



ANNUAL SECURITY REPORT

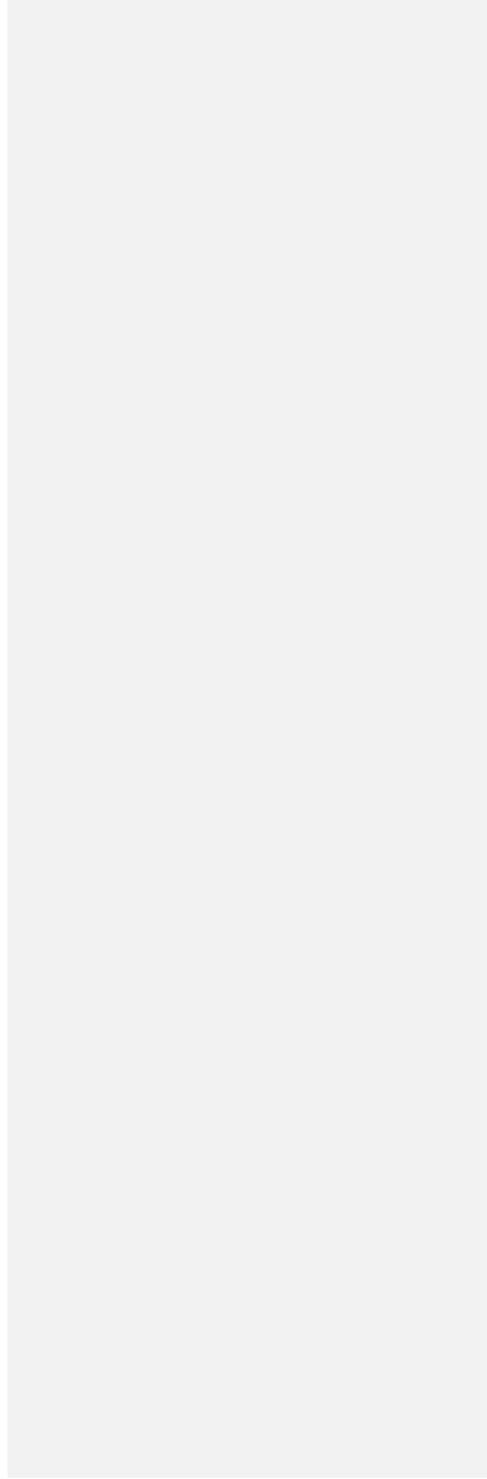
September 2023

Northeast State Community College

423.323.3191

www.northeaststate.edu

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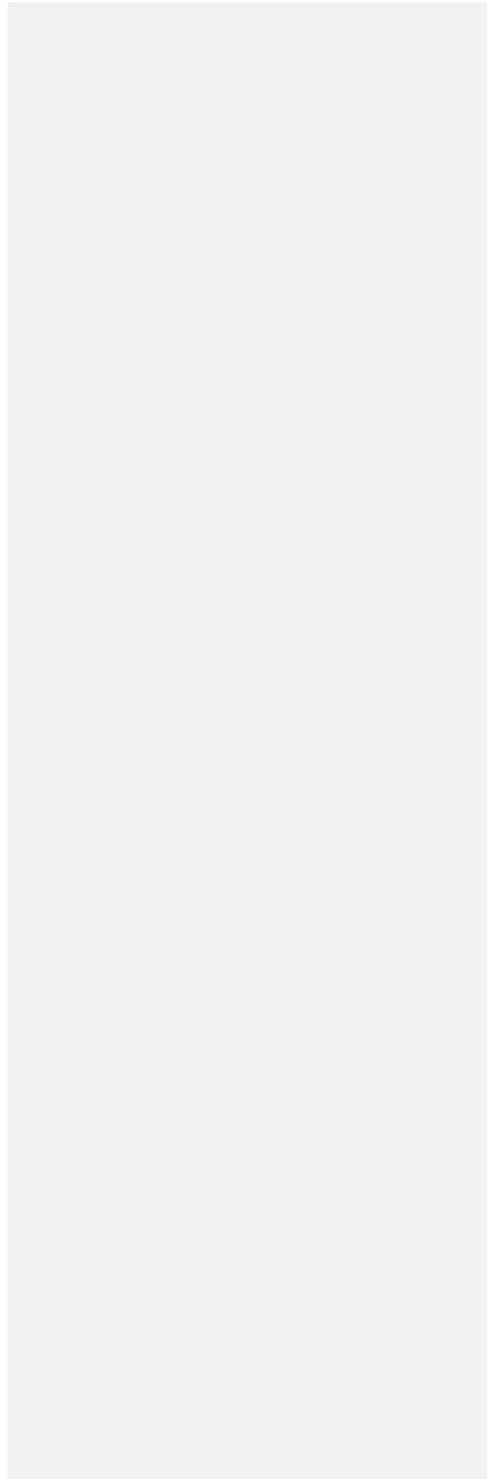


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EXHIBIT 169



Annual Security Report September 2023

Introduction

Northeast State Community College (NeSCC), in its continuing effort to maintain a safe academic and work environment for students, faculty, staff, and guests, presents this *Annual Security Report* with the knowledge that individual awareness and adherence to security procedures is the best method to maintain a safe campus environment. Northeast State requests anyone who witnesses or is a victim of crime to report the incident immediately to the Northeast State Police Department (NeSPD) at 423.323.0255 off campus, 423.677.7927 cell, ext. 3255 on campus, or call 911.

The *Annual Security Report* which includes the campus crime statistics are furnished pursuant to The *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*, or *Clery Act*, The *Violence Against Women Act*, The *Tennessee College and University Security Information Act*, and The *Robert Nottingham Campus Crime Scene Investigation Act*. Additional copies of the complete crime statistics report are available at the NeSPD, room A101 upon request, or by calling 423.323.0255, off campus, or ext. 3255, on campus. Written requests can be made to the following address: Northeast State Community College, Northeast State Police Department, P.O. Box 246, Blountville, TN 37617. Additionally, copies can be obtained on the Internet at www.northeaststate.edu/SecurityReport.

The number of students living in student housing:

NeSCC is a “commuter” college and, as such, does not provide student housing.

The total number of non-student employees working on the campuses

There were 604 regular full-time and part-time non-student employees working on the campuses as of September 2022.

The administrative office responsible for security on the campuses:

The NeSPD is the office with overall responsibility for security on all NeSCC property owned, controlled, or leased by the college to include the main campus, satellite campus sites, and all non-campus teaching sites. At satellite campus sites, located in Kingsport, Elizabethton, Johnson City, and Gray, police/security officers generally maintain a presence when students are at these sites. Should an incident occur at a site, with security officer presence only, that requires an immediate response beyond the capabilities of a security officer, the security officer will immediately notify the campus police department and a decision will be made with regards to the dispatch of a campus police officer or contact the local law enforcement agency with jurisdiction and request assistance. In situations where local law enforcement with jurisdiction is notified, the local law enforcement agency will assume temporary responsibility for the incident until a NeSCC police officer arrives on scene.

A description of the type and number of police/security personnel utilized by the institution, including a description of their training:

NeSCC employs a Chief of Police who is Peace Officer Standards and Training (POST) certified and has arrest powers in accordance with Tennessee Code Annotated (TCA) 49-7- 118, Tennessee Board of Regents Policy 5-01-07- 00, and other applicable state laws. The Chief of Police successfully completes forty (40) hours of POST certified training to include weapons qualification.

NeSCC also employs a Deputy Chief of Police, a POST certified armed police officer, who is primarily responsible for the day-to-day administrative duties of the department and represents the Chief of Police in his/her absence.

NeSCC currently employs six (6) additional full-time POST certified armed police officers with arrest powers. Police officers must successfully complete a minimum of forty (40) hours of annual in-service training in accordance with POST requirements. Additionally, campus police officers complete training specifically designed for a college environment as directed by the chief of Police.

NeSCC typically employs fifteen (15) unarmed security officers to assist police officers at various campus sites and provide security services. Security officers, at a minimum, undergo an initial forty (40) hours of training and generally receive a minimum of sixteen (16) hours of annual training on areas designated by the Chief of Police. Additionally, security officers supplement the campus police officers during special events or other times at the discretion of the Chief of Police.

The enforcement authority of police/security personnel, including their working relationship with state and local law enforcement agencies and any agreements for investigating crimes:

The Chief of Police, Deputy Chief of Police, and six (6) full-time armed campus police officers are sworn law enforcement officers and as such have the duty and authority to enforce Tennessee state laws including detention and arrest on any NeSCC property owned, controlled, or leased by the college. Armed campus police officers will obtain all pertinent information in an official and courteous manner and will respond professionally and judiciously to any situation. If force is required, only the minimum amount of force consistent with the accomplishment of duties will be used.

Security officers do not have the authority, under applicable Tennessee laws, to arrest or detain any person on a NeSCC campus. Security officers will immediately report criminal or safety violations to the Chief of Police and/or campus police officers as well as the local supporting law enforcement agency if the situation warrants. As with the campus police officers, security officers will respond to complaints in a professional and courteous manner and document incidents in a thorough manner.

NeSCC has entered into a Memorandum of Understanding with the Sullivan County Sheriff's Department which defines, among other things, enforcement authority with regards to any medically unattended death that occurs on any property owned, controlled, or leased by the college. Additionally, the MOU defines the investigative roles of the campus police department and the Sullivan County Sheriff's Office with regards to complaints of Sexual Assault as defined in *The Robert "Robbie" Nottingham Campus Crime Scene Investigation Act of 2004* and cited T.C.A. 49-7-129.

The working relationship of campus security personnel with State and local law enforcement agencies:

The NeSPD has a close working relationship with the Sullivan County Sheriff's Office, Johnson City Police Department, Kingsport Police Department, Carter County Sheriff's Office, Elizabethton Police Department, Washington County Sheriff's Office, Tennessee Highway Patrol, and the Tennessee Bureau of Investigation as well as other Federal agencies.

Additionally, the NeSPD is a member of the Joint Terrorism Task Force, led by the Federal Bureau of Investigation, and the Chief of Police and Deputy Chief of Police are members of the Tennessee Association of Chiefs of Police.

Campus police officers routinely undergo training sponsored by supporting law enforcement agencies and interact with other officers on almost a daily basis. Outside law enforcement agencies, upon request, assist the campus police in criminal investigations and other requests for assistance. In turn, NeSPD aids law enforcement agencies upon request. Except as noted above, NeSCC has

not currently entered into any written agreements with other law enforcement agencies for the investigation of criminal offenses.

The NeSPD has Motorola APX1000 and APX6000 series radios which enable the college to instantly communicate with key local law enforcement agencies in the event of an emergency that would require local law enforcement support.

A statement on an applicant or employee with a criminal history:

NeSCC is committed to providing a safe working environment for employees and protecting the college's tangible and intangible assets. The college is committed to safeguarding resources by establishing and maintaining sound business controls that will deter and detect any potential misuse of college resources. The College uses background and reference checks as screening tools in carrying out this commitment.

Background checks are conducted on all new employees considered as full-time, part time, temporary, and Adjunct Faculty. All offers and contracts are contingent upon a return of a clear background check. Refusal to consent to a background check will be considered and processed the same as an adverse background check.

The Director of Human Resources will serve as the custodian of the records for background check results. The Director of Human Resources will review and evaluate any adverse information in the background check report. This information will be discussed, as appropriate, with the applicable Vice President and/or the President. In determining suitability for employment, where there is a record of criminal conviction, consideration shall be given to such issues as the specific duties of the position, the number of offenses and circumstances of each, how long ago the conviction occurred, whether the circumstances arose out of an employment situation, and the accuracy of the explanation on the application. If the report contains information upon which it is determined that the candidate/employee does not possess the qualifications or characteristics necessary to perform the duties of the employment offer, promotion, or reclassification, the position will be rescinded. If adverse action is to be taken based in whole or in part on the information obtained from the background check, the Human Resources Office must provide the candidate/employee a copy of the background check report.

Procedures which encourage accurate and prompt reporting of all crime to the campus police and the appropriate law enforcement agency:

First, and foremost, NeSCC strongly encourages anyone who witnesses a crime, suspicious activity, or is a victim of crime to immediately notify the NeSPD at 423.677.7927 or call 911.

When any crime is reported to the NeSPD, the Chief of Police or in his absence the Deputy Chief of Police is notified. The Chief of Police or in his absence the Deputy Chief of Police will determine whether to investigate the offense with campus police staff and/or refer the offense to an outside law enforcement agency in accordance with applicable state and federal law. The Chief of Police or Deputy Chief of Police will make this determination based upon the facts developed, nature/type of the offense, victim input, and state and federal law.

In accordance with *The Robert "Robbie" Nottingham Campus Crime Scene Investigation Act of 2004* (T.C.A. 49-7-129), NeSCC will notify the law enforcement agency with territorial jurisdiction and request a joint investigation of any medically unattended death which may occur on campus or at any satellite campus site or non-campus location. The local law enforcement agency with territorial jurisdiction will be the lead agency conducting the joint investigation.

The NeSPD will be the primary investigating agency of any allegations of rape or attempted rape that occur on property owned, leased, or controlled by the college. The Chief of Police will notify the law enforcement agency with territorial jurisdiction of any rape or attempted rape allegation on any property owned, leased, or controlled by the college. The local law enforcement agency will act as the secondary agency in the investigation.

Third party notification allegations to the Chief of Police of an alleged rape or attempted rape will not trigger notification to an outside law enforcement agency with territorial jurisdiction.

The Tennessee Bureau of Investigation and the Federal Bureau of Investigation receive monthly crime statistics from NeSCC through the Tennessee Incident Based Reporting System (TIBRS). NeSCC also submits annual crime statistics to the United States Department of Education in accordance with federal law.

For reporting crimes, NeSCC defines its boundaries as the following:

Blountville Campus

NeSCC's main campus is located at 2425 Highway 75, Blountville, Tennessee. The main campus consists of fifteen buildings, twelve parking lots, a walking trail, vacant land, and a graveled lot.

This campus includes the NeSCC Airport Hangar located at 917 North Hangar Road; it encompasses approximately 15,000 square feet of interior space with two floors. The lower level consists of one 36-person classroom, two offices, one conference room with a 16-person capacity, a lobby, and two restrooms. The

hangar bay/lab area houses three aircraft, support, training equipment, a technical library, a janitor's closet, and a small office. The upper level consists of a 34-person classroom, two restrooms, one janitor's closet, and three offices. The exterior of the building has 23 parking spaces and a ramp area. The total footprint is approximately 1 acre.

Elizabethton Campus:

NeSCC at Elizabethton is classified under the Clery Act as a satellite building or property and is located at 386 Highway 91 North in Elizabethton, Tennessee.

This property consists of the first and part of the second floor of the building leased by NeSCC, and the area immediately outside the main entrance. The remainder of the building and parking lot is shared with other tenants of the property. Information concerning incidents of crime in the parking lot is shared with all tenants of the property by the Elizabethton Police Department. Carter County Tomorrow, the landlord for the property, is responsible for the overall safety of the property.

The Elizabethton Police Department is the primary outside servicing law enforcement agency for this site when campus police/security officers are not present.

Kingsport Campus:

The Kingsport campus consists of six buildings (Blazier-Wilson Hall, Regional Center for Health Professions, Kingsport Center for Higher Education, Regional Center for Automotive Programs, and the two buildings that make up the Regional Center for Advanced Manufacturing) in Kingsport, Tennessee.

Blazier-Wilson Hall (BWH) is classified under the Clery Act as a satellite building or property and is located at 222 West Main Street, Kingsport, Tennessee. The property consists of two testing labs, weight room, Veterans Center, two classrooms, and six offices on one floor.

Testing, high school equivalency degree completion program, tutoring, and other services are offered at this location for students and the public. All parking areas around this building belong to the City of Kingsport. Other tenants occupy approximately half of the building and share the parking lot. The Kingsport Police Department is the primary outside servicing law enforcement agency for this site when campus police/security officers are not present.

NeSCC offers health-related program classes at the Regional Center for Health Professions (RCHP) located at 300 West Main Street, Kingsport, Tennessee, and will be defined under the Clery Act as a satellite building or property. The RCHP consists of twenty-two classrooms and thirty offices on two floors. All parking areas around the building belong to the city of Kingsport. The Kingsport Police Department is the primary servicing law enforcement agency for this site when campus police/security officers are not present.

NeSCC offers classes at the Kingsport Center for Higher Education (KCHE) located at 300 West Market Street, Kingsport, Tennessee, and is defined under the Clery Act as a satellite building or property. This building consists of three

stories and has nineteen classrooms and eighteen offices. East Tennessee State University and Lincoln Memorial University offer classes at this location. All parking areas around the building belong to the city of Kingsport. The Kingsport Police Department is the primary servicing law enforcement agency for this site when campus police/security officers are not present.

NeSCC offers classes at the Pal Barger Regional Center for Automotive Programs (RCAP) located at 337 West Center Street, Kingsport, Tennessee. The building consists of six automotive bays, prep room, paint booth, reception area, two classrooms, and two offices. NeSCC owns the parking lot directly adjacent to the RCAP. All other parking areas belong to the city of Kingsport. The Kingsport Police Department is the primary servicing law enforcement agency for this site when campus police/security officers are not present.

NeSCC offers classes at the Regional Center for Advanced Manufacturing (RCAM) located at 305 West Main Street, Kingsport, Tennessee, consisting of two buildings, and is defined under the Clery Act as a satellite building or property. One building consists of one level and has nine labs, seven classrooms, and seven offices. The second building, known as the RCAM Academy, is a two-story building consisting of seven classrooms and four offices. All parking areas immediately adjacent to the building belong to NeSCC. The Kingsport Police Department is the primary servicing law enforcement agency for this site when campus police/security officers are not present.

Gray Campus:

NeSCC offers classes at our Gray site. This campus is a one-story building located at 120 Dillon Court, Gray, Tennessee and is defined under the Clery Act as a satellite building or property. This building consists of nine classrooms, one biology lab, and eleven offices. All parking areas immediately adjacent to the building belong to NeSCC. The Johnson City Police Department is the primary servicing law enforcement agency for this site when police/security officers are not present.

Johnson City Campus:

NeSCC at Johnson City offers classes at 101 East Market Street in Johnson City, Tennessee. NeSCC leases the building which consists of twenty-one offices and fourteen classrooms.

NeSCC also leases the parking garage, which consists of three levels and is located directly adjacent to the campus site. The Johnson City Police Department is the primary servicing law enforcement agency when police officers are not present.

Policy regarding access to institutional facilities and programs:

Campuses and facilities of NeSCC are governed by the Tennessee Board of Regents policy (Policy No. 1:03:02:50) and NeSCC policy (Policy No. 04:01:00, After Hours Building Access). During business hours, the college is open to students, faculty, staff, and guests of the college except when part or all the

campus, its buildings, or facilities, are open to the general public for a designated time and purpose or when non-affiliated groups, organizations, or individuals have been granted approval. During non-business hours, access is by permission only.

Entrance/exit doors to all buildings will be secured when the campus is closed. All individuals on campus during non-business hours must check with the NeSPD upon entering and leaving campus property in accordance with Northeast State policy 04:01:00.

The Wayne G. Basler Library, located on the Blountville campus, is open to the public during normal business hours.

All persons on campus including students, faculty, staff, visitors, and guests shall be subject to all rules and regulations of the college, Tennessee Board of Regents (TBR) policy, and to all applicable federal and state laws and regulations. In addition, all persons who operate motor vehicles on campus agree by such operation to be subject to state traffic laws, college and Tennessee Board of Regents rules, regulations, policies, and procedures on traffic and parking.

All persons on campus shall provide adequate identification upon request to appropriate officials and police/security personnel of the college. Personnel and students at the college who refuse to provide such identification may be subject to disciplinary action. Other persons who refuse to provide such identification shall be requested to leave the campus and may be subject to lawful removal and prosecution.

Keys to buildings are controlled by the director of Plant Operations and Maintenance, in accordance with NeSCC policy 04:26:00 (Key Control).

Procedures and facilities for students and others to report criminal actions or other emergencies occurring on campus and policies concerning the institutions response to such reports:

Students, staff, faculty, and guests of the college are strongly encouraged to report all crimes and safety-related incidents immediately to the NeSPD. The NeSPD can be reached by calling ext. 3255 on campus, 423.323.0255 off campus or 423.677.7927, emergency cell.

Officers are available 24 hours a day, 365 days a year, to handle any request for assistance. Crimes may also be reported to any of the following staff or faculty member of the college or the following Campus Security Authorities*:

NeSCC at Blountville

Dr. Susan Graybeal, Vice President for Institutional Excellence and Student Success, at 354.2529 off campus, ext. 3329 on campus, room F104B

Mr. Brandon Dotson, Dean of Enrollment Management and Dean of Students, at

323.0205 off campus, ext. 3205 on campus, room C2110

Ms. Jennifer Webb, Director, Student Life and Engagement, at 354.5241 off campus, ext. 5241 on campus, room HH201

Ms. Megan Jones, Director of Human Resources, at 323.0226 off campus, ext. 3226 on campus, room P311A

Ms. Tracy Barry, Assistant Director of Policy and Compliance, at 354.5296, ext. 5296 on campus, room P313

NeSCC at Gray

Mr. Richard Blevins, Aviation Dept. Head/Assistant Professor, at 354.5179 off campus, ext. 5179 on campus

NeSCC at Elizabethton

Ms. Amy Drinnon, Site Coordinator, NeSCC at Elizabethton, 547.8450 off campus, ext. 3530 on campus, room E108

NeSCC AT KINGSPORT:

Blazier-Wilson Hall

Ms. Dawn Carter, Director of Student Services at Kingsport, Blazier-Wilson Hall, 354.2530 off campus, ext. 2530 on campus, room BWH106

Regional Center for Health Professions (RCHP)

Mr. David Bryant, Dean of Health Professions/Paramedic Program Director, Regional Center for Health Professions, 279.3680 off campus, ext. 3680 on campus, room RCHP110.

Kingsport Center for Higher Education (KCHE)

Dr. Stephanie Barham, Executive Director, Northeast State at Kingsport, 354.5151 off campus, ext. 5151 on campus, room KCHE104

Regional Center for Advanced Manufacturing (RCAM)

Mr. Blake Montgomery, Executive Director, Economic and Workforce Development, 354.5544 off campus, ext. 5544 on campus, room RCAM103B

NeSCC at Johnson City

Ms. Jennifer Puckett, Director of NeSCC at Johnson City, 354.5302 off campus, ext. 5302 on campus, room J1103

*Note: Students, staff, faculty, and visitors are encouraged to report crimes to any designated Campus Security Authority (CSA). In accordance with *The Handbook for Campus Safety and Security Reporting* the following groups of campus staff and faculty are designated Campus Security Authorities:

- A campus police department or a campus security department of an institution.
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to act or respond to issues on behalf of the institution.

For a complete list of Campus Security Authorities please contact the NeSPD or call 423.323.0255.

Campus police/security officers patrol the campuses by automobile and foot. Emergency/Assistance telephones are located on the East and North sides of the Blountville campus and in the main parking lot of the Elizabethton campus.

NeSCC at Johnson City has emergency telephones located in or near each stairwell on each level of the parking garage. Emergency/Assistance telephones can be used anytime to contact 911 and/or the NeSPD.

Police emergencies, fire emergencies, ambulance service, or other types of assistance can be obtained by calling the NeSPD at 423.323.0255 (off campus), ext. 3255 (on campus), 423.677.7927 (cell) or 911. If a student, staff, faculty, or guest, requests assistance from a local law enforcement agency, the NeSPD will assist that person in any way possible to make the appropriate contact.

Policy for limited voluntary confidential reporting:

In accordance with state law, NeSCC allows limited voluntary confidential reporting. The NeSPD encourages anyone who is a victim or witness to any crime to promptly report the incident to the campus police. Because police reports are public records under state law, the NeSPD cannot hold reports of crime in

confidence. 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 NeSPD will 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, the college can keep accurate records of the number of incidents involving students; determine where there is a pattern of crime regarding a particular location, method, or assailant; and alert the campus community, through Timely Warnings or Immediate Notifications, to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

Individuals who wish to report a crime but remain anonymous may call the NeSPD at 423.323.0255 for more information.

Policy encouraging pastoral and professional counselors, if allowed by the institution, to inform clients of voluntary, confidential crime reporting procedures:

NeSCC does not employ pastoral or licensed counselors for staff, or faculty counseling. Staff and faculty are encouraged to use the Employee Assistance Program (EAP) offered by the State of Tennessee. Staff and faculty can obtain more information about the EAP from the Director of Human Resources, at 423.323.0226, off campus, ext. 3226, on campus, room P311. Students are encouraged to contact their health care provider or Counseling and Testing Services at 423.323.0211 off campus, or ext. 3211 on campus, room C2101. NeSCC offers short term counseling, resources, and referral for students.

For students, NeSCC employs a Licensed Professional Counselor/Mental Health Service Provider (TN License #3832) who is available to provide short term counseling, crisis intervention, and refers students to community resources as needed. Additionally, NeSCC partners with the Branch House to provide trauma-informed services to student and employee victims of sexual violence (including but not limited to dating violence, sexual assault, and stalking) and of domestic violence. This partnership provides an overall response to sexual violence and domestic violence at the College and provides victims with a confidential campus contact and/or community reporting agency, if needed. NeSCC and the Branch House share the goal of preventing sexual violence and domestic violence on campus and in the community, and of responding appropriately to students and employees who have been victimized.

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

mental health counseling and is functioning within the scope of his/her license or certification. This exemption does not relieve counselors of the duty to exercise reasonable care to protect a foreseeable victim from danger posed by the person being counseled. When speaking to a victim or witness to a crime, counselors should inform the individual of voluntary disclosure procedures in accordance with applicable law.

Procedures for preparing the Annual Security Report:

The NeSPD prepares this report to comply with *The Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act*, *The Violence Against Women Act*, Title 34, CFR 668.46, *Tennessee College and University Security Information Act*, and *The Robert Nottingham Campus Crime Scene Investigation Act*. This report is prepared in cooperation with local law enforcement agencies surrounding our main, satellite, and non-campus sites where classes are conducted. Classifying criminal offenses to be reported is the responsibility of the Chief of Police.

Campus crime, arrests, and referral statistics include those reported to the NeSPD, designated campus officials including, but not limited to, the general public, campus community, designated Campus Security Authorities, directors, deans, department heads, and advisors to student organizations as well as local law enforcement agencies. These statistics also include reported criminal offenses that occurred on public property adjacent to our main campus, satellite and non-campus buildings or property at locations such as NeSCC at Gray, NeSCC at Johnson City, NeSCC at Elizabethton, and the six buildings that make up NeSCC at Kingsport.

The Chief of Police serves as the Campus Security Survey Administrator (CSSA) and as such is responsible for reporting certain criminal offenses to the United States Department of Education on an annual basis. Statistics reported to the United States Department of Education are available for review by October first of each calendar year.

NeSCC makes every effort to notify students, prospective students, employees, and prospective employees. Each semester email notification is sent to all enrolled students and employees giving a summary of the contents of the *Annual Security Report* and crime statistics. New employees are notified during the orientation process by the Human Resources department. Prospective employees who use the NeSCC web site to obtain an application are notified on the "Employment" web page. Prospective students, as they apply for admission, are notified of the *Annual Security Report* on the NeSCC web page under "Admissions". The *Annual Security Report* may also be viewed at www.northeaststate.edu/SecurityReport. Copies may be obtained from the NeSPD in person or calling 423.323.0255, non-campus, or ext. 3255, on campus.

A statement of policy regarding the campus sexual assault programs to prevent sex offenses and procedures to follow when a sex offense occurs:

NeSCC strives to maintain an environment that is free of intimidation and encourages education of students to their fullest extent. Therefore, the college will not tolerate acts or threats of acts of sexual assault, physical assault, or any type of violence.

A student who individually, or in concert with others, participates or attempts to participate in a sexual offense is subject to disciplinary actions by the college up to and including expulsion notwithstanding any actions that may or may not be taken by campus police or other law enforcement authorities.

Anyone who is a victim of sexual assault should take the following actions:

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

Victims of sexual misconduct are encouraged to preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs, or other copies of documents, if they have any, that would be useful to investigators.

Call law enforcement as soon as possible. NeSPD can be contacted by calling 423.677.7927 or 911.

Seek follow-up counseling. Whether or not a victim reports the assault or prosecutes, a trained counselor can help with the emotional trauma of an assault. Contact the Branch House, 423.574.7233, NeSCC Counseling Services (ext. 3211 on campus), NeSCC Title IX Coordinator (ext. 5296 on campus), or the NeSPD office (ext. 3255 on campus) for referrals to appropriate services.

Reporting such an assault does not mean the victim must press charges or take the incident to criminal court. The reporting does establish a record of the incident for use by college and/or civil authorities. If requested, the NeSPD will make every effort to preserve evidence at the scene of the crime and compose an accurate description of the events leading up to the attack.

Assaults against a student by staff or faculty should be reported through the NeSPD to the college's Assistant Director of Equity and Compliance. Assaults against a student, staff, or faculty by a student should be reported through the NeSPD to both the Dean of Enrollment Management and Dean of Students **and** the college's Assistant Director of Equity and Compliance. In either case, the assault should be reported as soon as possible after the action.

[Policy](#) for campus disciplinary actions in case of an alleged sex offense are as follows:

- This policy addresses the offenses defined herein as "Sexual Misconduct." Sexual Misconduct is a subset of a broader category of sexual harassment. Allegations of sexual harassment that do not meet the definition of Sexual Misconduct will be handled in accordance with TBR Guideline P-080 and applicable institutional policy.
- NeSCC will investigate all Formal Complaints, unless dismissed or resolved.
- The investigator will conduct an investigation that is appropriate under the circumstances.
- Prior to the completion of an investigative report, the institution will send to each Party the evidence subject to inspection and review.
- At the conclusion of the investigation, the investigator will prepare written report. The report shall:
 - identify the allegations.
 - identify relevant policies, guidelines, and other standards,
 - 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
 - fairly summarize the relevant evidence.
- 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.
- The institution will conduct a live hearing of Formal Complaints not dismissed pursuant to this policy to decide if this policy has been violated.
- Live hearings may be conducted with all Parties physically present in the same geographic location or, at the institution'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.
- At least ten (10) business days prior to a live hearing, the institution will provide both Parties with written notice of the following:
 - The time, place, date of the hearing, and electronic access information, if applicable,
 - The name of each witness the institution expects to present or be present at the hearing and those the institution may present if the need arises,
 - The right to request a copy of the investigative file (other than portions that are protected by law or privilege), which includes all the evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint,
 - 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,
 - 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, the institution 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,
 - Any Party in need of an institution-provided advisor must inform the Title IX Coordinator at least five (5) business days before the hearing,
 - Any cross-examination of any other Party or witness must be conducted by the advisor; and
 - Other information may be included in the notice of hearing.
- 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.
- Only relevant cross-examination questions may be asked of a Party or witness.
- Within fifteen (15) business days of the hearing, the decision-maker will issue a written Determination, based on a preponderance of the evidence standard, which will be provided to the Parties simultaneously.
- The Determination becomes final either on the date that the institution 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.

If requested by victims of alleged sexual offenses and reasonably available, the college will adjust class schedules/academic situation or other reasonable actions that will reduce fear or concern. Any victim of sexual assault in Northeast Tennessee should also call the Branch House for comprehensive services ranging from counseling, SANE nurse examiners, legal aids, and shelter.

Branch House

Office: 423.574.7233 (24/7 hotline)

Partners for Stronger Communities Hotline: 276.466.2312

Office: 276.466.2218

NeSCC provides college-wide programs that focus on sexual assault, domestic violence, dating violence, and stalking. Sexual assault programs focus on current strategies available to prevent sexual assault, self-defense techniques, use of chemical spray and actions to take if you are sexually assaulted. The Director of Student Services/Counselor, in coordination with NeSPD, Assistant Director of Equity and Compliance, and Human Resources, coordinates these programs. For more information on NeSCC's sexual assault, domestic violence, dating violence, and stalking programs, please contact the campus police at 423.323.0255 off campus, ext. 3255 on campus, or the Dean of Student Services/Counselor at 423.323.0211 off campus, ext. 3211 on campus, or stop by room C2101.

A statement of policy regarding sexual harassment, racial harassment, and hazing:

Any form of sexual harassment, racial harassment, and hazing will not be tolerated by college officials in any form. Alleged violations should immediately be reported to the Title IX Coordinator or Equal Employment Opportunity (Affirmative Action EEO/AA) Officer or the Director of Human Resources. Such allegations will be investigated and adjudicated according to TBR Policy P-080. Questions should be addressed to the Equity and Compliance Office at ext. 5296.

A statement of policy regarding the possession, use, and sale of alcoholic beverages and illegal drugs:

Drug and alcohol abuse hampers the effectiveness of students to learn, teachers to instruct, and employees to do their jobs correctly. The abuse not only endangers the abuser but also jeopardizes the health and safety of others. The possession, sale, manufacture, or distribution of any alcoholic beverage or drug is prohibited on campus by both federal and state law. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal. Violators are subject to

disciplinary action by the college and/or criminal prosecution which could result in a fine and imprisonment.

NeSCC is committed to a drug-free campus. Therefore, pursuant to the *Drug-Free Workplace Act of 1988* and the *Drug-Free Schools and Communities Act Amendment of 1989*, the following statement is made:

The unlawful manufacture, distribution, possession, and/or use of alcohol and illicit drugs on the campus, in the workplace, on property owned or controlled by NeSCC, or as part of any activity of NeSCC is strictly prohibited.

As a condition of employment, each employee, including student employees (College Work Study students are considered to be employees), must abide by the terms of this policy and must notify Human Resources of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. A conviction includes a finding of guilty, a plea of *nolo contendere*, or imposition of a sentence by any state or federal judicial body.

Possible disciplinary sanctions for students who fail to comply with the terms of this policy may include one or more of the following depending upon the severity of the offense: 1) expulsion, 2) suspension, 3) mandatory participation in and satisfactory completion of a drug/alcohol abuse program or rehabilitation program, 4) referral for prosecution, 5) probation, 6) written warning, or 7) reprimand.

Moreover, all state and/or federal financial aid recipients are required to sign a certification agreeing not to engage in the unlawful manufacturing, distributing, or using of a controlled substance during the period of his/her grant. This certification applies even if the student is off campus or on a school break.

If a student is convicted of the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance during the period of the grant, the student must notify the Director of Financial Aid, U.S. Department of Education, in writing within 10 calendar days of the conviction. Failure to report the conviction subjects the grant recipient to suspension of payments under the grant, suspension or termination of the grant, or suspension or debarment. If debarred, the student shall be ineligible for award of any grant from a federal agency for a period of five years.

In accordance with state law, any criminal allegation dealing with drugs or alcohol must be reported in the crime statistics submitted monthly to the Tennessee Bureau of Investigation.

A statement of policy addressing substance abuse education:

NeSCC has developed a program to prevent the illicit use of drugs and abuse of alcohol by students and employees. The program provides services related to drug use and abuse including dissemination of informational materials, educational programs, referral for counseling services and college disciplinary action.

The Dean of Student Services/Counselor is the primary person responsible for coordinating drug and alcohol education for students and employees. However, many services are coordinated by other departments and are listed below:

Alcohol and Drug Education: Counseling Services, Employee Assistance Program (for employees), and college health classes.

Counseling Services: Employee Assistance Program (for employees), Counseling Services for on campus counseling for students or to appropriate agencies.

College Disciplinary Actions (for students): Dean of Enrollment Management and Dean of Students.

A statement of policy regarding the possession of weapons by campus police and any other person:

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 NeSCC campus. State law prescribes a maximum penalty of six (6) years imprisonment and a fine not to exceed three thousand dollars (\$3,000) for carrying weapons on school property.

Campus police officers, in accordance with T.C.A. 49-7-188, Peace Officer Standards and Training standards, and TBR policy 5-01-07-00 are authorized to carry firearms, chemical spray, and a baton. Officers are issued these weapons only after successfully completing training in the use of their personal firearm, chemical spray, and baton. Additionally, officers must undergo annual weapons training and demonstrate skill in their use as established by state law and orders established by the Chief of Police.

Description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be aware of their own security and the security of others:

At a minimum, NeSCC tests the *Emergency Operations Plan* on an annual basis. Students, staff, and faculty have the opportunity to practice the established emergency procedures.

At student orientation sessions students are provided information about security procedures, programs offered, ways to prevent crime on campus and the fact safety must be everyone's responsibility.

NeSCC encourages students, staff, and faculty to utilize the emergency NeSCC Alert system. NeSCC Alert is an opt-in self-service, web-based, mass notification system that enables emergency and non-emergency messages to be instantly communicated to students, staff, and faculty through cell phone text messaging, PDA, Blackberry, web page, and email. Faculty, staff, and students may also register for Guardian and transform their mobile phone into a personal alarm

beacon. In the event of an emergency, critical information you elect to share will be provided to NeSCC to help them more quickly respond and help you. This service is provided to you free of charge by NeSCC. (Standard or other messaging charges may apply depending upon your wireless carrier plan.)

Students are informed of the college safety program through the college's Be Safe Northeast State website. "Safety tips" are made available to students when they receive *the Traffic and Parking Regulations*.

Staff and faculty are informed of the college safety program through the college's Be Safe Northeast State program during orientation sessions. Additionally, safety issues are discussed with staff and faculty during annual training.

All employees are required to complete emergency preparedness training on an annual basis.

Annually, campus police conduct special topic presentations for the students, staff, and faculty.

Policy concerning monitoring and recording student off-campus criminal activity through local police, including student organizations with off-campus housing:

NeSCC does not provide housing to students. Staff and faculty who take students off our campus sites for student activities are advised that criminal behavior involving students should be reported to the local police and the campus police as soon as possible.

Security considerations used in the maintenance of campus facilities, including landscaping, grounds keeping, and outdoor lighting:

The NeSPD and Plant Operations employees continuously monitor outdoor lighting and any problems that are brought to the attention of the Director of Plant Operations for resolution. Monthly fire extinguisher inspections are conducted in all buildings owned or leased by the college. Fire alarms are checked and serviced annually. Campus sprinkler systems are checked bi-annually and serviced as needed. In addition, campus police officers and Building Coordinators/Assistant Building Coordinators (BCs/ABCs) routinely report hazardous, unsafe, and potentially unsafe conditions found to exist on campus.

Policy regarding our emergency response and evacuation procedures.

When the college is notified of any significant emergency or dangerous situation that may involve an immediate threat to the safety of students, staff, faculty, and visitors to the campus an immediate response will occur. The following procedures will be implemented:

First, the NeSPD will confirm that a significant emergency or situation exists and initially determine the facts and scope of the emergency or situation.

Second, the President or his/her designee will be contacted with a recommendation from the Chief of Police as to the college's initial response and what segments of the college needs to be notified up to and including procedures established in the college's Emergency Operations Plan. If the President or his/her designee cannot be immediately contacted, the Chief of Police will manage the emergency or situation until notification can be made.

Third, simultaneously Building Coordinators will be contacted and a NeSCC Alert, emergency alert message, will be disseminated to the campus community briefly stating the nature of the emergency, location, and what immediate actions to take. The initial directions will consider the segment of the campus community that needs to be notified as well as considering the safety of the students, staff, faculty, and visitors to the college. Information, in the professional judgment of the President, the Special Assistant to the President for Safety, Security and Plant Operations, or the Chief of Police that could compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency will not be disseminated.

As the emergency or situations develops, updates may be provided through NeSCC Alert, Building Coordinators and Assistant Building Coordinators, the "Crime Alert" page on the college's website, emails, social media, supervisors to employees, flyers, and local media. Additionally, depending on the emergency or event, outside resources may be requested to bring the emergency or event to a successful conclusion and recovery.

The President, Vice President for Finance and Administration, Chief of Police, and Special Assistant to the President for Safety, Security and Plant Operations are the individuals primarily responsible for implementing the college's *Emergency Operation Plan*.

Each academic year the college, at a minimum, will test the college's *Emergency Operations Plan*. This test could be announced or unannounced and will involve the entire campus community as well as inviting outside agencies. After the test, the Special Assistant to the President for Safety, Security and Plant Operations in conjunction with the Chief of Police, will conduct a review of the test and document the findings focusing on what areas are strengths and what areas need improvement. The results will be discussed during annual training for Building Coordinators and Assistant Building Coordinators and members of the Crisis Management Team (CMT).

In addition, NeSCC has communicated with supporting law enforcement agencies requesting their cooperation and assistance in informing this institution about emergency events reported to them that may warrant an emergency response from the college.

Policy regarding the institution’s programs to prevent dating violence, domestic violence, sexual assault, stalking, and procedures the institution will follow when one of these crimes is reported

NeSCC does not discriminate on the basis of sex in its educational programs and sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited whether sexually based or not and include dating violence, domestic violence, and stalking. As a result, NeSCC issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a college official. In this context, NeSCC prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of NeSCC community.

For a complete copy of NeSCC’s policy governing sexual misconduct, visit: [Northeast State Policies and Procedures Manual](#)

NeSCC has established a Safe Campus committee. The committee consists of members from Institutional Excellence and Student Success, Human Resources, Special Assistant to the President for Safety, Security and Plant Operations, Campus Police, Assistant Director of Policy and Compliance, and other select faculty, staff, and students. The committee meets quarterly and is responsible for developing, reviewing, and revising protocols, policies, and procedures for addressing violence against women.

NeSCC utilizes the following definitions when developing, reviewing, and revising protocols, policies, and procedures as it applies to the Violence Against Women Act/Campus SaVE Act and Title IX.

Sexual Assault

An umbrella term that includes rape, fondling, incest, and statutory rape.

- “Rape” means the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- “Fondling” means the touching of the private body 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.

- “Incest” means sexual intercourse between persons who are related to each other within degrees where marriage is prohibited by law.
- “Statutory rape” means sexual intercourse with a person who is under the statutory age of consent.

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. Silence or an absence of resistance does not imply consent. Consent can be withdrawn at any time.

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.

Dating Violence

Violence against a person when the accuser and accused are dating, or who have dated, or who have or had a sexual relationship. “Dating” and “dated” do not include fraternization between two individuals solely in a business or non-romantic social context. Violence includes, but is not necessarily limited to:

- inflicting, or attempting to inflict, physical injury on the accuser by other than accidental means,
- placing the accuser in fear of physical harm,
- physical restraint,
- malicious damage to the personal property of the accuser, including inflicting, or attempting to inflict, physical injury on any animal owned, possessed, leased, kept, or held by the accuser; or,
- placing a victim in fear of physical harm to any animal owned, possessed, leased, kept, or held by the accuser.

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 Misconduct

Sexual Misconduct is a form of sex discrimination prohibited by Title IX. TBR is committed to helping its institutions rid their campuses of all acts of Sexual Misconduct. As set forth in this policy, Sexual Misconduct includes Title IX Sexual Harassment, Dating Violence, Domestic Violence, Stalking, and Sexual Assault. TBR and its institutions strictly prohibit these offenses. TBR Policy Sexual Misconduct 6:03:00:00

If a report of domestic violence, dating violence, sexual assault or stalking is reported to NeSCC, listed below are the procedures that NeSCC will follow as well as a statement of the standard of evidence that will be used during any judicial hearing on campus arising from such a report:

Sexual Assault

1. Depending on when reported (immediate vs. delayed report), institution will provide complainant with access to medical care.
2. Assess immediate safety needs of complainant.
3. Assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department.
4. Provide complainant with referrals to on and off campus mental health providers.
5. Assess need to implement interim or long-term protective measures, such as housing changes, change in class schedule, "No Contact" directive between both parties.
6. Provide a "No Trespass" directive to accused party if deemed appropriate.

7. Provide written instructions on how to apply for an Order of Protection. Campus police will assist the complainant in obtaining an Order of Protection, upon request.
8. Provide a copy of NeSCC's policies and/or procedures dealing with sexual misconduct to complainant and inform the complainant regarding timeframes for complaint assessment, investigation, and resolution of the report.
9. Take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.
10. Sexual assault cases are referred to the Title IX Coordinator. The Title IX Coordinator will perform Intake and Assessment of the Formal Complaint.

Stalking

1. Assess immediate safety needs of complainant.
2. Assist complainant with contacting local police if complainant requests and complainant provided with contact information for local police department.
3. Provide written instructions on how to apply for an Order of Protection. Officers will assist the complainant in obtaining an Order of Protection, upon request.
4. Provide written information to complainant on how to preserve evidence.
5. Assess need to implement interim or long-term protective measures to protect the complainant, if appropriate.
6. Provide a "No Trespass" directive to accused party if deemed appropriate.

Stalking cases are referred to the Dean of Enrollment Management and Dean of Students if a student is the alleged offender, or the Director of Human Resources if the alleged offender is an employee. If the alleged offender is a visitor, the Chief of Police will investigate the case for possible criminal and administrative sanctions.

Administratively, these cases will be adjudicated using the clear and convincing evidentiary standard. If the stalking is sexually based, it may fall under the institution's policies concerning sexually based misconduct and would use the preponderance of the evidence standard.

Dating Violence

1. Assess immediate safety needs of complainant.
2. Assist complainant with contacting local police if complainant requests and complainant provided with contact information for local police department, if

applicable.

3. Provide written instructions on how to apply for an Order of Protection. Officers will assist the complainant in obtaining an Order of Protection, upon request.
4. Provide written information to complainant on how to preserve evidence, if applicable.
5. Assess need to implement supportive measures to the Complainant and/or Respondent.
6. Provide a "No Trespass" directive to accused party if deemed appropriate.

Dating Violence cases, involving students, are referred to the Dean of Enrollment Management and Dean of Students. Dating Violence cases, involving employees, are referred to the Director of Human Resources. If the dating violence incident is sexually based, it will be referred to the Title IX Coordinator. The Title IX Coordinator will perform intake and assessment of the Formal Complaint.

Domestic Violence

1. Institution will assess immediate safety needs of complainant.
2. Assist complainant with contacting local police, if complainant requests, and provide complainant with contact information for local police department.
3. Provide written instructions on how to apply for an Order of Protection and transport complainant to a safe shelter, if requested. Officer will assist the complainant in obtaining an Order of Protection.
4. Provide written information to complainant on how to preserve evidence.
5. Assess need to implement supportive measures to the Complainant and/or Respondent.
6. Provide a "No trespass" directive to accused party if deemed appropriate

Domestic Violence Cases are referred to the Dean of Enrollment Management and Dean of Students and adjudicated using the clear and convincing evidentiary standard. If the domestic violence incident is sexually based, it will be referred to the Assistant Director of Equity and Compliance/Title IX Coordinator. The Title IX Coordinator will perform Intake and Assessment of the Formal Complaint.

Description of the institution's educational programs and campaigns to promote the awareness of dating violence, domestic violence, sexual assault, and stalking

NeSCC engages in comprehensive educational programming that focuses on Sexual Violence Prevention to include domestic violence, dating violence, sexual assault, stalking, and consent. Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and faculty that:

- a. Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct,
- b. Defines what behavior constitutes domestic violence, dating violence, sexual assault, and stalking,
- c. Defines what behavior and actions constitute consent to sexual activity in the State of Tennessee,
- d. 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, or stalking against a person other than the bystander,
- e. Provides information on primary prevention and risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks,
- f. Provides an overview of information contained in this Annual Security Report in compliance with the Clery Act.

NeSCC develops annual educational campaigns that include distribution of educational and resource materials to new students, new employees, and returning students, faculty, and staff. Programs are sponsored throughout the year by Counseling Services.

PROGRAM NAME	DATE	LOCATION	BEHAVIORS COVERED
Thriving Thursday Social Media Posts	8/2021-12/30/21	Facebook and Instagram for NeSCC Counseling and NeSCC Main account	Resiliency, Domestic Violence, Intimate Partner Violence, Anxiety, Stress, Suicide, BIPOC and DV,
ComPASS- Communicating Pain of Survivors	9/24/2022	ZOOM, all campus with speaker Barbara Sims	Suicide Prevention
Join the Chorus Campaign for DV	10/20/2021	Blountville Campus	Domestic Violence Awareness

Lived Experience with Substance Abuse	Fall 2021 and Spring 2022 Semesters	ZOOM workshops, all campuses and on Blountville campus presentation in multiple classes	Substance Abuse and Addiction
Hot Cocoa and Chill	11/16/2021	Blountville Campus	Stress and Anxiety
Thriving Thursday Social Media Posts	1/5/22 - 5/15/22	Facebook and Instagram for NeSCC Counseling and NeSCC Main account	Personal Hygiene, Anxiety
Recovery Corner	Spring 2022	All campuses	Substance Abuse and Addiction
Relationship Fair	2/7/2022	Blountville Campus	Healthy Relationships Dating Violence
Mini Health Fair	4/21/2022	Blountville Campus	Substance Abuse, Sexual Assault, Suicide Prevention, Physical and Mental Health, LGBTQA+,

A statement that the institution will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa, and immigration services available for victims, both within the institution and in the community.

Services for students and employees with regards to counseling, health, mental health, victim advocacy, legal assistance, visa, and immigration services are available both on campus and off campus. A Safe Northeast letter is mailed/mailed to all new students that lists contact information for support services and referrals. The *Victim Notification of Rights and Resources* pamphlet is available for students and employees who have been victimized. The following is a list of some services/resources available for the area NeSCC serves:

COUNSELING:

On Campus

Counseling Services (Students Only)
Room C2311, Phone: 423.323.0211 off campus, ext. 3211 on campus

Off Campus

Branch House (Serves Northeast State Community College) Phone: 423.574.7233

Partners for Stronger Communities (Serves Northeast State Community College)
Phone: 276.466.2218

Optum – Employee Assistance Program (Employees Only) Phone: 855.437.3486 (or
855. Here4TN)

HEALTH SERVICES:

Off Campus

Johnson City Medical Center (Johnson
City) Phone: 423.431.6111

Holston Valley Medical Center (Kingsport)
Phone: 423.224.4000

Bristol Regional Medical Center (Bristol)
Phone: 423.844.1121

Sycamore Shoals Hospital
(Elizabethton) Phone: 423.542.1300

MENTAL HEALTH:

See Counseling Services noted above.

VICTIM ADVOCACY:

On Campus

Northeast State Police Department
Phone: 423.323.0255 off campus, ext. 3255 on campus

Off Campus

Branch House (Serves Northeast State Community
College) Phone: 423.574.7233

Partners for Stronger Communities
Phone: 276.466.2218
24-Hour Hotline Phone: 276.466.2312

National Domestic Violence Hotline
Phone: 800.799.7233

National Sexual Assault 24-Hour Hotline Phone:
800.656.4673

LEGAL ASSISTANCE:

On Campus

Employee Assistance Program

Phone: 1.855.HERE4TN (1.855.437.3486)

Here4TN.com

Off Campus

Legal Aid of East

Tennessee Phone:

423.928.8311

VISA AND IMMIGRATION SERVICES:

On Campus

International Student Admissions

Phone: 423.354.2436 off campus, ext. 3436 on campus

Off Campus

U.S. Citizenship and Immigration Services Phone:

800.375.5283

A statement that the institution will provide written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation and working situations or protective measures

NeSCC realizes the fact that our institution is obligated to comply with a student's reasonable request for a living and/or academic situation change following an alleged sex offense. With regards to living situations, NeSCC is a "commuter college" and as such does not have residence halls or dormitories. With regards to transportation, NeSCC does not provide any transportation to students or employees.

NeSCC is obligated to comply with any student or employee's reasonable request for academic or workplace change following an alleged sex offense. When determining what is reasonable, at a minimum but not limited to, the institution will consider the following:

1. The specific need expressed by the complainant,
2. Age of the students or employees involved,
3. Impact of the allegations,
4. Continuing effects on the complainant,
5. Whether the complainant and alleged perpetrator share the same class or job;
and
6. Whether other judicial measures have been taken to protect the complainant.

Procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred

NeSCC has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of medical, counseling and support services, and additional remedies to prevent contact between a complainant and an accused party, such as academic, transportation and working accommodations, if reasonably available. Students and employees should contact the Assistant Director of Equity and Compliance, 423.354.5296 (ext. 5296 on campus), email equity-compliance@northeaststate.edu, room P318, or Brian Johnson, Chief of Police, 423.354.5119 (ext. 5119 on campus), room A102A, email bdjohnson@northeaststate.edu.

After an incident of sexual assault and domestic violence, the victim should consider seeking medical attention as soon as possible at the following hospitals in the NeSCC service area that have rape kits available:

<u>Name</u> <u>Phone</u>	<u>Address</u>
Branch House (SANE Examiners 24/7) 423.574.7233	313 Foothills Drive Blountville TN 7617
Indian Path Medical Center 423.857.7000	2000 Brookside Drive Kingsport, TN 37660
Franklin Woods Hospital 423.302.1000	300 Med Tech Parkway Johnson City, TN 37604
Johnson City Medical Center 423.431.6111	400 N. State of Franklin Rd. Johnson City, TN 37604
Holston Valley Medical Center 423.224.4000	130 W. Ravine Road Kingsport, TN 37660

In Tennessee, evidence may be collected as part of an investigation into physical or sexual assault allegations. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved for proof of criminal activity.

In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also

preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to college hearing boards, investigators, or police.

Although NeSCC strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether to make such a report and victims have the right to decline involvement with the police. NeSCC's Assistant Director of Equity and Compliance will assist any victim with notifying local police if they so desire. NeSCC has campuses in the following locations:

Blountville

NeSCC (Main Campus) 2425 Highway 75
Blountville, TN 37617

NeSCC Airport Hangar
971 South Hangar Road
Blountville, TN 37617

Kingsport

NeSCC @ Kingsport (Five Buildings)
222 West Main Street, Kingsport, TN 37660 300 West Main Street, Kingsport, TN
37660 300 West Market Street, Kingsport, TN 37660 305 West Main Street,
Kingsport, TN 37660 337 West Center Street, Kingsport, TN 37660

Elizabethton

Northeast State at Elizabethton
386 Highway 91 North, Elizabethton, TN 37643

Gray

Northeast State at Gray
120 Dillon Court, Gray, TN 37615

Johnson City

Northeast State at Johnson City
101 E. Market Street, Johnson City, TN 37602

Depending upon which campus the violation of this policy occurs, NeSCC will assist individuals in contacting the following law enforcement agencies if requested:

Sullivan County Sheriff's Office
P.O. Box 589
140 Blountville Bypass
Blountville, TN 37617
Phone: 423.279.7500
Web: <http://www.scsotn.gov/>

Kingsport Police Department 200 Shelby Street
Kingsport, TN 37660
Phone: 423.229.9300
Web: <http://www.police.kingsporttn.gov/>

Elizabethton Police Department
136 South Sycamore Street
Elizabethton, TN 37643
Phone: 423.542.4141
Web: <http://www.elizabethtonpolice.org/>

Johnson City Police Department
P.O. Box 2150
601 East Main Street
Johnson City, TN 37601
Phone: 423.434.6160
Web: https://www.johnsoncitytn.org/police_department

Washington County Sheriff's Office
112 W. Jackson Blvd.
Jonesborough, TN 37659
Phone: 423.788.1414
Web: <https://www.wcso.net>

In the event of a sexual assault investigation, NeSCC Police Department will be the lead agency and the appropriate local law enforcement agency will be assisting conducting a joint investigation (per *Robert 'Robbie' Nottingham Campus Crime Scene Investigation Act of 2004*). The local law enforcement notification for rapes shall be the same as the notification for deaths. NeSCC Police Department's Chief of Police will make the request if the local law enforcement CID unit is needed at the scene.

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Assistant Director of Policy and Compliance at 423.354.5296 (ext. 5296 on campus), and Campus Police by calling 423.677.7927. Campus Police can be found in room C2401, or room A101, at 2425 Highway 75, Blountville, Tennessee 37617. If you would like, email Brian Johnson, Chief of Police, at bdjohnson@northeaststate.edu. NeSCC will provide resources to persons who have been victims of sexual assault, domestic violence, dating violence, or stalking, and will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining

protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with campus police or other law enforcement to preserve evidence if the victim changes her/his mind at a later date.

How the institution will protect the confidentiality of victims and other necessary parties for victims of dating violence, domestic violence, sexual assault, and stalking

As noted on page 9, NeSCC has incorporated limited voluntary confidential reporting. In accordance with state law, NeSCC allows limited voluntary confidential reporting. The NeSPD encourages anyone who is a victim or witness to dating violence, domestic violence, sexual assault, and stalking to promptly report the incident to the campus police. Because police reports are public records under state law, the NeSPD cannot hold reports of crime in confidence. 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 NeSPD 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, the college can keep accurate records of the number of incidents involving students; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community, through Timely Warnings or Immediate Notifications, to potential danger. Reports filed in this manner are counted and disclosed in the Annual Security Report for the institution.

NeSCC will keep confidential any accommodations or protective measures in accordance with state law and to the extent that maintaining such confidentiality would not impair the college's ability to provide the accommodations or protective measures.

Statement about support services available to victims of dating violence, domestic violence, sexual assault, and stalking

NeSCC will provide written notification to students and employers about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available for victims, both within the institution and in the community.

NeSCC will provide written notification to victims about options for available assistance in changing academic, living, transportation, and on campus working situations. NeSCC is obligated to make all such accommodations, if requested by the victim, if the accommodations are reasonably available and the institution has the means to provide. These accommodations will be provided regardless if the victim chooses to, or not to, report the crime to campus police or local law enforcement.

If a victim of sexual violence chooses to report an incident in a confidential manner, the College may be unable to investigate the matter or pursue disciplinary action against the alleged offender. For assistance with confidential reports, contact the Dean of Student Services/Counselor, a Licensed Professional Counselor/Mental

Health Service Provider employed by the College, at 423.323.0211 or email counseling@NortheastState.edu. The office is in the General Studies Building, Room C2101, on the Blountville campus.

Procedures for institutional disciplinary action in cases of dating violence, domestic violence, sexual assault, and stalking

Current Tennessee Board of Regents (TBR) and NeSCC policies and procedures involving Sexual Assault, Dating Violence, Stalking and Domestic Violence are noted below:

TBR

Sexual Misconduct, Policy 6:03:00:00 <https://policies.tbr.edu/policies/sexual-misconduct>

Discrimination and Harassment- Complaint and Investigation Procedure, Procedure P-080 Web address: <https://policies.tbr.edu/guidelines/discrimination-harassment-complaint-investigation-procedure>

NeSCC

Discrimination and Harassment, Policy 03:01:01
Web Address: <https://apps.northeaststate.edu/ie/policymanual/pol.asp?p=250>

Sexual Harassment, Policy 03:01:01:01
Web Address: <https://apps.northeaststate.edu/ie/policymanual/pol.asp?p=251>

Sexual Misconduct, Policy 03:01:08
Web Address: <https://apps.northeaststate.edu/ie/policymanual/pol.asp?p=258>

Racial Harassment, Policy 03:01:01:02
Web Address: <https://apps.northeaststate.edu/ie/policymanual/pol.asp?p=253>

Discrimination, Policy 03:01:01:03
Web Address: <https://apps.northeaststate.edu/ie/policymanual/pol.asp?p=254>

Harassment: Sexual, Racial and Other, Policy 05:04:03
Web Address: <https://apps.northeaststate.edu/ie/policymanual/pol.asp?p=113>

The Clery and Title IX Compliance Committee includes an interdisciplinary team of administrators from offices and departments across the college charged with guiding the oversight of college compliance with the Clery Act and Title IX regulations. This Committee will maximize college-wide collaboration with its responsibilities in complying with federal regulations. This committee will strive to foster a culture of compliance. The meetings will allow for the review of updates to laws and policies connected to the Clery Act and Title IX. In addition, it will serve as a forum to gather and share data for the Annual Fire Safety and Security Report. The creation and completion of tasks put forth by this committee will show NeSCC's diligence and continued "good faith efforts" to maintain compliance.

The Behavioral Intervention and Threat Assessment (BITA) Committee serves as NeSCC's central point of contact for threat assessments but is not a punitive or disciplinary board. The focus is on Behaviors of Concern and the determination of positive resolutions, including referrals to a care team of college and community professionals. The BITA Committee is chaired by the Vice President for Institutional Effectiveness and Student Success and includes the following: Vice President for Academic Affairs (or designee), Chief of Police, Dean of Enrollment Management and Dean of Students, Deputy Chief of Police, Coordinator of Accessibility Services, Director of Student Services/Counselor, Assistant Director of Equity and Compliance and Director for Human Resources.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to NeSCC, listed below are the procedures that NeSCC will follow as well as a statement of the standard of evidence that will be used during any administrative hearing on campus arising from such a report:

<p>SEXUAL ASSAULT</p>	<ul style="list-style-type: none"> • Depending on when reported (immediate vs. delayed report, institution will provide complainant with access to medical care • Institution will assess immediate safety needs of complainant • Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department • Institution will provide complainant with referrals to on and off campus mental health providers 	<p>Sexual assault cases are referred to the Title IX Coordinator. The Title IX Coordinator will perform Intake and Assessment of the Formal Complaint.</p> <p>Investigations will be completed within 90 days unless there are extenuating circumstances.</p>
	<ul style="list-style-type: none"> • Institution will assess need to implement supportive measures, such as housing changes, change in class schedule, “No Contact” directive between both parties • Institution will provide written instructions on how to apply for Protective Order • Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation. 	

STALKING	<ul style="list-style-type: none"> •Institution will assess immediate safety needs of complainant •Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department •Institution will provide written instructions on how to apply for Protective Order •Institution will provide written information to complainant on how to preserve evidence •Institution will assess need to implement supportive protective measures for complainant and/or respondent. •Institution will provide a “No Trespass” directive to accused party if deemed appropriate 	<p>Stalking cases are referred to the Assistant Director of Equity and Compliance. If the alleged offender is a visitor, the chief of Police will investigate the case for possible criminal and administrative sanctions.</p> <p>If the stalking is sexually based, it may fall under the college’s policies governing sexual misconduct and if so, would be referred to the Title IX Coordinator. The Title IX Coordinator will perform Intake and Assessment of the Formal Complaint.</p> <p>Investigations will be completed within 90 days unless there are extenuating circumstances.</p>
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DATING VIOLENCE	<ul style="list-style-type: none"> •Institution will assess immediate safety needs of complainant •Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department •Institution will provide written instructions on how to apply for Protective Order •Institution will provide written information to complainant on how to preserve evidence •Institution will assess need to implement supportive measures for the complainant and/or respondent •Institution will provide a “No Trespass” directive to accused party if deemed appropriate 	<p>Dating Violence cases involving students are referred to the Assistant Director of Equity and Compliance.</p> <p>If the dating violence is sexually based, it may fall under the college’s policies governing sexual misconduct and if so, would be referred to the Title IX Coordinator. The Title IX Coordinator will perform Intake and Assessment of the Formal Complaint.</p> <p>Investigations will be completed within 90 days unless there are extenuating circumstances.</p>
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<p>DOMESTIC VIOLENCE</p>	<ul style="list-style-type: none"> • Institution will assess immediate safety needs of complainant • Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department • Institution will provide written instructions on how to apply for Protective Order • Institution will provide written information to complainant on how to preserve evidence • Institution will assess need to implement supportive measures for the complainant and/or respondent, if appropriate • Institution will provide a “No Trespass” directive to accused party if deemed appropriate 	<p>Domestic Violence Cases involving students are referred to the Assistant Director of Equity and Compliance.</p> <p>If the domestic violence is sexually based, it may fall under the college’s policies governing Sexual Misconduct and if so, would be referred to the Title IX Coordinator. The Title IX Coordinator will perform Intake and Assessment of the Formal Complaint.</p> <p>Investigations will be completed within 90 days unless there are extenuating circumstances.</p>
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Procedures the institution will follow when a student or employee reports they are a victim of dating violence, domestic violence, sexual assault, or stalking, whether the incident occurred on or off campus

When a student or employee reports they are a victim of dating violence, domestic violence, sexual assault or stalking regardless of the location of the occurrence, NeSCC will review and present the victim with a copy of the Domestic Notification Packet. The Victim's Notification Packet explains the following, but not limited to, the following rights and options:

- How to get an order of protection
- Legal process required when obtaining an order of protection
- How to obtain immediate housing assistance, if needed
- NeSCC will transport victims to shelters, if needed
- Counseling resources, both on and off campus
- Where to obtain legal assistance
- Visa and Immigration assistance

Regardless of whether a victim elects to pursue a criminal complaint, the NeSCC (law enforcement officers only) will assist victims of sexual assault, domestic violence, dating violence, and stalking, and will provide each victim with a written explanation of their rights. In Tennessee, a victim of domestic violence, dating violence, sexual assault or stalking has the following rights in accordance with T.C.A. 36-3-619.

1. You may file a criminal complaint with the district attorney general. This is done through the local court system. Northeast State Police Officers and the college's Assistant Director of Equity and Compliance will assist you with this process up to and including a campus police officer going to the local court and preparing or assisting you in preparing the documentation required.
2. You may request a protection order. A protection order may include the following:
 - a) An order preventing the abuser from committing further domestic abuse against you
 - b) An order requiring the abuser to leave your household
 - c) An order preventing the abuser from harassing you or contacting you for any reason
 - d) An order giving you or the other parent custody of or visitation with your minor child or children
 - e) An order requiring the abuser to pay money to support you and the minor children if the abuser has a legal obligation to do so; and

- f) An order preventing the abuser from stalking you.

By Virtue of being a victim of any crime in Tennessee, you have certain rights as provided by Article 1, section 35 of the Constitution of Tennessee.

1. The right to confer with the prosecution.
2. The right to be free from intimidation, harassment, and abuse throughout the criminal justice system.
3. The right to be present at all proceedings where the defendant has the right to be present.
4. The right to be heard, when relevant, at all critical stages of the criminal justice process as defined by the statute.
5. The right to be informed of all the proceedings and the release, transfer, escape, or recapture of the accused or convicted person.
6. The right to a speedy trial or disposition and a prompt and final conclusion of the case after the conviction or sentence.
7. The right to restitution from the defender.
8. The right to be informed of each of the rights established for victims.

The following phone numbers are for your information and convenience in exercising your rights:

Tennessee Coalition to End Domestic Violence and Sexual Violence -
1.800.289.9018
Criminal Injuries Compensation Program - 615.741.2734
Statewide Victim Witness Coordinator - 615.253.8145
Probation and Parole - 615.253.7400
Tennessee Department of Correction - 615.741.1000
Tenn. Attorney General (appeals Info only) - 615.741.3491

Statement regarding where students and employees can obtain information regarding registered sex offenders

In compliance with the federal *Campus Sex Crime Prevention Act*, the *Tennessee College and University Campus Sex Crimes Prevention Act of 2002* and *Tennessee Code Annotated 40-39-102*, 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 at the Northeast State Police Department. Information is also available on the TBI's

website listing of sex offenders located on the internet at:
<https://www.tn.gov/tbi/general-information/tennessee-sex-offender-registry.html>
regarding emergency response and evacuation procedures.

Statement regarding emergency response and evacuation procedures

If a situation arises, either on our main campus, satellite sites or non-campus locations, that, in the judgment of college officials or the Chief of Police, constitutes an immediate, ongoing, or continuing threat, a campus-wide “emergency notification” will be issued. The notifications could be issued using one or all the following means:

- NeSCC Alert emergency notification system
- Campus Police and Safety website. To access “Crime Alert” go to <https://www.northeaststate.edu/campus-resources/Campus-Police/Crime-Alert/>
- Campus email system to students, staff, and faculty
- Verbally by supervisors to employees and faculty to students
- Flyers; and
- Through Building Coordinators and Assistant Building Coordinators to building occupants.

The NeSCC Alert emergency alert system is the primary means of communication the college uses to alert students, staff, and faculty of any threat that requires a campus or partial campus response. NeSCC Alert is a voluntary opt in web-based mass notification system that enables emergency and non-emergency messages to be instantly communicated to students, staff, and faculty through cell phone text messaging, landline, PDA, Blackberry, web page, and email. The system will not be used to send advertisements, and user information will not be shared with third parties outside the college. There is no cost to participate in Campus Alert, other than normal fees your mobile service provider may charge for receiving text messages. If you prefer not to receive text messages, you have the option of receiving only email messages. To participate please go to the college’s main web site <https://www.northeaststate.edu> and click on “NeSCC Alert System”, located at the bottom of the page, to register.

Emergency Notification

If a serious crime, a natural disaster, or a man-made emergency occurs that poses an immediate threat to the NeSCC campus community or any segment of the NeSCC campus community, NeSCC will immediately notify the campus community or the appropriate segments of the community that may be affected by the situation. The types of incidents that may cause an immediate threat to the NeSCC campus community could include but are not limited to emergencies such as: outbreak of meningitis, norovirus, or other serious illness, approaching tornado, hurricane or other extreme weather conditions, earthquake, gas leak, terrorist incident, armed intruder, bomb threat, civil unrest or rioting, explosion, and nearby chemical or hazardous waste spill.

Anyone with information warranting an emergency notification should immediately report the circumstances to the NeSPD in person or by telephone. NeSCC primarily utilizes the NeSCC Alert system to disseminate this information to the campus community. However, other means of emergency communication may be used such as separate emails, flyers, web site postings, social media messages, and verbally through the Building Coordinators and Assistant Building Coordinators depending upon the emergency.

Timely Warnings

The NeSPD, on behalf of the college, also issues/posts timely warnings for the following incidents:

- Criminal homicide which includes but is not limited to Murder and Non-negligent Manslaughter, and Manslaughter by Negligence (the college recognizes most cases of this nature will result in a Timely Warning being issued but the college reserves the right not to issue a Timely Warning based upon the nature of the offense, date/time of the offense, when it was reported, and the amount of information known by the NeSPD)
- Aggravated assault (cases involving assaults among known parties, such as two friends fighting which results in an aggravated injury, will be evaluated to determine if the aggressor(s) is believed to be an on-going threat to the campus community as a whole)
- Robbery involving force or violence (cases involving pick pocketing and purse snatching will typically not result in the issuance of a timely warning but will be assessed on a case-by-case basis)
- Sex offenses to include but not limited to Rape, Fondling, Incest, and Statutory Rape (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by the NeSPD)
- Burglary (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by the NeSPD)
- Major incidents of arson (Timely Warning will be issued if the crime poses an imminent or ongoing threat to the community and the amount of information is sufficient to issue the Timely Warning)
- Other crimes as determined necessary by the chief of Police, or his or her designee in his or her absence
- A timely warning will typically include the following, unless issuing any of this information would risk compromising law enforcement efforts:

- Date and time or timeframe of the incident
- A brief description of the incident
- Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips).
- Suspect description(s) when deemed appropriate and if there is sufficient detail (see below)
- Police/Public Safety contact information
- Other information as deemed appropriate by the Chief of Police or his/her designee

NeSCC primarily utilizes the NeSCC Alert system to disseminate timely warning information to the campus community. However, other means of emergency communication may be used such as separate emails, flyers, website postings, social media messages, and verbally through the Building Coordinators and Assistant Building Coordinators depending upon the scope and nature of the timely warning.

**Northeast State Police Department
Northeast State Community College
P.O. Box 246 Blountville, TN 37617
Phone: 423.323.0255 (off campus)
Emergency Cell 423.677.7927**

Email: bdjohnson@northeaststate.edu

**CRIME STATISTICS
NORTHEAST STATE COMMUNITY COLLEGE
BLOUNTVILLE CAMPUS**

CATEGORY	VENUE*	2020	2021	2022
CRIMINAL HOMICIDE (Total)		0	0	0
Murder and Non-negligent Manslaughter	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
Manslaughter by Negligence	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
SEX OFFENSES (Total)		0	0	0
Sexual Assault	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
Fondling	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
Incest	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0

CRIME STATISTICS
NORTHEAST STATE COMMUNITY COLLEGE
BLOUNTVILLE CAMPUS

CATEGORY	VENUE*	2020	2021	2022
Statutory Rape	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
ROBBERY (Total)		0	0	0
	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
AGGRAVATED ASSAULT (Total)		0	0	0
	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
BURGLARY (Total)		0	0	0
	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
MOTOR VEHICLE THEFT (Total)		0	0	0
	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0

**CRIME STATISTICS
NORTHEAST STATE COMMUNITY COLLEGE
BLOUNTVILLE CAMPUS**

CATEGORY	VENUE*	2020	2021	2022
ARSON (Total)		0	0	0
	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
DATING VIOLENCE (Total)		0	0	0
	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
DOMESTIC VIOLENCE (Total)		0	0	0
	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
STALKING (Total)		0	0	0
	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
ARREST FOR: (Total)		0	0	1
Liquor Law Violations	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0

**CRIME STATISTICS
NORTHEAST STATE COMMUNITY COLLEGE
BLOUNTVILLE CAMPUS**

CATEGORY	VENUE*	2020	2021	2022
Drug Related Violations	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
Weapons Possession	On Campus	0	0	1
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
DISCIPLINARY REFERRALS (Total)		0	0	0
Liquor Law Violations	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
Drug Related Violations	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
Weapons Possession	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0

**CRIME STATISTICS
NORTHEASTSTATE COMMUNITY COLLEGE
BLOUNTVILLE CAMPUS**

***VENUE**

On Campus-Any building or property owned or controlled by Northeast State Community College or any building or property that is frequently used by students and supports the institution (such as food or other retail vendor).

Non-campus building or property-Any building or property owned or controlled by a student organization that is officially recognized or any building or property owned or controlled by Northeast State Community College that is used in direct support of, or in relation to, Northeast State Community College's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of Northeast State Community College.

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

Dormitories or other residential facilities-Any residential building or structure owned or controlled by Northeast State Community College that houses students.

In compliance with the Violence Against Women Act (VAWA) Reauthorization Act of 2012, crime statistics, beginning in calendar year 2013, were added for the following offenses; Sexual Assault (from Rape), Dating Violence, Domestic Violence, and Stalking. Sexual Offenses were further broken down by Sexual Assault, Fondling, Incest, and Statutory Rape. Additionally, gender identity and national origin were added to the types of bias or prejudice reported.

The following additional offenses, not listed above, will be reported if determined to be hate crimes: Larceny-theft, Simple assault, Intimidation, Destruction/damage/vandalism of property.

Note: No hate crimes were reported to this institution for the calendar years 2015 and 2016. If any hate crime(s) are reported they will be noted as below.

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Ethnicity = e	Disability = d	Gender Identity= gi	National Origin= no

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Blountville TN 37617
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e-mail: bdjohnson@northeaststate.edu

CRIME STATISTICS
 NORTHEAST STATE COMMUNITY COLLEGE
 ELIZABETHTON CAMPUS

CATEGORY	VENUE*	2020	2021	2022
CRIMINAL HOMICIDE (Total)		0	0	0
Murder and Non-negligent Manslaughter	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
Manslaughter by Negligence	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
SEX OFFENSES (Total)		0	0	0
Sexual Assault	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
Fondling	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
Incest	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0

CRIME STATISTICS
 NORTHEAST STATE COMMUNITY COLLEGE
 ELIZABETHTON CAMPUS

CATEGORY	VENUE*	2020	2021	2022
Statutory Rape	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
ROBBERY (Total)		0	0	0
	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
AGGRAVATED ASSAULT (Total)		0	0	0
	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
BURGLARY (Total)		0	0	0
	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
MOTOR VEHICLE THEFT (Total)		1	0	1
	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	1	0	1
	Unfounded	0	0	0

CRIME STATISTICS
NORTHEAST STATE COMMUNITY COLLEGE
ELIZABETHTON CAMPUS

CATEGORY	VENUE*	2020	2021	2022
ARSON (Total)		0	0	0
	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
DATING VIOLENCE (Total)		0	0	0
	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
DOMESTIC VIOLENCE (Total)		1	0	0
	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	1	0	0
	Unfounded	0	0	0
STALKING (Total)		0	0	0
	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
ARREST FOR: (Total)		0	2	0
Liquor Law Violations	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0

CATEGORY	VENUE*	2020	2021	2022
Drug Related Violations	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
Weapons Possession	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	2	0
	Unfounded	0	0	0
DISCIPLINARY REFERRALS (Total)		0	0	0
Liquor Law Violations	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
Drug Related Violations	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
Weapons Possession	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0

**CRIME STATISTICS
NORTHEAST STATE COMMUNITY COLLEGE
ELIZABETHTON CAMPUS**

***VENUE**

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**CRIME STATISTICS
NORTHEAST STATE COMMUNITY COLLEGE
GRAY CAMPUS**

CATEGORY	VENUE*	2020	2021	2022
CRIMINAL HOMICIDE (Total)		0	0	0
Murder and Non-negligent Manslaughter	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
Manslaughter by Negligence	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
SEX OFFENSES (Total)		0	0	0
Sexual Assault	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
Fondling	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
Incest	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0

**CRIME STATISTICS
NORTHEAST STATE COMMUNITY COLLEGE
GRAY CAMPUS**

CATEGORY	VENUE*	2020	2021	2022
Statutory Rape	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
ROBBERY (Total)		0	0	0
	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
AGGRAVATED ASSAULT (Total)		0	0	0
	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
BURGLARY (Total)		0	0	0
	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
MOTOR VEHICLE THEFT (Total)		0	0	0
	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0

**CRIME STATISTICS
NORTHEAST STATE COMMUNITY COLLEGE
GRAY CAMPUS**

CATEGORY	VENUE*	2020	2021	2022
ARSON (Total)		0	0	0
	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
DATING VIOLENCE (Total)		0	0	0
	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
DOMESTIC VIOLENCE (Total)		0	0	0
	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
STALKING (Total)		0	0	0
	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
ARREST FOR: (Total)		0	0	0
Liquor Law Violations	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0

**CRIME STATISTICS
NORTHEAST STATE COMMUNITY COLLEGE
GRAY CAMPUS**

CATEGORY	VENUE*	2020	2021	2022
Drug Related Violations	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
Weapons Possession	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
DISCIPLINARY REFERRALS (Total)		0	0	0
Liquor Law Violations	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
Drug Related Violations	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
Weapons Possession	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0

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**CRIME STATISTICS
NORTHEAST STATE COMMUNITY COLLEGE
GRAY CAMPUS**

***VENUE**

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**CRIME STATISTICS
NORTHEAST STATE COMMUNITY COLLEGE
JOHNSON CITY CAMPUS**

CATEGORY	VENUE*	2020	2021	2022
CRIMINAL HOMICIDE (Total)		0	0	0
Murder and Non-negligent Manslaughter	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
Manslaughter by Negligence	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
SEX OFFENSES (Total)		0	0	0
Sexual Assault	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
Fondling	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
Incest	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0

**CRIME STATISTICS
NORTHEAST STATE COMMUNITY COLLEGE
JOHNSON CITY CAMPUS**

CATEGORY	VENUE*	2020	2021	2022
Statutory Rape	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
ROBBERY (Total)		0	0	0
	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
AGGRAVATED ASSAULT (Total)		0	0	0
	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
BURGLARY (Total)		0	0	0
	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
MOTOR VEHICLE THEFT (Total)		0	0	0
	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0

**CRIME STATISTICS
NORTHEAST STATE COMMUNITY COLLEGE
JOHNSON CITY CAMPUS**

CATEGORY	VENUE*	2020	2021	2022
ARSON (Total)		0	0	0
	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
DATING VIOLENCE (Total)		0	0	0
	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
DOMESTIC VIOLENCE (Total)		0	0	0
	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
STALKING (Total)		0	0	0
	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
ARREST FOR: (Total)		2	1	0
Liquor Law Violations	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0

**CRIME STATISTICS
NORTHEAST STATE COMMUNITY COLLEGE
JOHNSON CITY CAMPUS**

CATEGORY	VENUE*	2020	2021	2022
Drug Related Violations	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	2	1	0
	Unfounded	0	0	0
Weapons Possession	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
DISCIPLINARY REFERRALS (Total)		0	0	0
Liquor Law Violations	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
Drug Related Violations	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
Weapons Possession	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0

**CRIME STATISTICS
NORTHEAST STATE COMMUNITY COLLEGE
JOHNSON CITY CAMPUS**

***VENUE**

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**CRIME STATISTICS
NORTHEAST STATE COMMUNITY COLLEGE
KINGSPORT CAMPUS**

CATEGORY	VENUE*	2020	2021	2022
CRIMINAL HOMICIDE (Total)		0	0	0
Murder and Non-negligent Manslaughter	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
Manslaughter by Negligence	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
SEX OFFENSES (Total)		0	0	0
Sexual Assault	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
Fondling	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
Incest	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0

**CRIME STATISTICS
NORTHEAST STATE COMMUNITY COLLEGE
KINGSPORT CAMPUS**

CATEGORY	VENUE*	2020	2021	2022
Statutory Rape	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
ROBBERY (Total)		0	0	0
	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
AGGRAVATED ASSAULT (Total)		0	1	0
	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	1	0
	Unfounded	0	0	0
BURGLARY (Total)		0	0	0
	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
MOTOR VEHICLE THEFT (Total)		0	1	0
	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	1	0
	Unfounded	0	0	0

**CRIME STATISTICS
NORTHEAST STATE COMMUNITY COLLEGE
KINGSPORT CAMPUS**

CATEGORY	VENUE*	2020	2021	2022
ARSON (Total)		0	0	0
	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
DATING VIOLENCE (Total)		0	0	0
	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
DOMESTIC VIOLENCE (Total)		0	0	0
	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
STALKING (Total)		0	0	0
	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
ARREST FOR: (Total)		0	1	0
Liquor Law Violations	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0

**CRIME STATISTICS
NORTHEAST STATE COMMUNITY COLLEGE
KINGSPORT CAMPUS**

CATEGORY	VENUE*	2020	2021	2022
Drug Related Violations	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	1	0
	Unfounded	0	0	0
Weapons Possession	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
DISCIPLINARY REFERRALS (Total)		0	0	0
Liquor Law Violations	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
Drug Related Violations	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0
Weapons Possession	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	Unfounded	0	0	0

**CRIME STATISTICS
NORTHEAST STATE COMMUNITY COLLEGE
KINGSPORT CAMPUS**

***VENUE**

On Campus-Any building or property owned or controlled by Northeast State Community College or any building or property that is frequently used by students and supports the institution (such as food or other retail vendor).

Non-campus building or property-Any building or property owned or controlled by a student organization that is officially recognized or any building or property owned or controlled by Northeast State Community College that is used in direct support of, or in relation to, Northeast State Community College's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of Northeast State Community College.

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

Dormitories or other residential facilities-Any residential building or structure owned or controlled by Northeast State Community College that houses students.

In compliance with the Violence Against Women Act (VAWA) Reauthorization Act of 2012, crime statistics, beginning in calendar year 2013, were added for the following offenses; Sexual Assault (from Rape), Dating Violence, Domestic Violence, and Stalking. Sexual Offenses were further broken down by Sexual Assault, Fondling, Incest, and Statutory Rape. Additionally, gender identity and national origin were added to the types of bias or prejudice reported.

The following additional offenses, not listed above, will be reported if determined to be hate crimes: Larceny-theft, Simple assault, Intimidation, Destruction/damage/vandalism of property.

Note: No hate crimes were reported to this institution for the calendar years 2015 and 2016. If any hate crime(s) are reported they will be noted as below.

******* HATE CRIME NOTATIONS**

Type of Bias or Prejudice

Race = ra	Gender = g	Religion = re	Sexual Orientation = s
Ethnicity = e	Disability = d	Gender Identity= gi	National Origin= no

Each statistic resulting in bodily injury that is motivated by a type of bias or prejudice will have a superscript notation for the type of bias. Numbers in superscripted parenthesis indicate the number out of the total number of incidents that were motivated by each type of bias.

Northeast State Police Department
Northeast State Community College
P.O. Box 246, 2425 Highway 75
Blountville TN 37617
Phone: 423.323.0255
e-mail: bdjohnson@northeaststate.edu

EXHIBIT 1

03:01:08 Sexual Misconduct

Related Policies and Guidelines

[TBR Policy 06.03.00.00 Sexual Misconduct](#)

Purpose

It is the intent of Northeast State Community College to 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. This policy addresses the offenses defined herein as "Sexual Misconduct." Sexual Misconduct is a subset of a broader category of sexual harassment. Allegations of sexual harassment that do not meet the definition of Sexual Misconduct will be handled in accordance with TBR Guideline P-080 and applicable institutional policy. This policy is intended to provide a single, easily accessible and user-friendly document for students, employees, and others affected by Sexual Misconduct to find information regarding Northeast State's rules and procedures.

Definitions

For the purpose of this policy, the following definitions shall apply:

- Complainant – a person who is alleged to be the victim of conduct that could 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. Silence or an absence of resistance does not imply consent. Consent can be withdrawn at any time. See Clarifications for more information.
- Dating violence – violence against a person when the accuser and accused are dating, or who have dated, or who have or had a sexual relationship. "Dating" and "dated" do not include fraternization between two individuals solely in a business or non-romantic social context. Violence includes, but is not necessarily limited to,
 - inflicting, or attempting to inflict, physical injury on the accuser by other than accidental means;
 - placing the accuser in fear of physical harm;
 - physical restraint;
 - malicious damage to the personal property of the accuser, including inflicting, or attempting to inflict, physical injury on any animal owned, possessed, leased, kept, or held by the accuser; or,
 - placing a victim in fear of physical harm to any animal owned, possessed, leased, kept, or held by the accuser.
- Domestic violence – includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the

- victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurs, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime occurs. 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.
- Education program or activity - education programs and activities include locations, events, or circumstances over which the 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 (i) on or off premises owned or controlled by TBR, (ii) during school or work hours, (iii) as part of an institution-sponsored social activity, and (iv) as part of an activity that advances an educational purpose. Education programs or activities also include any building owned or controlled by a student organization that is officially recognized by a TBR institution. Whether Respondent is an institutional employee, and if so, the nature of the Respondent's employment may be relevant. No single factor is determinative, including whether or not the alleged harassment took place on premises owned or controlled by a TBR institution. The Title IX Coordinator, after consulting with the Office of General Counsel, will make a fact-specific decision whether, if proven, the allegations arise out of an education program or activity. Where some alleged Sexual Misconduct took place within a TBR education program or activity and some took place outside of it, the Title IX Coordinator will determine whether to investigate all of the allegations in accordance with this policy. The decision-maker will also make a Determination whether the TBR institution has established by a preponderance of the evidence that Sexual Misconduct took place in an institutional education program or activity.
 - 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:
 - Physical force (e.g., hitting, punching, slapping, kicking, restraining, choking, kidnapping, using a weapon, blocking access to an exit);
 - Words and/or conduct that would cause a reasonable person to fear:
 - Physical force or other harm to the person's health, safety, or property, or a third person's health, safety, or property;
 - Loss or impairment of an academic benefit, employment benefit, or money;
 - Disclosure of sensitive personal information or information that would harm a person's reputation;
 - Disclosure of video, audio, or an image that depicts the person's nudity or depicts the person engaging in a sexual act(s); or
 - Other immediate or future physical, emotional, reputational, financial, or other harm to the person or a third person.
 - Formal Complaint - a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Misconduct against a Respondent and requesting that 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 implicated by the Formal Complaint.

- “Incapacitation” means that a person lacks the ability to actively agree to a sexual act because the person is asleep, unconscious, under the influence of an anesthetizing or intoxicating substance such that the person does not have control over their body, is otherwise unaware that a sexual act is occurring, or their mental, physical, or developmental abilities renders them incapable of making a rational informed judgment. Incapacitation is not the same as legal intoxication. See Clarifications for more information.
- 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” means to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. Intimidation, threats, coercion, or discrimination, including charges against an individual for conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by this policy constitutes retaliation. Retaliation is a violation of this policy regardless of whether the underlying allegation of a violation of this policy is ultimately found to have merit.
 - The exercise of rights protected under the First Amendment and other provisions of the United States Constitution does not constitute retaliation.
 - Charging an individual with a policy or conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy does not constitute retaliation.
- “Sexual Assault” is an umbrella term that includes rape, fondling, incest, and statutory rape.
 - “Rape” means the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - “Fondling” means the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental incapacity.
 - “Incest” means sexual intercourse between persons who are related to each other within degrees where marriage is prohibited by law.
 - “Statutory rape” means sexual intercourse with a person who is under the statutory age of consent.
- Title IX Sexual Harassment⁴¹ – conduct on the basis of sex that satisfies either of the following:
 - an employee of an institution conditioning provision of an aid, benefit, or service of an institution on an individual’s participation in unwelcome sexual conduct (quid pro quo);
 - unwelcome conduct of a sexual nature determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the institution’s education program or activity. “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.

- 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.*

Policy

- I. Prohibition of Sexual Misconduct and General Information
 - A. Sexual Misconduct is a form of sex discrimination prohibited by Title IX. TBR is committed to helping its institutions rid their campuses of any and all acts of Sexual Misconduct. As set forth in this policy, Sexual Misconduct includes Title IX Sexual Harassment, Dating Violence, Domestic Violence, Stalking, and Sexual Assault. TBR and its institutions strictly prohibit these offenses. Each institution shall adopt its own policy that is consistent with this policy. For purposes of institutional policy, a reference to the institution includes the TBR System Office for any complaints, investigations, adjudications and other proceedings that involve the TBR System Office.
 1. Because Sexual Misconduct is a subset of the broader category of sexual harassment, not all sexual harassment allegations will be handled according to this policy. Allegations of sexual harassment that do not fall within the more limited definition of Sexual Misconduct or otherwise do not meet the criteria for filing a Formal Complaint will be handled in accordance with TBR Guideline P-080 and institutional policy.
 2. With respect to allegations of Sexual Misconduct against faculty and staff in which a student is not the Complainant, additional laws and policies apply, most notably Title VII and anti-discrimination policies. In such situations and absent unusual circumstances, the Complainant may file a Formal Complaint pursuant to this policy or proceed pursuant to TBR Guideline P-080 and the appropriate institutional policy.
 3. With respect to allegations of Sexual Misconduct in which a student is either a Complainant or Respondent and meets the criteria for filing a Formal Complaint, absent unusual circumstances, pursuing a Formal Complaint pursuant to this policy will be the appropriate method of addressing the allegations.
 4. Upon receiving and assessing a report of Sexual Misconduct and/or sexual harassment, the Title IX Coordinator will decide whether the criteria for proceeding under this policy are met and whether another policy may apply. If there is a possibility of proceeding pursuant to TBR Guideline P-080 and another institutional policy, the Title IX Coordinator will explain the options.
 5. In addition to conduct by students, faculty and staff, this policy applies to conduct by third parties. An example of a third party is a vendor with whom the institution contracts to provide services.
 6. This policy applies to all students and employees, regardless of sexual orientation or gender identity.
 - B. Title IX Coordinators

1. Northeast State's Title IX Coordinator is Tracy Barry, 2425 Highway 75, Box 246, Blountville, TN 37617, 423.354.5296, <mailto:thbarry@northeaststate.edu>. A Deputy Title IX Coordinator has the same authority under this policy as the Title IX Coordinator.
2. To view a list of Title IX Coordinators by Institution, follow this link: <http://www.tbr.edu/oesi/office-organization-effectiveness>

C. Lack of Bias and Equitable Treatment

1. Neither the Title IX Coordinator, any investigator, any decision-maker, any person designated to facilitate an informal resolution process, nor anyone deciding an appeal will have a conflict of interest or bias for or against complainants or respondents generally, or against an individual Complainant or Respondent.
2. The Title IX Coordinator is responsible for appointing investigators, decision-makers, and appellate reviewers, and may appoint someone from another institution or someone not employed by a TBR institution in order to avoid potential bias or for other reasons. In the event of potential bias of the Title IX Coordinator, or if the Title IX Coordinator believes that another person should serve in that role for other reasons, the Title IX Coordinator should report the matter to TBR Central Office.
3. Institutions will provide a prompt, fair, and impartial investigation, adjudication, and, if applicable, disciplinary process. Institutions will treat Complainants and Respondents equitably, which includes an objective evaluation of all relevant evidence, including both evidence that tends to prove or disprove the allegations.
4. Credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.
5. The investigation will proceed with a presumption that the Respondent is not responsible for the alleged conduct unless and until a Determination of responsibility for a violation of this policy is made at the conclusion of the decision-making process. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests with the institution. The parties do not carry the burden of proof. It is the institution's responsibility to establish Sexual Misconduct by a preponderance of the evidence.
6. The institution shall provide simultaneous written notification to the Parties of (1) any initial, interim, or final decision by an official authorized to resolve disciplinary matters, (2) any available appeal procedures for that decision, (3) any change to that decision, and (4) when that decision becomes final. The Parties will receive timely and equal access to information.

II. How to Report Sexual Misconduct

- A. Northeast 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.
 1. A report of Sexual Misconduct should be made to the Title IX Coordinator. Such a report can be made at any time, including during non-business hours, by using the telephone number or electronic mail address, or office mail address listed for the Title IX Coordinator:

Tracy Barry

2425 Highway 75, Box 246
Blountville, TN 37617
423.354.5296
<mailto:thbary@northeaststate.edu>

2. Northeast State recommends that reports and complaints of all Sexual Misconduct be made to the Title IX Coordinator so that the institution can respond appropriately. Although reports and complaints of Sexual Misconduct may be made at any time, reports should be made as soon as possible so that the college is best able to address the allegation.
 3. Northeast 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.
- B. Supportive and Interim Measures
1. After receiving a report of potential Sexual Misconduct, whether or not the report is a Formal Complaint, the Title IX Coordinator will contact the Complainant to discuss the availability of Interim/Supportive Measures, inform the Complainant of their availability, and consider the Complainant's wishes with respect to potential Interim/Supportive Measures. The Title IX Coordinator will also explain the process for filing a Formal Complaint.
 2. The Title IX Coordinator, in conjunction with the appropriate department, may implement interim, supportive, or protective measures while assessing, investigating, and resolving the report. These Interim/Supportive Measures are non-disciplinary, non-punitive, individualized services and are offered without fee or charge to the Complainant or Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed.
 3. They are designed to restore or preserve equal access to the institution's programs or activities without unreasonably burdening the other Party and may include measures designed to protect the safety of all Parties or the institution's educational environment or deter Sexual Misconduct.
 4. These measures may include, but are not limited to: mutual no-contact directives; access to counseling services and assistance in setting up an initial appointment; changing schedules, assignments, or job/study locations to lessen or minimize contact; extensions of deadlines and course-related adjustments; limiting or barring an individual's or organization's access to certain institutional facilities or activities; providing an escort to ensure safe movement on campus; providing academic support services, such as tutoring; arranging for a Party to re-take a course or withdraw from a class without penalty; administrative leave; leave of absence; institution-imposed leave or physical separation from individuals or locations.
 5. The institution will attempt to maintain the confidentiality of such Interim/Supportive Measures, to the extent that it can do so without impairing its ability to effectuate the Interim/Supportive Measures or to investigate and adjudicate the complaint.
- C. Formal Complaint

1. Any person alleging to be a victim of Sexual Misconduct that took place within an education program or activity of Northeast State in the United States may file a Formal Complaint under this policy.
 2. A Complainant who wants Northeast State to conduct an investigation and take action in accordance with this policy must file a Formal Complaint alleging Sexual Misconduct.
 3. A Complainant must submit a written Formal Complaint in person, by mail, or via electronic mail to the Title IX Coordinator. The document must contain the Complainant's physical signature or a "digital signature." (A digital signature is information transmitted electronically that enables the Title IX Coordinator to determine that the Complainant is the person submitting the complaint, including, but not limited to, an email from a Northeast State account or a typed version of the Complainant's name. A digital signature need not reproduce a written signature.) A Formal Complaint cannot be submitted anonymously. Only the Title IX Coordinator can submit a Formal Complaint on behalf of another person.
 4. Although Northeast State will attempt to consider the wishes of Complainants, including that no investigation be conducted, Northeast State will also consider their obligations under both TBR policy and applicable law, including Title VII of the Civil Rights Act of 1964. Thus, when the Title IX Coordinator receives a report of Sexual Misconduct, and especially when the complaint involves an employee, the Title IX Coordinator may decide to investigate the matter pursuant to Guideline P-080 and institutional policy, even if the Complainant does not want the report investigated. If the Title IX Coordinator decides to file a Formal Complaint, the Title IX Coordinator is not a "Party" to any investigation, Determination or hearing process.
 5. Complainants should provide as much of the following information as possible: what happened, where, and when; names of all people involved, including witnesses (if any); supporting documentation (if any); and contact information. Northeast State encourages reporting of Sexual Misconduct even if some or all information is unavailable or cannot be provided. The Title IX Coordinator will explain their role, the options for reporting an incident, potential available Interim/Supportive Measures, and the available resources for assistance.
- D. Confidential Resources (who will not share information with Title IX Coordinator)
1. Northeast State encourages victims of Sexual Misconduct to talk to someone about what happened, whether they want their report to be investigated or not. Institutions should offer Complainants someone to talk to confidentially, so that they can get the support they need. Institutional policy shall explain that some resources are confidential and should be considered if the Complainant does not want the institution to investigate the matter.
 2. Northeast State employs as confidential resources licensed professional counselors/mental health providers when acting in that role. These resources do not report any information about an incident to the Title IX Coordinator without a Complainant's permission.
 3. Counselors and health care providers not affiliated with the institution will generally maintain confidentiality and not share information with the institution unless the Complainant requests the disclosure and signs a consent or waiver form. However, these resources may have reporting obligations under state or federal law. For example, healthcare providers and certain other individuals are required to notify law enforcement when a

person seeks treatment for injuries related to a violent crime, including injuries resulting from Sexual Misconduct or abuse of a minor.

4. Confidential Resources:

For Students:

NeSCC Counseling Services
Counseling@NortheastState.edu
423.323.3191

For Faculty/Staff:

Employee Assistance Program/EAP
1.855.437.3486
www.here4tn.com

E. Reporting by Employees

1. Institutional policy shall provide that
 - a. All employees who learn of Sexual Misconduct (or any form of sexual harassment or sex discrimination, or retaliation) are encouraged to report such matters to the Title IX Coordinator.
 - b. Supervisors and managers who learn of Sexual Misconduct (or any form of sexual harassment or sex discrimination, or retaliation) *must immediately* report such concerns to the Title IX Coordinator.

F. Anonymous and Third-Party/Bystander Reporting

1. Institutional policy shall encourage third parties to report incidents of Sexual Misconduct to the Title IX Coordinator. The institution may not be able to move forward with third-party reports if the Complainant does not wish to file a Formal Complaint or cooperate with an investigation.
2. After providing a report, third parties are not entitled to information about the institution's investigation and response due to privacy concerns and applicable federal and state laws.

G. Abuse of Minors

1. Institutional policy shall include a statement that Tennessee law mandates reporting by any person who has knowledge of physical or mental harm to a child if: (1) the nature of the harm reasonably indicates it was caused by brutality, abuse, or neglect; or (2) on the basis of available information, the harm reasonably appears to have been caused by brutality, abuse, or neglect. Tennessee law also mandates reporting by any person who knows or has reasonable cause to suspect that a child has been sexually abused, regardless of whether the child has sustained any apparent injury as a result of the abuse.
2. In the event of a life-threatening emergency, a report of child abuse or child sexual abuse should be made by calling 911. In other cases, a report of child abuse or child sexual abuse must be made immediately to one of the following authorities:
 - a. The Tennessee Department of Children's Services (the Central Intake Child Abuse Hotline is 1-877-237-0004);
 - b. The sheriff of the county where the child resides;
 - c. The chief law enforcement official of the city where the child resides;
or
 - d. A judge having juvenile jurisdiction over the child.

3. In addition, institutional employees shall make a report of child abuse or child sexual abuse in connection with an institutional program or activity to the Title IX Coordinator. Note that a report to an institutional law enforcement or security agency is not sufficient to comply with state law.

H. Local Law Enforcement Agencies

Northeast State Campus Police Department

Room C2401
423.323.0255

Local Law Enforcement

Sullivan County Police Department

P.O. Box 589
Blountville, TN 37617
423.279.5500

Kingsport City Police Department

200 Shelby Street
Kingsport, TN 37660
423.229.9300

Johnson City Police Department

601 E Main Street
Johnson City, TN 37601
423.434.6000

Carter County Sheriff's Office

900 E Elk Avenue
Elizabethton, TN 37643
423.542.1845

I. Reporting Pursuant to the Nottingham Act.

1. Unless the victim of a rape does not consent to the reporting of an offense, the chief security officer or chief law enforcement officer of Northeast State shall immediately notify the local law enforcement agency with territorial jurisdiction over the institution if the officer is in receipt of a report from the victim alleging that any degree of rape has occurred on the property of the institution. The chief security officer or chief law enforcement officer shall designate one (1) or more persons who shall have the authority and duty to notify the appropriate law enforcement agency in the absence of the chief security officer or chief law enforcement officer. In the case of an alleged rape, Northeast State's law enforcement agency shall lead the investigation. After notifying the local law enforcement agency, the institution shall cooperate in every respect with the investigation conducted by the law enforcement agency. T.C.A. § 49-7-129.
2. If the victim does not consent to the reporting, the chief security officer or chief law enforcement officer of Northeast State shall not report the offense to the local law enforcement agency. T.C.A. § 49-7-2207; T.C.A. § 49-7-129.

III. Additional Information

A. No Retaliation

1. 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 (or any other form of discrimination prohibited by institutional policy) is prohibited. Individuals must not interfere with an investigation. Retaliation will result in disciplinary measures, up to and including termination or expulsion.
 2. In order to help prevent retaliation, institutional policy is to keep confidential the identity of anyone who has made a report or complaint of sex discrimination, including anyone who has filed a Formal Complaint of Sexual Misconduct, any Complainant, any Respondent, and any witness except as is required to carry out an institution's responsibilities under this policy, as permitted by FERPA, or as required by law.
 3. Anyone who wishes to file a complaint of retaliation should contact the Title IX Coordinator.
- B. Emergency Removal/Administrative Leave
1. If it appears, based on an allegation of Sexual Misconduct, that a student may constitute an immediate and direct threat to the physical health or safety of another individual, Northeast State will conduct an individualized inquiry and risk analysis and may place the student on interim suspension on an emergency basis. If the institution implements an interim suspension, the student shall be given the opportunity at the time of the decision, or as soon thereafter as reasonably possible, to contest the interim suspension. Institutions shall follow the procedures set forth in TBR Policy 3.02.00.01-General Regulations on Student Conduct & Disciplinary Sanctions (and applicable institutional policies) before placing any student on interim suspension.
 2. The institution may place employees on administrative leave or similar action while addressing allegations of Sexual Misconduct.
 3. Visitors, vendors, and other third Parties may be removed from the premises consistent with applicable policies and procedures.
- C. Court Orders
1. Individuals may seek orders of protection, restraining orders, or other similar orders from a court of law.
- D. Institutions shall not create a separate procedure for investigating and resolving complaints of Sexual Misconduct involving athletes or any other subgroup of students.
- E. Participation in the Formal Complaint process by a Complainant, Respondent, institution, or other person does not waive applicable privileges, including attorney-client privilege, doctor-patient privilege, the peer review/quality improvement privilege, etc. The holder of a privilege may waive it in certain circumstances.
- IV. Investigation and Outcomes
- A. The Office of General Counsel 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.

C. Notice of Allegations

1. 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:
 - 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 presumed 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.

2. If, during the course of an investigation, the institution 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.

D. 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 Northeast State; or specific circumstances prevent Northeast 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 Northeast State will investigate or respond to the allegations under another policy, guideline, or process and the availability of other methods to address the allegations.

E. 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 Northeast 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.

F. Investigation of Formal Complaints

1. Northeast State will investigate all Formal Complaints, unless dismissed or resolved. During the investigation:
 - a. The institution 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;
 - b. 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;
 - c. Although the Parties are encouraged to provide the institution with information and evidence related to the allegations, the institution is ultimately responsible for gathering evidence sufficient to reach a Determination regarding responsibility;
 - d. The institution 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;
 - e. 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, in accordance with Section IV.H. below;
 - f. When a Party is invited or expected to participate in a meeting, the institution 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;

- g. 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;
- h. Prior to the completion of an investigation report, the institution will send to each Party the evidence subject to inspection and review. Unless a Party requests that the institution not do so, the institution will also send the evidence to each advisor who has been identified. An institution may decide to provide access to evidence through electronic means that is not available for download. In such case, the Parties and their 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
- i. The institution 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.

G. Investigation Report

1. At the conclusion of the investigation, the investigator will prepare written report. The report shall:
 - a. identify the allegations;
 - b. identify relevant policies, guidelines, and other standards;
 - c. 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
 - d. fairly summarize the relevant evidence.
2. The written report shall not make findings of fact or conclusions regarding the application of facts to this policy.
3. 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.
4. 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.

H. 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 institutional 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. The institution 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.
- I. Recordings
1. Parties are not permitted to record any meeting conducted pursuant to this policy.
 2. When a live hearing is conducted, the institution will create an audio recording, audiovisual recording, or transcript and make it available to the Parties for inspection and review.
- J. 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.
- K. Standard of Evidence
1. In determining whether Respondent engaged in Sexual Misconduct, Northeast State uses 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. The burden of proof will remain with the institution through the Determination.
- L. 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.
- M. Parallel Investigations with Law Enforcement
1. The filing of a police report or the pendency of civil or criminal proceedings does not preclude the institution from proceeding with its investigation and Determination.
 2. The investigation and Determination may be delayed until law enforcement has finished gathering evidence and indicated that the institution may proceed with an investigation, but the institution generally will not wait for the conclusion of any criminal proceeding.
 3. Civil or criminal proceedings are separate and distinct from internal institutional proceedings, and they may or may not run parallel to one another. However, the institution 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).
- N. Live Hearings
1. The institution 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. 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 prehearing matters and at the hearing, how evidence is examined and the order of witnesses.
 2. At the request of either Party, the institution 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.
 3. 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.
 4. Live hearings may be conducted with all Parties physically present in the same geographic location or, at the institution'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.

5. At least ten (10) business days prior to a live hearing, the institution will provide both Parties with written notice of the following:
 - a. The time, place, date of the hearing, and electronic access information, if applicable;
 - b. The name of each witness the institution expects to present or be present at the hearing and those the institution may present if the need arises;
 - c. 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;
 - d. 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;
 - e. 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, the institution 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;
 - f. Any Party in need of an institution-provided advisor must inform the Title IX Coordinator at least five (5) business days before the hearing;
 - g. Any cross-examination of any other Party or witness must be conducted by the advisor; and
 - h. Additional information may be included in the notice of hearing.
6. 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 the institution, notice is effective on the date that the notice is delivered to the Parties. When notice is sent by email, the notice is effective on the date that the email is sent to a Party institution-provided email account.
7. The decision-maker may conduct a pre-hearing meeting or conference with the Parties and their advisors to discuss pre-hearing issues, including any technology to be used at the hearing and the general rules governing the hearing.
8. 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.
9. If a Party fails to attend a hearing, the decision-maker may proceed without that Party's participation.
10. 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.
11. 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.

12. 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.
13. 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.
14. 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 presentation of arguments or evidence, including opening statements, closing arguments, or direct examinations.
15. If a Party does not have an advisor at the live hearing, the institution will provide without fee or charge to that Party an advisor. The institution will choose the advisor.
16. If a Party or witness does not submit to cross-examination at the live hearing, the decision-maker will not rely on any statement of that Party or witness in reaching a Determination regarding responsibility; provided however, that the decision-maker cannot draw an inference about the Determination regarding responsibility based solely on a Party's or witness's absence from the live hearing or refusal to answer cross examination or other questions.
17. 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.
18. The institution will create an audio or audiovisual recording, or transcript, of a live hearing and make it available to the Parties for inspection and review.
19. 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 the Complainant would like to withdraw a Formal Complaint or any allegations therein, the Respondent is no longer enrolled or employed by the institution, or specific circumstances prevent the institution from gathering evidence sufficient to reach a Determination as to the Formal Complaint or allegations therein.
20. 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 therefor simultaneously to the Parties.

O. Written Determination

1. 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.

2. The Determination becomes final either on the date that the institution 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.
3. The Determination will include:
 - a. 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;
 - b. 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;
 - c. Findings of fact supporting the Determination;
 - d. Conclusions regarding the application of this policy, as well as any other relevant policy, guidelines, or code, to the facts;
 - e. A statement of, and rationale for, the result as to each allegation before the decision-maker, including a Determination regarding responsibility;
 - f. Any disciplinary action that the decision-maker imposes on the Respondent, including referral to another process, such as tenure termination proceedings;
 - g. Any remedies that the institution will provide designed to restore or preserve equal access to the Complainant; and
 - h. The permissible bases and procedures, including timelines, for appeals by the Parties.

P. Remedies and Disciplinary Action Following Determinations of Violations

1. The institution will provide remedies where a Determination of responsibility for Sexual Misconduct has been made. The institution will follow this policy before the imposition of any disciplinary sanctions for Sexual Misconduct that are not supportive/interim measures.
2. 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. Remedies should also consider improvements to the campus-wide environment. It is the intent of TBR that institutions 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.
3. The Title IX Coordinator is responsible for ensuring effective implementation of the remedies.

Q. Appeals/Post-Determination Procedures

1. Parties are permitted to appeal to the institution'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:
 - a. procedural irregularity that affected the outcome of the matter;

- b. 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;
 - c. 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.
2. 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 or the dismissal. The written appeal must identify the reasons for the appeal.
 3. As to all appeals, the Title IX Coordinator will:
 - a. Notify the other Party in writing when an appeal is filed;
 - b. Implement appeal procedures equally for both Parties;
 - c. Ensure that the decision-maker(s) for the appeal is not the same person as the investigator, the decision-maker, or Title IX Coordinator;
 - d. Provide each Party five (5) business days to provide a written statement in support of, or challenging, the Determination.
 4. 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.

V. Victim Services

A. TBR intends for each institution to provide resources and assistance to victims of Sexual Misconduct.

1. Institutions Without On-Campus Services
 - a. For institutions without medical, counseling, or law enforcement services on their campuses, these institutions should partner with local community organizations that may be able to provide these services for victims of Sexual Misconduct.
 - b. Any such partnership shall be clearly communicated to students, faculty, and staff.
 - c. Any victim presenting to an institution without on-campus resources shall be informed about the agreement and encouraged to seek services from the partnering community organizations.
 - d. Local Resources include:

Branch House
 313 Foothills Drive
 Blountville, TN 37617
 423.574.7233
 SANE nurse available – 24/7

Bristol Crisis Center
 100 Oakview Avenue
 Bristol, VA 24201
 800.273.8255

2. Victim Services Policy

- a. Northeast State has a policy, NeSCC 07:02:00, which describes the assistance and services it provides to victims. Each policy shall include, at a minimum, the following:
 1. The identity and contact information for any trained on- and off-campus advocates and counselors who can provide an immediate confidential response in a crisis situation;
 2. Emergency numbers for on- and off-campus safety, law enforcement, and other first responders, including the Title IX Coordinator;
 3. A list of health care options, both on- and off-campus, including options to seek treatment for injuries, preventative treatment for sexually transmitted diseases, and where and how to get a rape kit or find a Sexual Assault Nurse Examiner (SANE);
 4. A statement that it is very important for the Complainant to seek medical attention immediately so that the Complainant can be screened for sexually transmitted diseases/pregnancy/drugs that may have been used to incapacitate, obtain emergency contraception, and receive treatment for any injuries. Valuable physical evidence can be obtained from the Complainant and the Complainant's clothing. Even those who are unsure whether to make a police report or take action may wish to have a forensic examination, which will facilitate the identification and preservation of physical evidence;
 5. A statement that to help preserve evidence in the event of a sexual assault, it is important for the Complainant not to change clothes or bedding and not take a shower, douche, use the toilet, brush their teeth, or clean up until police have had a chance to gather evidence. However, if a Complainant has already changed clothes or cleaned up/showered, evidence may still be collected. The Complainant should leave any clothes or bedding unfolded and undisturbed, if possible. If clothing or bedding must be moved, items should be kept separate to prevent transfer of body fluids or other trace evidence. Parties should not delete or destroy any text messages, social media, emails, voicemails, written notes, or any other documents that may be relevant.
 6. A list of locations, including contact information, for any available advocate (e.g., a local rape crisis center, on-campus advocacy program) who can accompany a victim to the hospital or health provider;
 7. A statement that these services are available for victims of Sexual Misconduct whether or not a victim chooses to make an official report or participate in the institutional disciplinary or criminal process.

VI. Education, Training, and Awareness

- A. It is the intent of TBR that its institutions will offer educational programming and training to their students, faculty, and staff that are intended to end Sexual Misconduct.

- B. TBR institutions are encouraged to provide user friendly materials to explain the policy and how victims can get help, and provide those materials online and through other strategies appropriate for the campus. Institutional education related to Sexual Misconduct should be provided to incoming students. Institutions should promote awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking. Education should also include information on how to prevent sexual assault, such as information on bystander intervention, as well as how to recognize abusive behavior and avoid potential abusive relationships. Students shall be trained on the procedures for filing a report, as well as procedures for institutional disciplinary action in cases of alleged sexual violence. Institutional education will also inform students of the sanctions and protective measures that the institution may impose once a report of sexual violence has been made.
 - C. Institutions shall establish procedures for regularly reviewing, evaluating, and updating the policy. Institutional training may provide training to all employees likely to witness or receive reports of sexual harassment, including faculty, school law enforcement, school administrators, school counselors, athletic coaches, and health personnel. Training should ensure that employees with the authority to address sexual harassment know how to appropriately respond to reports of sexual harassment, that employees know whether they are obligated to report sexual harassment the Title IX Coordinator or other designated official, and that all employees understand how to respond to reports of sexual harassment. Training should also ensure that professional counselors, pastoral counselors, and non-professional counselors or advocates also understand the extent to which they may keep a report confidential.
 - D. Title IX Coordinators, investigators, decision-makers, institution-provided advisors, any person designated to facilitate an informal resolution process, and any person designated to resolve an appeal will receive training on the definition of Sexual Misconduct, the scope of TBR and institutional education programs and activities, how to conduct an investigation and grievance process, including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Such individuals will receive training on issues of relevance related to creating and/or reviewing an investigative report that fairly summarizes relevant evidence. Training will not rely on sex stereotypes and will promote impartial investigations and adjudications of Formal Complaints.
 - E. Institutions will notify applicants for admission and employment, students and employees, that it does not discriminate on the basis of sex in its education programs and activities and will provide the name, title, office address, electronic mail address, and telephone number of the Title IX Coordinator in that notification.
- VII. Effective Date
- A. This policy is effective August 16, 2021 at community colleges and August 26, 2021 at TCATs.
 - B. If any provision of the Title IX regulations on which this policy is based is enjoined or held invalid as it applies to the TBR institution or the Title IX regulations' application to any person, act, or practice is enjoined or held invalid as it applies to the TBR institution, the remainder of this policy or the application of its provisions to any person, act, or practice shall not be affected thereby.
 - C. For conduct that occurs across multiple versions of this policy, complaints of Sexual Misconduct will be addressed utilizing the procedures outlined in the version of this policy in effect as of the date of the Notice of Allegations. The "Definitions" and "Clarifications" sections of the policy in effect as of the date of the alleged incident

will be used. Complaints and reports of conduct spanning more than one version of the policy will be addressed using the "Definitions" and "Clarifications" sections in the version of the policy in effect at the time of the most recent alleged incident.

VIII. Clarifications

A. Consent

1. Consent means an active agreement to participate in sexual activity. An active agreement is words and/or conduct that communicate a person's willingness to participate. The following individuals cannot give valid Consent:
 - a. A person who is Incapacitated, if either the person claiming to have obtained Consent knows that the other person is Incapacitated or a reasonable person would know that the other person is Incapacitated;
 - b. A person who is Forced; or
 - c. A person who is under the age of eighteen (18), unless the person giving Consent is at least the age of thirteen (13) and the other person is less than four (4) years older than the person giving Consent.
2. During a sexual encounter, each person has responsibility for obtaining Consent from the other person. During an investigation, the institution has the burden of obtaining evidence whether Sexual Misconduct occurred without Consent. During any hearing, the institution has the burden of proving that Sexual Misconduct occurred without Consent. (In other words, it is not a Respondent's burden to prove Consent during an investigation or hearing). Whether a person has communicated Consent generally is evaluated from the perspective of what a reasonable person who perceived the individual's words and/or nonverbal conduct would have understood; however, in the context of a relationship that has involved sexual activity and a pattern of communicating Consent, whether Consent has been communicated may be evaluated based on a subjective standard (i.e., what did the specific person who initiated the sexual activity conclude based on the pattern of communication?).
3. A verbal "no" (or words equivalent to "no") or the nonverbal communication of "no," even if it sounds or appears insincere or indecisive, means that Consent has not been communicated, or if previously communicated, has been withdrawn. The absence of a verbal "no" or the absence of a nonverbal communication of "no" does not necessarily mean that Consent has been communicated.
4. Consent must exist from the beginning to the end of each sexual encounter and for each sexual act that occurs during a sexual encounter. A person has a right to change their mind; thus, Consent may be withdrawn at any time. A withdrawal of Consent is communicated through clear words and/or conduct that indicate that a person no longer agrees to participate in sexual activity. Once a person's withdrawal of Consent has been communicated, the other person must cease the sexual act for which Consent was withdrawn and must obtain Consent before reinitiating that sexual act. Consent is automatically withdrawn when a person becomes incapacitated or is forced to participate in sexual activity.
5. Consent to one type of sexual activity (e.g., oral sex) does not constitute or imply Consent for another type of sexual activity (e.g., vaginal intercourse),

whether during a sexual encounter or based on a previous sexual encounter.

6. The following do not communicate a person's willingness to participate in sexual activity:
 - a. Silence, unless accompanied by non-verbal conduct conveying a willingness to participate in sexual activity;
 - b. Consent communicated by the person on a previous occasion;
 - c. Consent communicated to a third person;
 - d. The person's failure to resist physical force (however, for purposes of the Policy, the person's resistance to physical force will be viewed as a clear demonstration that the person has not communicated Consent);
 - e. A current or previous dating, romantic, intimate, or sexual relationship with the other person;
 - f. Currently or previously cohabitating with the other person;
 - g. The person's attire, reputation, giving or acceptance of gifts, sexual arousal, or extension or acceptance of an invitation to go to a private residence, room, or other location.
 - h. One's own use of alcohol, drugs, or other substances does not diminish one's responsibility to obtain Consent from the other person. Another person's use of alcohol, drugs, or other substances does not diminish one's responsibility to obtain Consent from that person.

B. Force

1. Force includes physical force (such as pushing, hitting, pinning down), threats (direct or indirect expressions of intent to inflict harm to self or others), intimidation (implied or indirect threats), and/or other forms of coercion. To coerce is to attempt to cause another person to act or think in a certain way by use of force, pressure, threats, or intimidation; to compel is to coerce.

C. Incapacitation

1. A person violates this policy when they engage in sexual activity with another person who is incapacitated under circumstances in which a reasonable person would have known the other person to be incapacitated. For evaluating Incapacitation, a "reasonable person" means a sober, objectively reasonable person in the same situation, with ordinary sensitivities, and with similar identities as the Respondent.
2. Incapacitation can be voluntary or involuntary. Signs of Incapacitation may include, without limitation: sleep; total or intermittent unconsciousness; lack of control over physical movements (e.g., inability to dress/undress without assistance; inability to walk without assistance); lack of awareness of circumstances or surroundings; emotional volatility; combativeness; vomiting; incontinence; unresponsiveness; and inability to communicate coherently. Incapacitation is an individualized determination based on the totality of the circumstances.
3. Blacking out is an amnesia-like state that may be brought on by drugs, heavy drinking, or intoxication; blacking out is not necessarily incompatible with the ability to engage in simple or even complex behavior. After blacking out, a person has no recollection of all or part of the events that occurred during the blackout. There is a distinction between passing out (falling asleep or becoming unconscious) due to drug or alcohol use and blacking out in that a person in a blackout remains conscious and operative.

4. Incapacitation or Incapacitated means a person's inability, temporarily or permanently, to communicate a willingness to participate in an activity (e.g., sexual activity) because of mental or physical helplessness, sleep, unconsciousness, or other lack of awareness that the activity is taking place. Incapacitation can be voluntary or involuntary. Signs of Incapacitation may include, without limitation: sleep; total or intermittent unconsciousness; lack of control over physical movements (e.g., inability to dress/undress without assistance; inability to walk without assistance); lack of awareness of circumstances or surroundings; emotional volatility; combativeness; vomiting; incontinence; unresponsiveness; and inability to communicate coherently. Incapacitation is an individualized determination based on the totality of the circumstances. Alcohol and drugs (including "date rape" drugs) are common causes of Incapacitation. When alcohol or drugs are involved, Incapacitation is a state beyond mere drunkenness or intoxication.
- D. Severe and Pervasive
1. Severe and Pervasive. Severe means behavior that is more than antagonistic, non-consensual, and crass, even where the behavior is based on differences in sex or gender. Pervasive means systemic or widespread, and it necessarily involves more than one incident of sexual harassment. Sources: *Kollaritsch v. Michigan State Board of Trustees*, 944 F.3d 613, 620-21 (6th Cir. 2019) (citing *Davis v. Monroe County Board of Educ.*, 526 U.S. 629, 651-53 (1999)); *Doe v. Univ. of Kentucky*, 959 F.3d 246, 250 (6th Cir. 2020).

Sources

Authority

T.C.A. § 49-8-203; All State and Federal Statutes, Acts, Codes, Rules and Regulations referenced in this policy.

History

NEW Policy approved at Board Meeting, September 26, 2014; REVISED Policy approved at Board Meeting, August 12, 2020. Revised June 18, 2021 Board Meeting (with an effective date of August 16, 2021 at Community Colleges and August 26, 2021 at TCATs.

Related Policies

- [Sex Discrimination, Sexual Harassment or Sexual Misconduct](#)
- [Sexual Misconduct](#)
- [Discrimination & Harassment - Complaint & Investigation Procedure](#)
- [Equal Employment Opportunity and Affirmative Action](#)

[\[1\]](#) With respect to conduct by employees, TBR institutions also prohibit sexual harassment in accordance with TBR Guideline P-080 and institutional policy.

Revision History: April 2014; July 2014; October 2014; Edited Feb. 2020; Revised Dec. 2020; Edited March 2021; Edited August 2021

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