someone attempting to participate in the education program or activity). If a Formal Complaint includes some allegations that, if proved, constitute sexual misconduct and some that do not meet that definition, the Title IX Coordinator will decide whether all allegations will be investigated pursuant to this policy or whether the allegations will be investigated according to another policy or guideline. As appropriate, the Title IX Coordinator may initiate proceedings under another policy, refer the matter to another department, and/or inform the Complainant about the availability of other methods to address the allegations.
 2. As part of the assessment, the Title IX Coordinator or designee may contact the Complainant and ask for information about the allegations. Supporting documents, such as emails, photos, text messages, and any other evidence should be preserved. If witnesses were present or have relevant knowledge, it is important to identify them, state what they may know, and inform the investigator how they can be contacted.
 3. Where Formal Complaints involving more than one Complainant and/or more than one Respondent arise out of the same facts and circumstances, the Title IX Coordinator may consolidate Formal Complaints.

4. Notice of Allegations

- a. An explanation of the investigation and grievance process, including a copy of or link to institutional policy, as well as any other applicable policies;
 - b. The availability of an informal resolution process;
 - c. Explanation of the allegations potentially constituting Sexual Misconduct in sufficient detail and with sufficient time to prepare a response before any initial interview. A Respondent will have at least three (3) business days after issuance of a Notice of Allegations prior to an initial interview, but depending on the nature of the allegations, additional time may be offered or requested;
 - d. The identity of the Parties involved in the incident, if known, and the date and location of the alleged incident;
 - e. A statement that the Respondent is presume not responsible for the alleged conduct unless and until a Determination of responsibility has been issued;
 - f. A statement that the Parties may have an advisor of their choice at meetings they are permitted to attend. The advisor may be, but is not required to be, an attorney. (Parties may hire their own attorneys. At a live hearing only, TBR institutions will provide advisors to Parties who do not have their own);
 - g. Any statements in TBR institutional policies, procedures, or guidelines that prohibit knowingly making false statements or knowingly submitting false information during the process; and
 - h. A statement that retaliation against a person who makes a report or files a complaint, participates or assists in an investigation, encourages another to file a complaint, or opposes Sexual Misconduct is prohibited and will result in disciplinary measures, up to and including termination or dismissal.
- C. Upon receipt of a Formal Complaint, the Title IX Coordinator will provide written notice to known Parties. A Notice of Allegations will be provided even if the Formal Complaint is dismissed at the same time or shortly after the Notice of Allegations issues (e.g., the allegations if proven do not meet the definition of Sexual Misconduct). The Notice of Allegations will enable both Parties to appeal the dismissal or to proceed under another policy. The Notice of Allegations shall contain:
- D. If, during the course of an investigation, Motlow State decides to investigate allegations about the Complainant or Respondent that are not included in the Notice of Allegations, the institution will provide additional written Notice of Allegations to known Parties.
- E. Dismissal of Formal Complaints
1. The Title IX Coordinator shall obtain advice from the Office of General Counsel before dismissing a Formal Complaint.

2. If the Title IX Coordinator concludes that the Complainant was not participating in or attempting to participate in an institutional education program or activity at the time of the Formal Complaint or that the conduct alleged in a Formal Complaint would not constitute sexual misconduct even if proved, did not occur in an institution's education program or activity, or did not occur against a person while in the United States, the Title IX Coordinator shall dismiss the Formal Complaint.
3. The Title IX Coordinator has discretion to dismiss a Formal Complaint or any allegations in it, if at any time during the investigation or hearing a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations in it; the Respondent is no longer enrolled by, employed by, or associated with a TBR institution; or specific circumstances prevent Motlow State from gathering evidence sufficient to reach a Determination as to the Formal Complaint or allegations therein.
4. The Title IX Coordinator may decide to dismiss a Formal Complaint of sexual misconduct and refer the matter for disposition pursuant to a different policy, guideline, or process when an allegation of sexual misconduct is dismissed or when a Formal Complaint ceases to include an allegation of sexual misconduct.
5. Upon dismissal of a Formal Complaint for any reason, the Title IX Coordinator will promptly send written notice explaining the reasons for dismissal to the Parties. The dismissal notice will also explain whether Motlow State will investigate or respond to the allegations under another policy, guideline, or process and the availability of other methods to address the allegations.

F. Informal Resolution

1. Because a full investigation and adjudication process may not be in the best interests of all concerned, the Title IX Coordinator may decide to offer an informal resolution process. The informal resolution process is designed to provide flexibility in crafting a resolution to a Formal Complaint that meets the needs of the Parties and the institution. Informal resolutions may include meetings facilitated by Motlow State or third parties, resolutions facilitated by the Title IX Coordinator without formal meetings, mediations, and/or restorative justice concepts. Disciplinary action may or may not be part of any informal resolution. Both Parties must agree in writing to participate in any informal resolution process that the Title IX Coordinator may offer.
2. An informal resolution process is only available after the filing of a Formal Complaint and prior to a Determination regarding responsibility. If the Title IX Coordinator believes an informal resolution may be appropriate, the Title IX Coordinator will propose an informal resolution process in either the initial Notice of Allegations or a subsequent written document. The Title IX Coordinator may discuss with the Parties the details of how the process will work. The written notice will contain the allegations or refer to the Notice of Allegations, set out the informal resolution process, explain that at any time prior to agreeing to a resolution, the Complainant, Respondent, or the institution may withdraw from the informal resolution process and resume the investigation and adjudication process under this policy, and identify any records that will be maintained or shared related to the process.

3. The Title IX Coordinator will not offer or facilitate an informal resolution process to resolve allegations that an employee engaged in sexual misconduct against a student.

G. Investigation of Formal Complaints

1. Motlow State will not access, consider, disclose, or otherwise use a Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional acting in the professional's capacity and made or maintained in connection with the treatment to the Party, unless the Party voluntarily consents in writing;
2. The investigator will conduct an investigation that is appropriate under the circumstances. The investigation will include a review of documents and physical evidence, as well as interviews with the Parties and other witnesses, unless they decline to be interviewed. The investigator may request access to premises, records, and documents deemed relevant. As the investigation progresses, the investigator may seek clarification, including during a subsequent interview, from any person participating in the investigation regarding the incident or their statement. A Party who learns or remembers any additional information should notify the investigator immediately. The Parties will have an equal opportunity to provide evidence and to identify witnesses, including fact and expert witnesses. Parties are encouraged to provide, as soon as possible, any evidence that the Party believes to be relevant and wants the investigator to consider. If at all possible, all evidence should be provided in time for the investigator to make it available for inspection and review;
3. Although the Parties are encouraged to provide Motlow State with information and evidence related to the allegations, Motlow State is ultimately responsible for gathering evidence sufficient to reach a Determination regarding responsibility;
4. Motlow State will not restrict the Parties from discussing the allegations under investigation or from gathering and presenting relevant evidence. Any restrictions on the ability of the Parties to discuss matters related to the proceeding but which are not under investigation will be explained in the Notice of Allegations;
5. Each Party will have the opportunity to obtain and to be accompanied to a meeting or proceeding by an advisor of their choice, who may, but is not required to be, an attorney;
6. When a Party is invited or expected to participate in a meeting, Motlow State will provide written notice of the date, time, location, participants, and purpose of the meeting, interview, or hearing, with sufficient time for the Party to prepare to participate;
7. Both Parties will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including evidence that is directly related to the allegations but upon which the institution does not intend to rely in reaching a Determination regarding responsibility. The institution will include both evidence that tends to prove and disprove the allegations, whether obtained from a Party or other source, so that each Party can meaningfully respond to the evidence prior to the conclusion of the investigation;

8. Prior to the completion of an investigation report, Motlow State will send to each Party the evidence subject to inspection and review. Unless a Party requests that the institution not do so, Motlow State will also send the evidence to each advisor who has been identified. Motlow State may decide to provide access to evidence through electronic means that is not available for download. In such case, the Parties and the advisors are prohibited from, directly or indirectly, photographing or reproducing such evidence (unless the Party has access to the evidence independent of the portal, e.g., documents submitted by the Party or publicly available information); and
 9. Motlow State will provide at least ten (10) calendar days for the Parties to respond to the evidence provided for inspection and review. The investigator will share any written response with the other Party and will consider any written response prior to completing the investigative report.
- H. Motlow State will investigate all Formal Complaints, unless dismissed or resolved. During the investigation:
- I. Investigation Report
1. Identify the allegations;
 2. Identify relevant policies, guidelines, and other standards;
 3. Explain the procedural steps taken between receipt of the Formal Complaint and the conclusion of the investigation, including all notifications to the Parties, interviews with the Parties, interviews with other witnesses, dates of all interviews, any site visits, and the methods used to gather evidence; and
 4. Fairly summarize the relevant evidence.
- J. At the conclusion of the investigation, the investigator will prepare a written report. The report shall:
1. The written report shall not make findings of fact or conclusions regarding the application of facts to this policy.
 2. At least ten (10) calendar days prior to a hearing, the investigator will send to each Party the investigation report in either electronic or hard copy, for review and written response. Unless a Party requests that the institution not do so, the institution will also send the investigation report to an advisor whom the Party has been identified.
 3. The Parties should provide any written response as soon as possible, as the investigator may issue an amended investigation report if the investigator deems appropriate and if a Party provides comments in sufficient time for the investigator to do so. The Parties' written responses and any amended investigation report will be sent to the decision-maker.
- K. Advisors
1. Both the Complainant and the Respondent will be permitted to have an advisor of their choosing present during meetings where their attendance is permitted or expected. Nothing in this policy shall be read to require that an institution allow a Party to attend an interview of the other Party or of a witness.

2. The advisor may accompany and confer privately with a Party, but the advisor may not interrupt, speak on behalf of a Party, or otherwise actively participate in any meeting, except for conducting cross-examination at a live hearing.
3. An advisor's failure to comply may result in the termination of the meeting or the advisor no longer being permitted to be present.
4. TBR and Motlow State personnel employed in the offices responsible for the disciplinary proceedings described in this policy, along with those in the chain of command, personnel employed by OGC, and others whose participation could create a conflict of interest with their duties are not eligible to serve as advisors. Motlow State shall not otherwise limit the choice of an advisor.
5. If there is a question or concern about a possible advisor, the Title IX Coordinator should be consulted. A Party choosing to have an attorney present as an advisor must provide advance notice so that a member of OGC can attend any meeting at which an attorney will be present.

L. Recordings

1. Parties are not permitted to record any meeting conducted pursuant to this policy.

M. When a live hearing is conducted, Motlow State will create an audio recording, audiovisual recording, or transcript and make it available to the Parties for inspection and review.

N. Past Relationships and Conduct

1. Previous sexual relationships of the Complainant and Respondent with third parties generally are irrelevant.
2. A past sexual relationship between the Complainant and Respondent may or may not be relevant. For example, past sexual encounters may provide insight on communication patterns for purposes of determining whether consent was present.
3. Questions and evidence about a Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to Respondent and are offered to prove consent.

O. Standard of Evidence

1. In determining whether Respondent engaged in Sexual Misconduct, TBR institutions use the preponderance of the evidence standard of evidence in evaluating whether Sexual Misconduct occurred. A "preponderance of the evidence" means the greater weight of the evidence or that, according to the evidence, the conclusion sought by the party with the burden of proof is the more probable conclusion.

2. The burden of proof will remain with Motlow State through the Determination.

P. Timeline

1. Formal Complaints typically will be resolved (exclusive of any appeals) within 90 calendar days of filing.
2. Appeals will be resolved within fifteen (15) calendar days of the filing of an appeal.
3. Given the many variables and factors that may arise in such cases, additional time may be needed in some cases. Any departure from these time frames will be for good cause and communicated in writing or by email to both the Complainant and the Respondent simultaneously, along with a new timeline and explanation of the reasons. Good cause to extend the deadlines includes, but is not limited to, the absence of a Party, a Party's advisor, or witness; concurrent law enforcement activity; or the need for language assistance or the accommodation of disabilities.
4. Incompletion of the process within such time frames is not cause for dismissal of a Formal Complaint.

Q. Parallel Investigations with Law Enforcement

1. The filing of a police report or the pendency of civil or criminal proceedings does not preclude Motlow State from proceeding with its investigation and Determination.
2. The investigation and Determination may be delayed until law enforcement has finished gathering evidence and indicates Motlow State may proceed with an investigation, but Motlow State generally will not wait for the conclusion of any criminal proceeding.
3. Civil or criminal proceedings are separate and distinct from internal Motlow State proceedings, and they may or may not run parallel to one another. However, Motlow State may be required by law to provide information in civil or criminal proceedings.
4. Institutional policies shall set forth parameters and clarify what information may and may not be shared during a parallel investigation with law enforcement (e.g., via a memorandum of understanding with local law enforcement).

R. Live Hearings

1. The time, place, date of the hearing, and electronic access information, if applicable;
2. The name of each witness Motlow State expects to present or be present at the hearing and those Motlow State may present if the need arises;
3. The right to request a copy of the investigative file (other than portions that are protected by law or privilege), which includes all of the evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint;
4. The right to request copies of all documents, copies of electronically stored information, and access to tangible evidence that the institution has in its possession, custody, or control and may use to support claims or defenses;

5. The right to have an advisor of the Party's choice, who may be, but is not required to be an attorney, and that if the Party does not have an advisor present at the hearing, Motlow State will provide an advisor of the institutions' choice, without fee or charge, to ask the other Party and any witnesses all relevant questions and follow-up questions on behalf of that Party;
6. Any Party in need of a Motlow State provided advisor must inform the Title IX Coordinator at least five (5) business days before the hearing;
7. Any cross-examination of any other Party or witness must be conducted by the advisor; and
8. Additional information may be included in the notice of hearing.
9. Motlow State will conduct a live hearing of Formal Complaints not dismissed pursuant to this policy in order to make a Determination whether this policy has been violated.
10. The decision-maker appointed by the Title IX Coordinator has the authority to maintain order at the hearing and make all decisions necessary for the fair, orderly, and expeditious conduct of the hearing. The decision-maker shall be the final decider concerning all aspects of the hearing, including pre-hearing matters and at the hearing, how evidence is examined and the order of witnesses.
11. At the request of either Party, Motlow State will provide for the live hearing to be conducted with the Parties located in separate rooms with technology enabling the decision-maker and Parties to simultaneously see and hear the Party or the witness answering questions.
12. In cases involving more than one Respondent, any Party may request separate hearings by submitting a request at least five (5) business days before the hearing. The Title IX Coordinator will decide whether to grant the request.
13. Live hearings may be conducted with all Parties physically present in the same geographic location or, at Motlow State's discretion, any or all Parties, witnesses and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.
14. At least ten (10) business days prior to a live hearing, the institution will provide both Parties with written notice of the following:
15. When notice is sent by U.S. mail or courier service, the notice is effective on the date the notice is mailed or delivered to the courier service. When notice is hand delivered by Motlow State, notice is effective on the date that the notice is delivered to a Party. When notice is sent by email, the notice is effective on the date that the email is sent to the Parties' Motlow State provided email account.
16. The decision-maker may conduct a pre-hearing meeting or conference with the Parties and the advisors to discuss pre-hearing issues, including any technology to be used at the hearing and the general rules governing the hearing.
17. The decision-maker may allow a temporary delay of the process or the limited extension of time frames for good cause with written notice to the Parties of the delay or extension and the reasons for the action. Good cause may include, but is not limited to, considerations such as the absence of a Party, a Party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.
18. If a Party fails to attend a hearing, the decision-maker may proceed without that Party's participation.

19. During the hearing, the decision-maker will make evidence subject to review and inspection during the investigation phase available to give each Party equal opportunity to refer to that evidence, including for purposes of cross-examination.
20. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to provide that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
21. Only relevant cross-examination and other questions may be asked of a Party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or question from someone other than the decision-maker, the decision-maker will first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
22. The decision-maker will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding the privilege has waived the privilege.
23. The decision-maker will permit each Party's advisor to ask the other Party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing will be conducted directly, orally, and in real time by the Party's advisor and never by a Party personally. Conducting cross-examination will be the advisor's only opportunity to speak. Advisors will not engage in other presentations of arguments or evidence, including opening statements, closing arguments, or direct examinations.
24. If a Party does not have an advisor at the live hearing, Motlow State will provide without fee or charge to that Party an advisor. Motlow State will choose the advisor.
25. For good cause shown, a decision-maker may permit the participation of witnesses who were not identified by the Party to the investigator, or the inclusion of evidence not provided by the Party to the investigator.
26. Motlow State will create an audio or audiovisual recording, or transcript, of a live hearing and make it available to the Parties for inspection and review.
27. The decision maker may dismiss the Formal Complaint or any allegations therein, if at any time during the hearing a Complainant notifies the Title IX Coordinator in writing that Complainant would like to withdraw a Formal Complaint or any allegations therein, the Respondent is no longer enrolled or employed at Motlow State, or specific circumstances prevent Motlow State from gathering evidence sufficient to reach a Determination as to the Formal Complaint or allegations therein.
28. If the decision maker dismisses the Formal Complaint during the grievance process, the decision-maker will promptly notify the Title IX Coordinator, who will promptly send written notice of the dismissal and reasons therefore simultaneously to the Parties.

S. Written Determination

1. Identification of the allegations potentially constituting sexual misconduct, as well as identification of any additional allegations that are being resolved but which do not constitute sexual misconduct;
2. A description of the procedural steps taken between receipt of the Formal Complaint and the Determination, including all notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and any hearings held;
3. Findings of fact supporting the Determination;
4. Conclusions regarding the application of this policy, as well as any other relevant policy, guidelines, or code, to the facts;
5. A statement of, and rationale for, the result as to each allegation before the decision-maker, including a Determination regarding responsibility;
6. Any disciplinary action that the decision-maker imposes on the Respondent, including referral to another process;
7. Any remedies that Motlow State will provide designed to restore or preserve equal access to the Complainant; and
8. The permissible bases and procedures, including timelines, for appeals by the Parties.
9. Within fifteen (15) business days of the hearing, the decision-maker will issue a written Determination whether Respondent engaged in Sexual Misconduct, based on a preponderance of the evidence standard, which will be provided to the Parties simultaneously.
10. The Determination becomes final either on the date that Motlow State provides the Parties with a written result of an appeal, or if an appeal is available but not filed, the day after the deadline to appeal.

T. The Determination will include:

1. Remedies and Disciplinary Action Following Determinations of Violations
 - a. Motlow State will provide remedies where a Determination of responsibility for sexual misconduct has been made. Motlow State will follow this policy before the imposition of any disciplinary sanctions for sexual misconduct that are not supportive/interim measures.
 - b. Remedies will be designed to restore or preserve equal access to education programs and activities and will include discipline under the applicable policies and procedures. Remedies may include verbal warnings, written warnings, final written warnings, suspension, termination of employment (including of tenured faculty), non-renewal of appointment, or dismissal from the institution.
 - c. Remedies should also consider improvements to the campus-wide environment. It is the intent that Motlow State consider the impact of an incident of sexual misconduct on the campus as a whole or specific groups or areas of campus. For example, specific training may be needed for a student group.
 - d. The Title IX Coordinator is responsible for ensuring effective implementation of the remedies.

- U. Appeals/Post-Determination Procedures
 1. Procedural irregularity that affected the outcome of the matter;
 2. New evidence that was not reasonably available at the time the Determination or dismissal was made, but only if that new evidence could affect the outcome of the matter;
 3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome.
 4. Notify the other Party in writing when an appeal is filed;
 5. Implement appeal procedures equally for both Parties;
 6. Ensure that the decision-maker(s) for the appeal is not the same person as the investigator, the decision-maker, or Title IX Coordinator;
 7. Provide each Party five (5) business days to provide a written statement in support of, or challenging, the Determination.
- V. Parties are permitted to appeal to Motlow State's President (or other person appointed by the Title IX Coordinator) from a Determination regarding responsibility (or no responsibility) and from a dismissal of a Formal Complaint or of any allegations in a Formal Complaint on the basis of:
- W. A Party wishing to appeal a Determination regarding responsibility or the dismissal of a Formal Complaint or any allegations therein must file a written appeal with the Title IX Coordinator within seven (7) business days of the date of the Determination of the dismissal. The written appeal must identify the reasons for the appeal.
- X. As to all appeals, the Title IX Coordinator will:
 1. The decider of the appeal will issue a written decision describing the result of the appeal and the rationale for the result, and will provide the written decision simultaneously to the Parties.

Appeal of the Decision-Maker's Determination to the Executive 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 Executive Vice-President for Academic Affairs and Student Success.
 2. If the respondent is a student or non-faculty employee, the appeal shall be to the Executive Vice-President for Academic Affairs and Student Success.
 3. Should the Executive 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.
 4. The decision of the Title IX Coordinator shall be final.

- B. If the complainant or respondent believes the Executive 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 appropriate Executive 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 Executive 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 Executive Vice-President sitting in place of the Institutional Hearing Committee.
<https://www.motlow.edu/about/policies/student-disciplinary-policy-part-6.html>

- F. Executive Vice-Presidents will apply the preponderance of evidence standard in the appeal proceedings.
- G. The appeal to the Executive 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.
- H. All notices from the Executive Vice-President will be delivered to the complainant and respondent at the same time and in the same form.
- I. The Executive Vice-President will issue a written determination regarding the appeal as promptly as possible.
- J. Both the complainant and the respondent shall have an opportunity to appeal the Executive Vice-President's decision to the President.
- K. Requests for appeals to the President shall be delivered to the decision-maker within ten (10) calendar days from receipt of notice of the Executive Vice-President's decision.
- L. If a written request to appeal the Executive Vice-President's decision is not received within ten (10) calendar days, the Executive Vice-President's determination is final.

Appeal of the Vice-President's Decision to the President

- A. Either the respondent or the complainant may appeal the determination of the Executive 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 or parties must explain why it is believed the 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.

Effect of A Finding of A Violation of This Policy All Campuses)

- A. If the final decision has been made that a policy violation occurred, 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, the 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 her/his choice attend any meeting or hearing.
 - 3. The complainant shall be allowed to testify at any hearing during the disciplinary process, even if neither party intends to call the complainant as a witness during the case-in-chief.
 - 4. The complainant shall be allowed access, consistent with FERPA requirements, to any evidence presented during any disciplinary meeting or hearing.
 - 5. The 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.

Interim Measures (All Campuses)

In situations that require immediate action because of safety, security, or other concerns, Motlow State Community College will take any reasonable administrative action that is appropriate. Examples of such interim actions include, but are not limited to:

- A. Providing an escort to ensure that the complainant can move safely between classes and activities;
- B. Ensuring that the complainant and respondent do not attend the same classes;
- C. Providing referrals or access to counseling services;
- D. Providing referrals to medical services;
- E. Providing academic support services, such as tutoring;
- F. Issuing no contact orders; and
- G. Arranging for the complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant's academic record.

Sex Offender Registration (All Campuses)

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

Members of the campus community may obtain the most recent information received from the Tennessee Bureau of Investigation (TBI) concerning sex offenders employed, enrolled, or volunteering at this institution from the TBI's website listing of sex offenders located at: <https://www.tn.gov/tbi/general-information/redirect-tennessee-sex-offender-registry-search/sex-offender-registry-search.html>. Unlawful use of the information for purposes of intimidating or harassing another is prohibited and a willful violation shall be punishable as a misdemeanor.

Emergency Response and Evacuation Procedures (All Campuses)

Motlow State Community College maintains an Emergency Preparedness Plan for each campus. These plans are not available to the public. The Director of Public Safety is responsible for preparing and maintaining the campus Emergency Preparedness Plans. The campus Emergency Preparedness Plans are available on the College "Intranet" and access to these plans is restricted. These plans document the procedures that each individual campus will use to immediately notify the campus community of significant emergencies or dangerous situations involving threats to human health or safety of students, or employees occurring on campus.

In the event of a serious incident that poses an immediate threat to members of the College community, the College has various systems in place for communicating information quickly. Some, or all of these methods of communication may be activated in the event of an immediate threat to the campus community. These methods of communication include network e-mails, the College website, social media web sites, visual messaging via electronic screens, signage, and emergency text message notifications that can be sent to a phone or audibly announced through the campus wide intercom speaker system on each campus.

The College will, without delay, and considering the safety of the community, determine the content of the notification and initiate the appropriate notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The College conducts emergency preparedness drills to test the emergency response, alert systems, and evacuation procedures of each facility at all Motlow campuses on a bi-annual basis. Drills are conducted during the Spring and Fall semesters. Emergency drills provide an assessment and evaluation of the alert messaging systems. The drills are a coordinated effort between the Motlow State Public Safety Department, faculty, and staff. The objective of the drills is that everyone involved gains a better understanding of emergency response procedures and becomes familiar with their roles and responsibilities.

Missing Student Notification Procedures (All Campuses)

The United States Department of Education requires under 34CFR §668.46(b)(14) that any institution that provides any on-campus student housing facilities must include a statement of policy regarding missing student notification procedures for students who reside in on-campus student housing facilities in its annual security report. Motlow State Community College does not provide any on-campus student housing facilities.

Appendix A

CAMPUS CRIME REPORT (3-Year) - FAYETTEVILLE CAMPUS

This disclosure complies with requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act) as amended in 1998 as well as the proposed guidelines of the Violence Against Women Act (VAWA) and the Campus Sexual Violence Elimination (SAVE) Act. Information supplied represents all incidents reported to the police or to other school officials with significant responsibility for student and campus activities.

Fayetteville Campus									
	On Campus			Public Property			Hate Crimes		
	2023	2022	2021	2023	2022	2021	2023	2022	2021
Crimes Reported									
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Sex Offenses-Forcible	0	0	0	0	0	0	0	0	0
Sex Offenses-Non-forcible	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Larceny	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Vandalism	0	0	0	0	0	0	0	0	0
Other Bodily Injuries (<i>Hate Crimes Only</i>)	0	0	0	0	0	0	0	0	0
Arrests/Disciplinary Referrals									
Liquor Law Arrests	0	0	0	0	0	0			
Liquor Law Referrals	0	0	0	0	0	0			
Drug Arrests	0	0	0	0	0	0			
Drug Referrals	0	0	0	0	0	0			
Weapons Arrests	0	0	0	0	0	0			
Weapons Referrals	0	0	0	0	0	0			
Hate Crimes									
Larceny/Theft	0	0	0	0	0	0			
Simple Assault	0	0	0	0	0	0			
Intimidation	0	0	0	0	0	0			
Vandalism	0	0	0	0	0	0			
VAWA Crimes									
Domestic Violence	0	0	0	0	0	0			
Dating Violence	0	0	0	0	0	0			
Stalking	0	0	0	0	0	0			

Note:

(The local law enforcement agencies have been requested to forward MSCC their reports of all criminal activity occurring on off-campus publicly adjoining properties recognized by MSCC. These along with crime occurring on campus are reported monthly to the FBI, TBI and annually to the Department of Education (DOE) as required by the "Jeanne Clery Act.")

MOTLOW STATE - Fayetteville Campus Arial Photo



CAMPUS CRIME REPORT (3-Year) - MCMINNVILLE CAMPUS

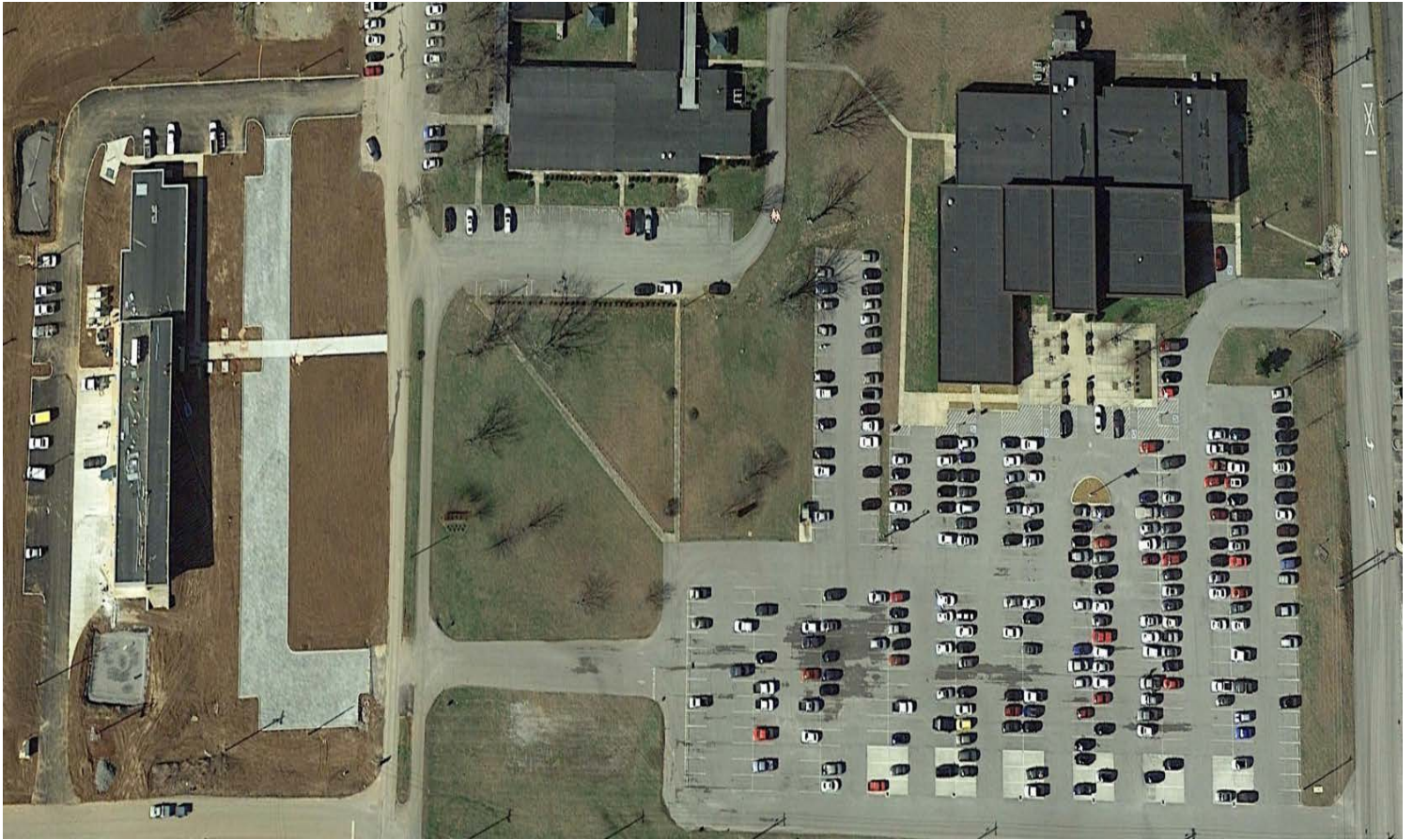
This disclosure complies with requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act) as amended in 1998 as well as the proposed guidelines of the Violence Against Women Act (VAWA) and the Campus Sexual Violence Elimination (SAVE) Act. Information supplied represents all incidents reported to the police or to other school officials with significant responsibility for student and campus activities.

McMinnville Campus									
	On Campus			Public Property			Hate Crimes		
	2023	2022	2021	2023	2022	2021	2023	2022	2021
Crimes Reported									
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Sex Offenses-Forcible	0	0	0	0	0	0	0	0	0
Sex Offenses-Non-forcible	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Larceny	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Vandalism	0	0	0	0	0	0	0	0	0
Other Bodily Injuries (<i>Hate Crimes Only</i>)	0	0	0	0	0	0	0	0	0
Arrests/Disciplinary Referrals									
Liquor Law Arrests	0	0	0	0	0	0			
Liquor Law Referrals	0	0	0	0	0	0			
Drug Arrests	0	0	0	0	0	0			
Drug Referrals	0	0	0	0	0	0			
Weapons Arrests	0	0	0	0	0	0			
Weapons Referrals	0	0	0	0	0	0			
Hate Crimes									
Larceny/Theft	0	0	0	0	0	0			
Simple Assault	0	0	0	0	0	0			
Intimidation	0	0	0	0	0	0			
Vandalism	0	0	0	0	0	0			
VAWA Crimes									
Domestic Violence	0	0	0	0	0	0			
Dating Violence	0	0	0	0	0	0			
Stalking	0	0	0	0	0	0			

Note:

(The local law enforcement agencies have been requested to forward MSCC their reports of all criminal activity occurring on off-campus publicly adjoining properties recognized by MSCC. These along with crime occurring on campus are reported monthly to the FBI, TBI and annually to the Department of Education (DOE) as required by the "Jeanne Clery Act."

MOTLOW STATE - McMinnville Campus Arial Photo



CAMPUS CRIME REPORT (3-Year) - MOORE COUNTY CAMPUS

This disclosure complies with requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act) as amended in 1998 as well as the proposed guidelines of the Violence Against Women Act (VAWA) and the Campus Sexual Violence Elimination (SAVE) Act. Information supplied represents all incidents reported to the police or to other school officials with significant responsibility for student and campus activities.

Moore County Campus									
	On Campus			Public Property			Hate Crimes		
	2023	2022	2021	2023	2022	2021	2023	2022	2021
Crimes Reported									
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Sex Offenses-Forcible	0	0	0	0	0	0	0	0	0
Sex Offenses-Non-forcible	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Larceny	0	0	1	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Vandalism	0	0	0	0	0	0	0	0	0
Other Bodily Injuries (<i>Hate Crimes Only</i>)	0	0	0	0	0	0	0	0	0
Arrests/Disciplinary Referrals									
Liquor Law Arrests	0	0	0	0	0	0			
Liquor Law Referrals	0	0	0	0	0	0			
Drug Arrests	0	1	0	0	0	0			
Drug Referrals	0	0	0	0	0	0			
Weapons Arrests	0	0	0	0	0	0			
Weapons Referrals	0	0	0	0	0	0			
Hate Crimes									
Larceny/Theft	0	0	0	0	0	0			
Simple Assault	0	0	0	0	0	0			
Intimidation	0	0	0	0	0	0			
Vandalism	0	0	0	0	0	0			
VAWA Crimes									
Domestic Violence	0	0	0	0	0	0			
Dating Violence	0	0	0	0	0	0			
Stalking	0	0	0	0	0	0			

Note:

(The local law enforcement agencies have been requested to forward MSCC their reports of all criminal activity occurring on off-campus publicly adjoining properties recognized by MSCC. These along with crime occurring on campus are reported monthly to the FBI, TBI and annually to the Department of Education (DOE) as required by the "Jeanne Clery Act.")

MOTLOW STATE – Moore County Campus Arial Photo



CAMPUS CRIME REPORT (3-Year) - SMYRNA CAMPUS

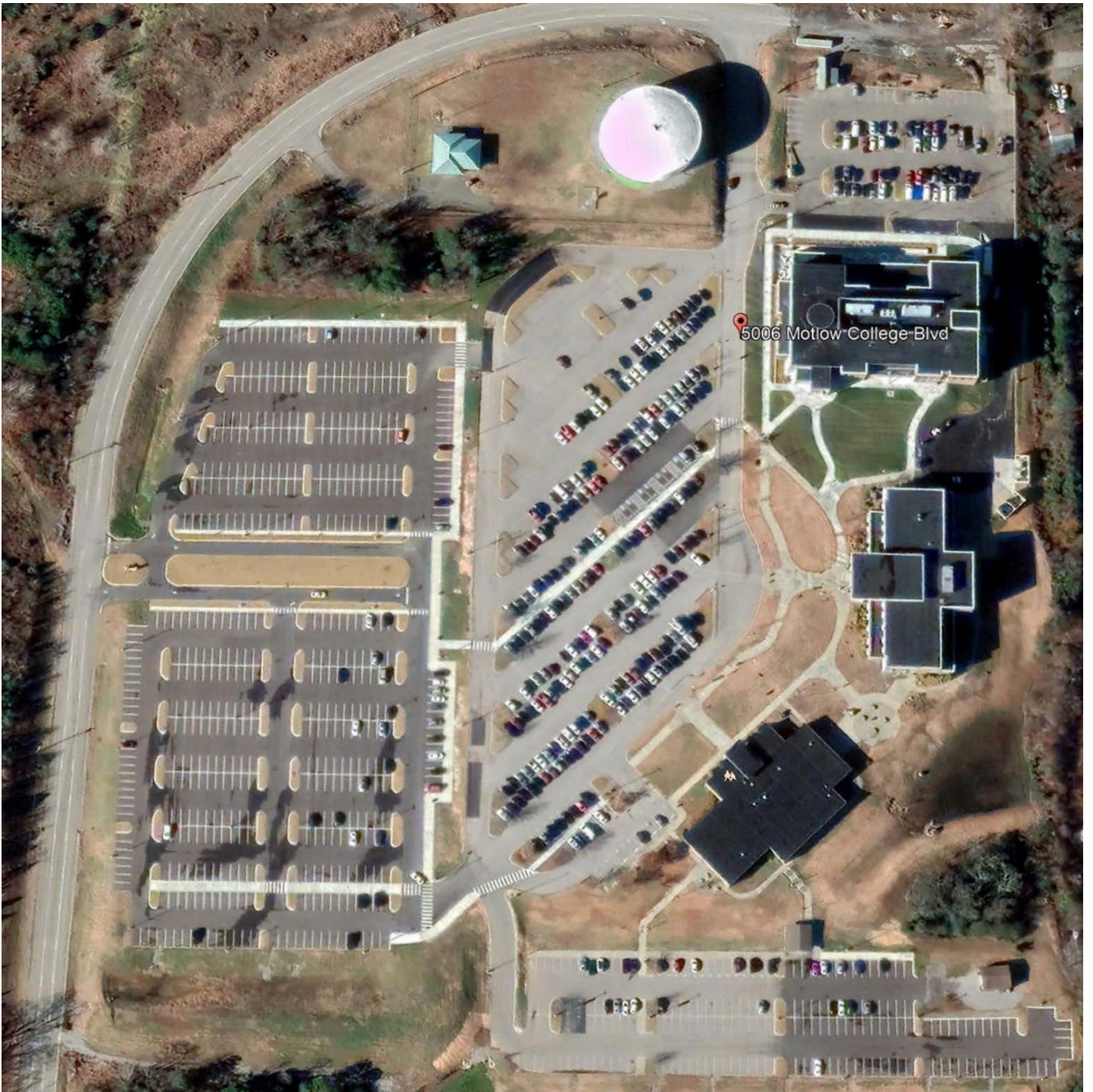
This disclosure complies with requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act) as amended in 1998 as well as the proposed guidelines of the Violence Against Women Act (VAWA) and the Campus Sexual Violence Elimination (SAVE) Act. Information supplied represents all incidents reported to the police or to other school officials with significant responsibility for student and campus activities.

Smyrna Campus									
	On Campus			Public Property			Hate Crimes		
	2023	2022	2021	2023	2022	2021	2023	2022	2021
Crimes Reported									
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Sex Offenses-Forcible	0	0	0	0	0	0	0	0	0
Sex Offenses-Non-forcible	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Larceny	1	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Vandalism	0	0	0	0	0	0	0	0	0
Other Bodily Injuries (<i>Hate Crimes Only</i>)	0	0	0	0	0	0	0	0	0
Arrests/Disciplinary Referrals									
Liquor Law Arrests	0	0	0	0	0	0			
Liquor Law Referrals	0	0	0	0	0	0			
Drug Arrests	1	0	0	0	0	0			
Drug Referrals	0	0	0	0	0	0			
Weapons Arrests	0	0	0	0	0	0			
Weapons Referrals	0	0	0	0	0	0			
Hate Crimes									
Larceny/Theft	0	0	0	0	0	0			
Simple Assault	0	0	0	0	0	0			
Intimidation	0	0	0	0	0	0			
Vandalism	0	0	0	0	0	0			
VAWA Crimes									
Domestic Violence	0	0	0	0	0	0			
Dating Violence	0	0	0	0	0	0			
Stalking	0	0	0	0	0	0			

Note:

(The local law enforcement agencies have been requested to forward MSCC their reports of all criminal activity occurring on off-campus publicly adjoining properties recognized by MSCC. These along with crime occurring on campus are reported monthly to the FBI, TBI and annually to the Department of Education (DOE) as required by the "Jeanne Clery Act.")

MOTLOW STATE – Smyrna Campus Arial Photo



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