

# **Fisk University - Clarksville**



## **2021 ANNUAL SECURITY REPORT**

## **Introduction**

This report is provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, as amended. It provides students and employees of Fisk University Clarksville with information on the University's security arrangements, policies and procedures; programs that provide education on such things as drug and alcohol abuse, awareness of various kinds of sex offenses, and the prevention of crime generally; and procedures the University will take to notify the campus community in the event of an emergency. Its purpose is to provide students and employees with information that will help them make informed decisions relating to their own safety and the safety of others.

## **Policy for Preparing the Annual Report**

This report is prepared by the Chief of Campus Safety in cooperation with local law enforcement authorities and includes information provided by them as well as by the University's campus security authorities and various other elements of the University. Each year an e-mail notification is made to all enrolled students and employees that provides the website link to access this report. Prospective students and employees are also notified of the report's availability. Hard copies of the report may also be obtained at no cost by contacting Mickey West, Carnegie Hall, 1741 Meharry Blvd., Nashville, TN 37066, 615-438-4942. The University is committed to taking the actions necessary to provide a safe and secure working/learning environment for all students and staff. As a member of the campus community, you can feel safe and comfortable knowing that security procedures are in place that represent best practices in the field, and are constantly tested and re-evaluated for their effectiveness.

## **General Safety and Security Policies**

### **Campus Security Personnel & Relationship with Local Law Enforcement**

The Fisk University Campus Safety Department is responsible for campus safety at the University.

Fisk University Campus Safety has the authority to ask persons for identification and to determine whether individuals have lawful business on the campus. Officers do not possess Police arrest powers, but under Tennessee law, a private citizen is allowed to make an arrest if someone breaks a law in his/her presence, or if they have reasonable cause to believe that a person committed a felony. Campus Safety Officers have the authority to issue parking tickets, which must be paid to the Business Office. The Campus Safety Department has both armed and unarmed officers providing security throughout the campus. When required, all Campus Safety Officers are certified by the State of Tennessee Commerce and Insurance Division and must be re-certified every two years.

While the University does not have any written agreements with local law enforcement agencies, it does maintain a close working relationship with local police who continue to provide valuable assistance to the University. Other agencies with enforcement jurisdiction on campus include the Clarksville Police Department, the Tennessee Highway Patrol (THP),

the Tennessee Bureau of Investigation, and the Tennessee Alcohol Law Enforcement Agency.

## **Campus Security Authorities**

The University has designated certain officials to serve as campus security authorities. Reports of criminal activity can be made to these officials. They in turn will ensure that the crimes are reported for collection as part of the University's annual report of crime statistics. The campus security authorities to whom the University would prefer that crimes be reported are listed below.

- Chief of Campus Safety at 615-438-4942
- Chief Financial Officer at 615-329-8881
- Assistant Vice Provost for Student Affairs at 615-329-8635
- Fisk Campus Safety Department at 615-329-8777
- Vice President and Provost at 615-329-8777
- Veterans Affairs Coordinator at 615-329-8616

## **Reporting a Crime or Emergency**

The University encourages accurate and prompt reporting of all criminal actions, emergencies, or other incidents occurring on campus, on other property owned by the University, or on nearby public property to the appropriate administrator and appropriate police agencies. Such a report is encouraged even when the victim of a crime elects not to make a report or is unable to do so.

- All crimes occurring on or near University property should be reported immediately to the Campus Security Department. The number to contact is 615-329-8777. A dispatcher is available 24/7.
- If a crime is in progress or there is some other situation posing imminent danger, local law enforcement can be reached by dialing 911.
- Students, staff, and visitors should also report situations to one of the campus security authorities identified above. Once reported, the individual may also be encouraged to report the situation to the appropriate police agency. If requested, a University staff member will assist in making the report to police.
- Anonymous incident reports can also be made by calling 615-329-8777.

## **Confidential Reporting**

The University will protect the confidentiality of victims. Only those with a need to know the identity for purposes of investigating the crime, assisting the victim or disciplining the perpetrator will know the victim's identity.

Pursuant to the University's sexual misconduct policy, when an employee who is not a confidential resource becomes aware of alleged misconduct under that policy (including, but not limited to, dating violence, domestic violence, sexual assault, and stalking), the employee is responsible for reporting that information, including the status of the parties if known, to

the Title IX Coordinator. A victim of other types of crimes (e.g., aggravated assault, burglary, etc.) who does not want to pursue action within the University disciplinary system or the criminal justice system is nevertheless encouraged to make a confidential report to a campus security authority. Upon the victim's request, a report of the details of the incident can be filed with the University without revealing the victim's identity. Such a confidential report complies with the victim's wishes, but still helps the University take appropriate steps to ensure the future safety of the victim and others. With such information, the University can keep an accurate record of the number of incidents involving members of the campus community, determine where a pattern of crime may be developing and alert the community as to any potential danger. These confidential reports are counted and disclosed in the annual crime statistics for the University.

The University encourages its pastoral and professional counselors, if and when they deem it appropriate, to inform the person they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual report of crime statistics.

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

Access to the controlled space is only allowed for faculty/staff members and students who are accompanied by faculty/staff members.

Students and employees are asked to be alert and to not circumvent practices and procedures that are meant to preserve their safety and that of others.

- Do not prop doors open or allow strangers into campus buildings that have been secured.
- Do not lend keys or access cards to non-students and do not leave them unattended.
- Do not give access codes to anyone who does not belong to the campus community.

Keys to the offices and classrooms in the controlled space will be issued to employees only as needed and after receiving the proper authorization. Administrative employees and faculty are responsible for assuring his/her area is secured and locked.

Employee and student identification cards may be used to verify the identity of persons suspected to be in the controlled space without permission.

### **Security Considerations in the Maintenance of Facilities**

The Campus Security Department works with the maintenance department at the First Missionary Baptist Church to identify maintenance issues at the location that may be safety hazards. Safety checks are completed to identify street or safety lights that are not functioning properly, or to determine if shrubs or other landscaping might need trimming. Maintenance personnel regularly check to ensure there is adequate lighting on pathways and that egress lighting is working in hallways and stairwells.

### **Educational Programs Related to Security Awareness and Prevention of Criminal Activity**

The University seeks to enhance the security of its campus and the members of the campus community by periodically presenting educational programs to inform students and employees about campus security procedures and practices, to encourage students and employees to be responsible for their own security and the security of others and to inform them about the prevention of crimes. These programs are discussed below.

The University provides information at the beginning of each academic term for students and employees regarding the University's security procedures and practices. This information is in the form of posters and other displays, and email blasts. Among other things, it advises students and employees of the importance of reporting criminal activity, to whom crimes should be reported, being responsible for their own safety and the safety of others and practices regarding timely warnings and emergency notifications.

Crime prevention programs are also presented each semester by Student Services and Residential Life. In addition, email blasts are periodically sent out to students and employees with crime prevention and other safety tips, and pamphlets on crime prevention are available in the Campus Safety Office and Office of Veteran Affairs.

### **Monitoring Off Campus Locations of Recognized Student Organizations**

The University does not have any officially recognized student organizations with off campus locations and therefore does not monitor or record criminal conduct occurring at such locations.

### **Disclosure of the Outcome of a Crime of Violence or Non-Forcible Sex Offense**

Upon written request, the University will disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the University against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of the paragraph.

The previous paragraph does not apply to victims of dating violence, domestic violence, sexual assault, or stalking because under the Violence Against Women Act both the accused and accuser in these cases are given the results without the need to make a written request.

## **Drug and Alcohol Policy**

The University is committed to creating and maintaining an environment that is free of alcohol abuse. The University prohibits the possession, use, and sale of alcohol beverage in university controlled property or as any part of the University's activities, unless it is done so in accordance with applicable University policies, and it also enforces the state's underage drinking laws.

The University also enforces federal and state drug laws. The possession, sale, manufacture or distribution of illegal drugs is prohibited in university controlled buildings or as any part of the University's activities. Violators of the University's policies or federal and state laws

regarding illegal drugs will be subject to disciplinary action and possibly criminal prosecution.

## **Federal Drug Laws**

**Denial of Federal Benefits (21 U.S.C. § 862)** A federal drug conviction may result in the loss of federal benefits, including school loans, grants, scholarships, contracts, and licenses. Federal drug trafficking convictions may result in denial of federal benefits for up to five years for a first conviction. Federal drug convictions for possession may result in denial of federal benefits for up to one year for a first conviction and up to five years for subsequent convictions, successful completion of a drug treatment program, including periodic testing, and appropriate community service, or any combination of the three.

**Forfeiture of Personal Property and Real Estate (21 U.S.C. § 853)** Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation. A warrant of seizure may be issued and property seized at the time an individual is arrested on charges that may result in forfeiture.

**Federal Drug Trafficking Penalties (21 U.S.C. § 841)** Penalties for federal drug trafficking convictions vary according to the type and quantity of the controlled substance involved in the transaction. Penalties for subsequent convictions are more severe.

In the case of a controlled substance in schedule I or schedule II, GHB, or flunitrazepam, a person shall be sentenced to a term of imprisonment of not more than 20 years. If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces the possibility of a life sentence and fines ranging up to \$10 million.

In the case of a controlled substance in schedule III, a person shall be sentenced to a term of imprisonment of not more than 10 years, and if death or serious bodily injury results, shall be sentenced to a term of imprisonment of not more than 15 years or a fine not to exceed \$500,000, or both, for a first offense.

For less than 50 kilograms of marijuana, the term of imprisonment shall not be more than five years, and the fine shall not be more than \$250,000, or both, for a first offense.

In the case of a schedule IV substance, the term of imprisonment shall not be more than five years, and the fine shall not be more than \$250,000, or both, for a first offense.

Persons convicted on federal charges of drug trafficking within 1,000 feet of an elementary school, secondary school, college, or university (**21 U.S.C. § 860**) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year, unless the offense involves five grams or less of marijuana.

**Federal Drug Possession Penalties (21 U.S.C. § 844)** Persons convicted on federal charges of possessing any controlled substance face penalties of up to one year in prison, a mandatory fine of no less than \$1,000, or both. Second convictions are punishable by not less than 15 days but not more than two years in prison and a minimum fine of \$2,500. Subsequent

convictions are punishable by not less than 90 days but not more than three years in prison and a minimum fine of \$5,000.

### Drug and Alcohol State Laws

Category	Summary (Tennessee Code Annotated)
Possession of Marijuana	<p>It is an offense for a person to distribute a small amount of marijuana not in excess of 0.5 ounces (14.175 grams). <i>See</i> T.C.A. § 39-17-418. The minimum fine for possession is \$250. <i>See</i> T.C.A. § 39-17-428. This is a Class A misdemeanor which carries a term of imprisonment not greater than 11 months and 29 days or a fine not to exceed \$2,500, or both, unless otherwise provided by statute. <i>See</i> T.C.A. § 40-35-111. As the amount of marijuana increases, the crime classification becomes more severe and related penalties increase.</p>
Controlled Substances	<p>T.C.A. §§ 39-17-401 – 39-17-455 cover a wide range of offenses related to controlled substances. Penalties for the possession and delivery of illegal drugs include prison sentences, monetary fines, community service work, and mandatory drug offender school. <i>See</i> T.C.A. §§ 39-17-428 and 39-17-417. These penalties vary widely by the type of drug, amount confiscated, the number of previous offenses by the individual, and whether the individual intended to manufacture, sell, or use the drug. Trafficking controlled substances will result in more severe penalties.</p> <p>As an example, a person who possesses any amount of methamphetamine will be punished by a minimum of 30 days of imprisonment and, if it is that person’s first conviction for a misdemeanor drug offense, he or she will be fined \$750.</p>
Alcohol and Minors	<p>It is unlawful for any person under 21 to purchase, possess, transport, or consume alcoholic beverages, with the exception that any person 18 or older may transport, possess, sell, or dispense alcohol in the course of such person’s employment. <i>See</i> T.C.A. § 1-3-113. Underage possession and consumption is a Class A misdemeanor punishable by up to 11 months and 29 days of imprisonment and a fine of up to \$2,000. <i>See</i> T.C.A. § 57-3-412.</p> <p>It is a Class A misdemeanor for a person to give or buy alcoholic beverages for or on behalf of any minor. The offense is punishable by up to 11 months and 29 days of imprisonment and a fine of up to \$2,000. The court may also impose a sentence of 100 hours of community service work and suspend the offender’s driving privileges (or require 200 hours of community service if the offender does not possess a valid driver’s license). <i>See</i> T.C.A. § 39-15-404.</p> <p>Any person under 21 who makes a false statement or exhibits false identification stating the person is 21 or older commits a misdemeanor. Fines, terms of imprisonment, and required amount of community service vary based on the age of the offender and the number of offenses. <i>See</i> T.C.A. § 57-3-412.</p>
Driving Under the Influence (DUI)	<p>An individual is guilty of Driving Under the Influence if he or she has a blood alcohol concentration of 0.08 percent or more while driving. <i>See</i></p>

Category	Summary (Tennessee Code Annotated)
	T.C.A. § 55-10-401. This offense carries between 48 hours and 1 year of jail time. A fine for the first offense will be \$350 to \$1,500. <i>See</i> T.C.A. § 55-10-403. On a first offense, the offender's license will be suspended for 1 year. <i>See</i> T.C.A. § 55-10-404.

## **Drug and Alcohol Abuse Prevention Program**

The University has a drug and alcohol abuse and prevention program and conducts a biennial review of this program to evaluate its effectiveness. For more information, see below.

- Student alcohol/drug policy: [https://www.fisk.edu/wp-content/uploads/2020/11/2020-2021-Student-Handbook\\_.pdf](https://www.fisk.edu/wp-content/uploads/2020/11/2020-2021-Student-Handbook_.pdf)
- Employee alcohol/drug policy:
- Biennial review of the University's drug and alcohol abuse prevention program: [https://www.fisk.edu/wp-content/uploads/2021/09/Drug-and-Alcohol-Policy-Review\\_-2021.pdf](https://www.fisk.edu/wp-content/uploads/2021/09/Drug-and-Alcohol-Policy-Review_-2021.pdf)

## **Policies, Procedures, and Programs Related to Dating Violence, Domestic Violence, Sexual Assault, and Stalking**

Consistent with applicable laws, the University prohibits dating violence, domestic violence, sexual assault, and stalking. The University's policy used to address complaints of this nature, as well as the procedures for filing, investigating and resolving complaints, may be found at:

- Interim Title IX Policy: [https://www.fisk.edu/wp-content/uploads/2020/10/FISK\\_Interim-Title-IX-Policy-2020-02114224-4.pdf](https://www.fisk.edu/wp-content/uploads/2020/10/FISK_Interim-Title-IX-Policy-2020-02114224-4.pdf)
- Interim Formal Title IX Resolution Procedures for Students: [https://www.fisk.edu/wp-content/uploads/2020/10/FISK\\_Interim-Title-IX-Resolution-Procedures-for-Student-Complainants-and-Respondents-ONLY\\_FINAL-02123683-2.pdf](https://www.fisk.edu/wp-content/uploads/2020/10/FISK_Interim-Title-IX-Resolution-Procedures-for-Student-Complainants-and-Respondents-ONLY_FINAL-02123683-2.pdf)

The following sections of this report discuss the University's educational programs to promote the awareness of dating violence, domestic violence, sexual assault and stalking; provides information concerning procedures students and employees should follow and the services available in the event they do become a victim of one of these offenses, and advises students and employees of the disciplinary procedures that will be followed after an allegation that one of these offenses has occurred.

### **Primary Prevention and Awareness Program:**

The University conducts a Primary Prevention and Awareness Program (PPAP) for all incoming students and new employees. The PPAP advises campus community members that the University prohibits the offenses of dating violence, domestic violence, sexual assault and stalking. They are also informed of the topics discussed below, including relevant definitions, risk reduction, and bystander intervention.

### **Crime Definitions**



<b>Crime Type (Tennessee Code Annotated)</b>	<b>Definitions</b>
Dating Violence	The institution has determined, based on good-faith research, that Tennessee law does not define the term dating violence.
Domestic Violence	<p>The institution has determined, based on good-faith research, that Tennessee law does not define the term domestic violence.</p> <p>However, Tennessee law does provide the following definitions:</p> <ul style="list-style-type: none"> <li>• Abuse (Tenn. Code Ann. § 36-3-601): inflicting, or attempting to inflict, physical injury on an adult or minor by other than accidental means, placing an adult or minor in fear of physical harm, physical restraint, malicious damage to the personal property of the abused party, including inflicting, or attempting to inflict, physical injury on any animal owned, possessed, leased, kept, or held by an adult or minor, or placing an adult or minor in fear of physical harm to any animal owned, possessed, leased, kept, or held by the adult or minor;</li> <li>• Domestic Abuse (Tenn. Code Ann. § 36-3-601): committing abuse against a victim, as defined in subdivision (5);</li> <li>• Domestic Abuse Victim (Tenn. Code Ann. § 36-3-601): any person who falls within the following categories: (1) Adults or minors who are current or former spouses; (B) Adults or minors who live together or who have lived together; (C) Adults or minors who are dating or who have dated or who have or had a sexual relationship. As used herein, “dating” and “dated” do not include fraternization between two (2) individuals in a business or social context; (D) Adults or minors related by blood or adoption; (E) Adults or minors who are related or were formerly related by marriage; or (F) Adult or minor children of a person in a relationship that is described in subdivisions (5)(A)-(E).</li> <li>• Domestic Assault (Tenn. Code Ann. § 39-13-111): <ul style="list-style-type: none"> <li>○ As used in this section, "domestic abuse victim" means any person who falls within the following categories: (1) Adults or minors who are current or former spouses; (2) Adults or minors who live together or who have lived together; (3) Adults or minors who are dating or who have dated or who have or had a sexual relationship, but does not include fraternization between two (2) individuals in a business or social context; (4) Adults or minors related by blood or adoption; (5) Adults or minors who are related or were formerly related by marriage; or (6) Adult or minor children of a person in a relationship that is described in (1)-(5) above.</li> <li>○ A person commits domestic assault who commits an assault as defined in section 39-13-101 [see below] against a domestic abuse victim.</li> </ul> </li> <li>• Assault (Tenn. Code Ann. § 39-13-101): A person commits assault who: (1) Intentionally, knowingly or recklessly causes bodily</li> </ul>

<b>Crime Type (Tennessee Code Annotated)</b>	<b>Definitions</b>
	<p>injury to another; (2) Intentionally or knowingly causes another to reasonably fear imminent bodily injury; or (3) Intentionally or knowingly causes physical contact with another and a reasonable person would regard the contact as extremely offensive or provocative.</p>
<p>Stalking (Tenn. Code Ann. § 39-17-315)</p>	<p>"Stalking" means a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.</p> <p>The following definitions also apply to stalking crimes:</p> <ul style="list-style-type: none"> <li>• "Course of conduct" means a pattern of conduct composed of a series of two (2) or more separate, noncontiguous acts evidencing a continuity of purpose, including, but not limited to, acts in which the defendant directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to a person, or interferes with a person's property.</li> <li>• "Emotional distress" means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.</li> <li>• "Harassment" means conduct directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable person to suffer emotional distress, and that actually causes the victim to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose;</li> <li>• "Unconsented contact" means any contact with another person that is initiated or continued without that person's consent, or in disregard of that person's expressed desire that the contact be avoided or discontinued. Unconsented contact includes, but is not limited to, any of the following: (A) Following or appearing within the sight of that person; (B) Approaching or confronting that person in a public place or on private property; (C) Appearing at that person's workplace or residence; (D) Entering onto or remaining on property owned, leased, or occupied by that person; (E) Contacting that person by telephone; (F) Sending to that person mail or any electronic communications, including, but not limited to, electronic mail, text messages, or any other type of electronic message sent using the Internet, web sites, or a social media platform; or (G) Placing an object on, or delivering an object to, property owned, leased, or occupied by that person; and</li> </ul>

Crime Type (Tennessee Code Annotated)	Definitions
	<ul style="list-style-type: none"> <li>"Victim" means an individual who is the target of a willful course of conduct involving repeated or continuing harassment.</li> </ul>
Sexual Assault	The institution has determined, based on good-faith research, that Tennessee law does not define the term sexual assault.
Rape, Fondling, Incest, Statutory Rape	<p>For purposes of the Clery Act, the term "sexual assault" includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Tennessee law are as follows:</p> <ul style="list-style-type: none"> <li>Rape (Tenn. Code Ann. § 39-13-503): Rape is unlawful sexual penetration of a victim by the defendant or of the defendant by a victim accompanied by any of the following circumstances: (1) Force or coercion is used to accomplish the act; (2) The sexual penetration is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the penetration that the victim did not consent; (3) The defendant knows or has reason to know that the victim is: (A) Mentally defective; (B) Mentally incapacitated; (C) Physically helpless; or (D) A vulnerable adult, as defined in § 39-15-501. (4) The sexual penetration is accomplished by fraud.</li> <li>Aggravated Rape (Tenn. Code Ann. § 39-13-502): Aggravated rape is unlawful sexual penetration of a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances: (1) Force or coercion is used to accomplish the act and the defendant is armed with a weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a weapon; (2) The defendant causes bodily injury to the victim; (3) The defendant is aided or abetted by one (1) or more other persons; and (A) Force or coercion is used to accomplish the act; or (B) The defendant knows or has reason to know that the victim is (1) Mentally defective; (2) Mentally incapacitated; (3) Physically helpless; or (4) A vulnerable adult, as defined in § 39-15-501, with an intellectual disability.</li> <li>Rape of a child (Tenn. Code Ann. § 39-13-522): Rape of a child is the unlawful sexual penetration of a victim by the defendant or the defendant by a victim, if the victim is more than eight (8) years of age but less than thirteen (13) years of age.</li> <li>Aggravated rape of a child (Tenn. Code Ann. § 39-13-531): Aggravated rape of a child is the unlawful sexual penetration of a victim by the defendant or the defendant by a victim, if the victim is eight (8) years of age or less.</li> <li>Fondling: The institution has determined, based on good-faith research, that Tennessee law does not define the term fondling.</li> <li>Incest (Tenn. Code Ann. § 39-15-302): A person commits incest who engages in sexual penetration as defined in § 39-13-501, with a person, knowing the person to be, without regard to legitimacy: (1) The person's natural parent, child, grandparent, grandchild,</li> </ul>

<b>Crime Type (Tennessee Code Annotated)</b>	<b>Definitions</b>
	<p>uncle, aunt, nephew, niece, stepparent, stepchild, adoptive parent, adoptive child; or (2) The person's brother or sister of the whole or half-blood or by adoption.</p> <ul style="list-style-type: none"> <li>• Statutory Rape (Tenn. Code Ann. § 39-13-506): <ul style="list-style-type: none"> <li>○ Mitigated statutory rape is the unlawful sexual penetration of a victim by the defendant, or of the defendant by the victim when the victim is at least fifteen (15) but less than eighteen (18) years of age and the defendant is at least four (4) but not more than five (5) years older than the victim.</li> <li>○ Statutory rape is the unlawful sexual penetration of a victim by the defendant or of the defendant by the victim when: (1) The victim is at least thirteen (13) but less than fifteen (15) years of age and the defendant is at least four (4) years but less than ten (10) years older than the victim; or (2) The victim is at least fifteen (15) but less than eighteen (18) years of age and the defendant is more than five (5) but less than ten (10) years older than the victim.</li> <li>○ Aggravated statutory rape is the unlawful sexual penetration of a victim by the defendant, or of the defendant by the victim when the victim is at least thirteen (13) but less than eighteen (18) years of age and the defendant is at least ten (10) years older than the victim.</li> </ul> </li> <li>• Statutory Rape by an authority figure (Tenn. Code Ann. § 39-13-532): Statutory rape by an authority figure is the unlawful sexual penetration of a victim by the defendant or of the defendant by the victim when: (1) The victim is at least thirteen (13) but less than eighteen (18) years of age; (2) The defendant is at least four (4) years older than the victim; and (3)(A) The defendant was, at the time of the offense, in a position of trust, or had supervisory or disciplinary power over the victim by virtue of the defendant's legal, professional, or occupational status and used the position of trust or power to accomplish the sexual penetration; or (B) The defendant had, at the time of the offense, parental or custodial authority over the victim by virtue of the defendant's legal, professional, or occupational status and used the position to accomplish the sexual penetration.</li> </ul>
Other "sexual assault" crimes	<p>Other crimes under Tennessee law that may be classified as a "sexual assault" include the following:</p> <ul style="list-style-type: none"> <li>• Sexual battery (Tenn. Code Ann. § 39-13-505): Sexual battery is unlawful sexual contact with a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances: (1) Force or coercion is used to accomplish the act; (2) The sexual contact is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the contact that the victim did not consent; (3) The defendant</li> </ul>

<b>Crime Type (Tennessee Code Annotated)</b>	<b>Definitions</b>
	<p>knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or (4) The sexual contact is accomplished by fraud.</p> <ul style="list-style-type: none"> <li>• Aggravated sexual battery (Tenn. Code Ann. § 39-13-504): Aggravated sexual battery is unlawful sexual contact with a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances: (1) Force or coercion is used to accomplish the act and the defendant is armed with a weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a weapon; (2) The defendant causes bodily injury to the victim; (3) The defendant is aided or abetted by one (1) or more other persons; and (A) Force or coercion is used to accomplish the act; or (B) The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or (4) The victim is less than thirteen (13) years of age.</li> <li>• Sexual contact with a minor by an authority figure (Tenn. Code Ann. § 39-13-509): It is an offense for a defendant to engage in unlawful sexual contact with a minor when: (1) The minor is less than eighteen (18) years of age; (2) The defendant is at least four (4) years older than the victim; and (3) The defendant was, at the time of the offense, in a position of trust, or had supervisory or disciplinary power over the minor by virtue of the defendant's legal, professional, or occupational status and used the position of trust or power to accomplish the sexual contact; or (4) The defendant had, at the time of the offense, parental or custodial authority over the minor and used the authority to accomplish the sexual contact.</li> </ul>
Consent (as it relates to sexual activity)	The institution has determined, based on good-faith research, that Tennessee law does not define the term consent (as it relates to sexual activity).

University Definition of Consent

The University uses the following definition of consent in its sexual misconduct policy for the purpose of determining whether sexual violence (including sexual assault) has occurred

CONSENT is an affirmative decision that is made knowingly and freely to engage in an activity. Consent is represented by clear actions and/or words from a person. Consent may not be inferred from silence, passivity, or the lack of active resistance, alone. Sexual activity and/or contact without Consent is Title IX Prohibited Conduct.

Consent is not present in the following circumstances:

- When one of the parties is not voluntarily engaging in an activity or is coerced, such as through the use of physical force, the threat of physical or emotional harm, undue pressure, isolation, or confinement;
- When a person is Incapacitated;
- When a person is sleeping, unconscious or otherwise unable to communicate an unwillingness to engage in an activity; or
- When a person lacks the ability to make or understand the decision because they suffer from a mental disease or condition that renders them incapable of appraising the nature of the activity.

A current or previous dating or intimate relationship, standing alone, is not sufficient to constitute Consent. Consent to one form of sexual activity does not imply consent to other forms of sexual activity.

Consent may be withdrawn at any time. Once withdrawn, sexual activity must immediately cease.

The perspective of a Reasonable Person will be the basis for determining whether a Respondent knew, or reasonably should have known, whether a Complainant was able to freely give Consent and whether Consent was given.

Be advised that under this Policy, being Incapacitated or merely intoxicated or otherwise under the influence does not diminish one's responsibility to obtain Consent, and it will not be an excuse for Title IX Prohibited Conduct.

### Risk Reduction

The victim is not to blame for criminal behavior. The following are offered only as potential strategies to reduce one's risk of harm:

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid dark or isolated areas. It is more difficult to get help if no one is around.
- Familiarize yourself with the emergency phone locations around campus.
- Walk with confidence and purpose. Even if you don't know where you are going, act like you do.
- Walk and jog in groups.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- Know that you do not have to stop to talk to strangers.
- If you are being followed, go to the nearest area of safety.
- Try not to load yourself down with packages or bags, as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cab money.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Avoid using music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.

- When you attend social gatherings, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- If you can't find traveling companions, use the escort service on campus, no matter how short the distance, and advise a friend or roommate of your destination and when you plan to return.
- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself.
- At parties, don't drink from the punch bowls or other large, common open containers.
- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement or medical assistance immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- Have a code word to use with your friends or family, so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
- If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.
- Be true to yourself. You should not feel obligated to do anything that you do not want to do. "I don't want to" is always a good enough reason. Only do what feels right to you and what you are comfortable with.

It is also important to be aware of the warning signs of an abusive person. Some examples include: past abuse; threats of violence or abuse; breaking objects; using force during an argument; jealousy; controlling behavior; quick involvement; unrealistic expectations; isolation; blames others for problems; hypersensitivity; cruelty to animals or children; "playful" use of force during sex; Jekyll-and-Hyde personality.

### *Bystander Intervention*

In addition to reporting incidents to appropriate authorities, below are some ways in which individuals can take safe and positive steps to prevent harm and intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking against another person.

- Watching out for friends, employees, colleagues, and students, and when observing a situation that could be high-risk or seeing a person who may need assistance, asking if they are okay.
- Speaking up and voicing disagreement when overhearing someone's plans to take sexual advantage of another person.

- Being a sympathetic listener if someone discloses that they have experienced any form of intimate partner violence, advising them if you have reporting obligations required by law and/or university policy, and helping to connect them with support resources.
- If it seems safe, considering confronting a person directly when they are observed attempting to isolate another person who is intoxicated or may be resisting romantic or sexual advances.
- If you are not comfortable directly confronting a person, distraction techniques may be effective to interrupt the flow of potential violence. Once the bystander identifies a high-risk situation, he or she acts to distract either party.
- When a bystander doesn't feel safe to approach the situation alone, she or he can involve others.

### Other Information Covered by the PPAP

The PPAP also provides information on possible sanctions and protective measures that may be imposed following a determination that an offense of dating violence, domestic violence, sexual assault, or stalking has occurred, an explanation of the disciplinary procedures that will be followed when one of these offenses is alleged, the rights of the parties in such a proceeding, available resources, and other pertinent information. Much of this information is set forth in the upcoming sections of this security report.

### **Ongoing Prevention and Awareness Campaign:**

The University also conducts an Ongoing Prevention and Awareness Campaign (OPAC) aimed at all students and employees. This campaign covers the same material as provided in the PPAP, but is intended to increase the understanding of students and employees on these topics and to improve their skills for addressing the offenses of dating violence, domestic violence, sexual assault and stalking.

### **PPAP and OPAC Programming Methods:**

The PPAP and OPAC are carried out in a variety of ways, using a range of strategies, and, as appropriate, targeting specific audiences throughout the University. Methods include, but are not limited to: presentations, online training modules, distribution of written materials, periodic email blasts, and guest speakers. A summary of this programming is provided below.

- New students receive education on the prevention of dating violence, domestic violence, sexual assault, and stalking through a presentation by the Campus Safety Department during orientation. All new employees are required to complete an online training module on these topics upon hire and are required to retake the online training each year.
- As part of its ongoing campaign, the University uses a variety of strategies, such as in-person presentations by sexual assault organizations, emails blasts with pertinent information, portal announcements, etc. While programming occurs throughout the year, the University also offers educational sessions and literature in coordination with nationally recognized observances such as Sexual Assault Awareness Month and Campus Safety Awareness Month.



## **Procedures to follow if you are a Victim of Dating Violence, Domestic Violence, Sexual Assault, or Stalking:**

Any member of the Fisk University community who has experienced sexual misconduct may seek immediate and/or ongoing assistance from one or more of the following resources. Many of the resources listed will provide assistance whether or not the victim chooses to make a report to Title IX or law enforcement, or to participate in an investigation.

### **Confidential**

Fisk University Counseling Center – (615) 329-8861  
Spiritual Life – Reverend Jason Curry – (615) 329-8582

### **Non-Confidential**

Fisk University Campus Safety Department – 615-329-8777  
Title IX Coordinator – 615-329-8777, or 615-438-4942  
Any Responsible Employee  
Clarksville Police Department - 931-648-0656 or Emergency 911

### **Resources in the Community**

Sexual Assault Center Hotline • 1-800-879-1999  
YWCA Crisis and Information Line • 615-242-1199  
Safe House Victim Advocate: 931-552-6900  
Tennessee Coalition to End Domestic & Sexual Violence 615-386-9406  
Tennova Healthcare Clarksville 931-502-1000

Victims will be notified in writing of the procedures to follow, including:

1. To whom and how the alleged offense should be reported (contact the Title IX Coordinator or refer to the other resources listed in this report).
2. The importance of preserving evidence that may be necessary to prove the offense in a criminal proceeding or disciplinary action or to obtain a protective order.
3. The victim's options regarding notification to law enforcement, which are: (a) the option to notify either on-campus or local police; (b) the option to be assisted by campus security authorities in notifying law enforcement if the victim so chooses (the institution is obligated to comply with such a request if it is made); and (c) the option to decline to notify such authorities.
4. Where applicable, the rights of victims and the institution's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

### **Preservation of Evidence & Forensic Examinations**

Victims of physical assault are advised to not remove clothing items worn during or following an assault, as they frequently contain valuable fiber, hair, and fluid evidence. Don't bathe or wash, or otherwise clean the environment in which the assault occurred. You can obtain a forensic examination at: Tennova Healthcare Clarksville, 651 Dunlop Ln Clarksville, TN 37040, 931-502-1000.

Completing a forensic examination does not require you to file a police report, but having a forensic examination will help preserve evidence in case you decide at a later date to file a police report.

Victims are also advised to retain evidence in electronic formats (e.g., text messages, emails, photos, social media posts, screenshots, etc.). Such evidence is valuable in all situations, and it may be the only type of evidence available in instances of stalking.

### *Security/Law Enforcement & How to Make a Police Report*

- Fisk University Campus Safety: 615-329-8777
- The Clarksville Police Department, 135 Commerce St, Clarksville, TN 37040; 931-648-0656
- To make a police report, a victim should contact the local police agency listed above either by phone or in-person. The victim should provide as much information as possible, including name, address, and when and what occurred, to the best of the victim's ability.

### *Information about Legal Protection Orders*

Fisk will implement appropriate interim measures on its own initiative or in response to a request from a complainant or respondent. The university is obligated to comply with a student's reasonable request for a living and/or academic change following an alleged sex offence. Interim measures are intended to provide temporary support and relief to the parties involved in or affected by sexual misconduct. Such measures will remain in effect as long as necessary, depending on the relevant facts and circumstances. The university will maintain as confidential any accommodations or protective measures provided, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

Requests for interim measures may be made to the Title IX Coordinator or the Office of Student Engagement. Parties may request interim measures even in cases where an investigation is not undertaken or either party has declined to participate in the university proceeding or the criminal process. In all instances, the Title IX coordinator will be apprised of the measure(s) provided.

Interim measures may include, but are not limited to:

- A "No Contact" order prohibiting either, or both of, the Complainant and/or the Respondent from having contact with any other person(s) or each other.
- A transfer of the Complainant or the Respondent to another classroom setting or living arrangement, including without limitation moving to another residence and/or distance learning.
- Place an employee or a member of the faculty on administrative leave. In such cases, the Office of Student Engagement and the Title IX Coordinator shall: (i) if it is an employee, consult with the Director of Human Resources and the employee's unit head; and (2) if it is a member of the Faculty consult with the Provost and the Director of Human Resources.

Student, faculty, or staff complainants also may seek orders of protection, restraining orders, or other similar orders issued by a court of law and may be assisted in doing so by Campus Safety or MNPD.

When a protection order is granted, it is enforceable statewide. If you have obtained a protection order and need it to be enforced in your area, you should contact the local police department.

The institution will also enforce any temporary restraining order or other no contact order against the alleged perpetrator from a criminal, civil, or tribal court. Any student or employee who has a protection order or no contact order should notify the Title IX Coordinator and provide a copy of the restraining order so that it may be kept on file with the institution and can be enforced on campus, if necessary. Upon learning of any orders, the institution will take all reasonable and legal action to implement the order.

The institution does not issue legal orders of protection. However, as a matter of institutional policy, the institution may impose a no-contact order between individuals in appropriate circumstances. The institution may also issue a “no trespass warning” if information available leads to a reasonable conclusion that an individual is likely to cause harm to any member of the campus community. A person found to be in violation of a No Trespass Warning may be arrested and criminally charged.

### **Available Victim Services:**

Victims will be provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to them, both within the University and in the surrounding community. Those services include:

#### *University Resources*

- Fisk University Counseling Center - 615-329-8861
- Student Financial Aid – Sometimes a victim of a crime may feel the need to take a leave of absence from school. If a student is considering a leave of absence based on the circumstances of a complaint, he/she should understand there may be financial aid implications in taking such leave. This should be discussed with financial aid personnel, and the Title IX Coordinator can assist in facilitating this conversation if desired. The University’s financial aid website can be found at: <https://www.fisk.edu/financial-aid>

#### *State/Local Resources*

- Tennova Healthcare Clarksville - 931-502-1000.
- Nashville General Hospital at Meharry Emergency Department - 615-341-4000
- TriStar Centennial Medical Center Emergency Department - 615-342-1000
- Sexual Assault Center Hotline - 1-800-879-1999
- YWCA Crisis and Information Line - 615-242-1199
- Legal Aid Society of Middle Tennessee and the Cumberland - 1-800-238-1443

#### *National Resources*

- National Domestic Violence Hotline: 1-800-799-7233
- National Sexual Assault Hotline: 1-800-656-4673
- Rape, Abuse and Incest National Network (RAINN):  
<https://www.rainn.org/>
- US Dept. of Justice Office on Violence Against Women:  
<https://www.justice.gov/ovw>
- National Coalition Against Domestic Violence:  
<http://www.ncadv.org/>
- National Sexual Violence Resource Center:  
<http://www.nsvrc.org/>
- U.S. Citizenship and Immigration Services:  
<https://www.uscis.gov/>
- Immigration Advocates Network:  
<https://www.immigrationadvocates.org/>

### **Accommodations and Protective Measures:**

The University will provide written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations or protective measures. If victims request these accommodations or protective measures and they are reasonably available the University is obligated to provide them, regardless of whether the victim chooses to report the crime to campus security or local law enforcement.

Requests for accommodations or protective measures should be made to the Title IX Coordinator at 615-438-4942, and the Title IX Coordinator is responsible for deciding what, if any, accommodations or protective measures will be implemented.

Fisk will implement appropriate interim measures on its own initiative or in response to a request from a complainant or respondent. The university is obligated to comply with a student's reasonable request for a living and/or academic change following an alleged sex offence. Interim measures are intended to provide temporary support and relief to the parties involved in or affected by sexual misconduct. Such measures will remain in effect as long as necessary, depending on the relevant facts and circumstances. The university will maintain as confidential any accommodations or protective measures provided, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

Requests for interim measures may be made to the Title IX Coordinator or the Office of Student Engagement. Parties may request interim measures even in cases where an investigation is not undertaken or either party has declined to participate in the university proceeding or the criminal process. In all instances, the Title IX coordinator will be apprised of the measure(s) provided.

Interim measures may include, but are not limited to:

- A "No Contact" order prohibiting either, or both of, the Complainant and/or the Respondent from having contact with any other person(s) or each other.
- A transfer of the Complainant or the Respondent to another classroom setting or living arrangement, including without limitation moving to another residence and/or distance learning.

- Place an employee or a member of the faculty on administrative leave. In such cases, the Office of Student Engagement and the Title IX Coordinator shall: (i) if it is an employee, consult with the Director of Human Resources and the employee's unit head; and (2) if it is a member of the Faculty consult with the Provost and the Director of Human Resources.

Student, faculty, or staff complainants also may seek orders of protection, restraining orders, or other similar orders issued by a court of law and may be assisted in doing so by Campus Safety or The Clarksville Police Department.

When determining the reasonableness of such a request, the University may consider, among other factors, the following:

- The specific need expressed by the complainant.
- The age of the students involved.
- The severity or pervasiveness of the allegations
- Any continuing effects on the complainant
- Whether the complainant and alleged perpetrator share the same class or job location.
- Whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders).

The University will maintain as confidential any accommodations or protective measures provided a victim to the extent that maintaining confidentiality would not impair the University's ability to provide them. However, there may be times when certain information must be disclosed to a third party in order to implement the accommodation or protective measure. Such decisions will be made by the University in light of the surrounding circumstances, and disclosures of this nature will be limited so that only the information necessary to implement the accommodation or protective measure is provided. In the event it is necessary to disclose information about a victim in order to provide an accommodation or protective order, the University will inform the victim of that necessity prior to the disclosure, including which information will be shared, with whom it will be shared and why.

### **Procedures for Disciplinary Action:**

A Complainant has the option to file a Formal Complaint against a Respondent alleging Title IX Prohibited Conduct and requesting that the University investigate those allegations. In rare cases, the Title IX Coordinator, in their sole discretion, may also decide to file a Formal Complaint of Title IX Prohibited Conduct where the Complainant chooses not to do so if the failure to file a Formal Complaint would constitute deliberate indifference to possible Title IX Prohibited Conduct in the Title IX Coordinator's judgment or if the allegations, if true, would have a negative impact on campus safety and/or security.

To become effective, an Eligible Complainant (or the Title IX Coordinator) must sign and submit a Formal Complaint. These Title IX Student Procedures can only be initiated if a Formal Complaint is signed and submitted by an Eligible Complainant or the Title IX Coordinator.

When the Title IX Coordinator receives a Formal Complaint of Title IX Prohibited Conduct, they will evaluate the allegations to determine whether they the definition of Title IX Prohibited Conduct and the Complainant meets the definition of an Eligible Complainant

under the Title IX Policy. If the Title IX Coordinator determines that the conduct, if true, constitutes Title IX Prohibited Conduct under the Title IX Policy, they shall proceed to address the matter pursuant to these TIX Student Procedures.

If the Title IX Coordinator investigates the matter and determines that the conduct is not Title IX Prohibited Conduct or the Complainant is not an Eligible Complainant, they may dismiss the Formal Complaint for Title IX purposes and instead may pursue the matter under another University policy, code of conduct or rule.

Once a Formal Complaint is signed and submitted, the Complainant and Respondent will receive a written Notice of allegations; the Notice will contain the following information:

- A summary of these Procedures;
- A statement that the Respondent is presumed not responsible for the alleged Title IX Prohibited Conduct and a statement that any determination regarding responsibility is made only at the conclusion of the Formal TIX Student Procedures;
- Notice that each party may have an advisor of their choice who may be, but is not required to be, an attorney, and who may inspect and review evidence;
- Information regarding the availability of support and assistance through University resources and the opportunity to meet with the Title IX Coordinator (or their designee) in person to discuss resources, rights, and options;
- Notice of the University's prohibition of Retaliation against the Complainant, the Respondent, witnesses and any other Reporting Party; that the University will respond promptly when Retaliation is reported; and how to report acts of Retaliation; and
- Notice that the University prohibits knowingly making false statements and knowingly submitting false information during any Title IX process, including these TIX Student Procedures.

If, during the course of an investigation, the Title IX Coordinator decides to investigate additional allegations about the Complainant or Respondent relating to the same facts or circumstances but not included in the earlier written notice, the Coordinator will provide an amended Notice of Allegations to the parties. The University may, in its sole discretion, dismiss a Formal Complaint at any time during these Procedures if:

- The Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
- The Respondent is not, or is no longer, enrolled or employed by the University;
- Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to whether the reported conduct is subject to the Title IX Policy. If the Title IX Coordinator determines that a Formal Complaint of Title IX Prohibited Conduct should be dismissed for any of these reasons, either party may appeal that decision as explained below.

Allegations of domestic violence, dating violence, sexual assault or stalking will be processed through the institution's Sexual Misconduct Policy and the related complaint resolution procedures. The procedures are utilized whenever or wherever a complaint is made, regardless of the status of the complainant and the respondent.

An electronic form available at <https://www.fisk.edu/about/title-ix/report-a-crime> can also be used to file a report.

Alternative Resolution is an informal resolution process that usually does not include an investigation or hearing under the Formal TIX Student Procedures (the “Alternative Resolution Process”). Remedies available through the Alternative Resolution Process may include appropriate and reasonable educational, restorative, and accountability-focused measures as agreed to by the parties and approved by the Title IX Coordinator. A Formal Complaint is necessary to utilize the Alternative Resolution Process, but the Alternative Resolution Process is only available if both the Complainant and Respondent provide specific written confirmation to the Title IX Coordinator of their desire to utilize this informal process.

Alternative Resolution is typically a spectrum of facilitated, or structured, and adaptable processes between the Complainant, the Respondent, and/or other affected community members that seeks to identify and meet the needs of the Complainant while providing an opportunity for the Respondent to acknowledge harm and seek to repair the harm (to the extent possible) experienced by the Complainant and/or the University community. Examples of the types of remedies available through the Alternative Resolution Process are described in the Title IX Policy.

The Alternative Resolution Process is not available in cases involving a Student Complainant and Employee Respondent.

The Title IX Office reserves the right to determine whether Alternative Resolution is appropriate in a specific case. Before the Title IX Office commences the Alternative Resolution process, both parties must provide informed consent in writing. In addition, where both parties and the University determine that Alternative Resolution is worth exploring, the University will provide the parties with a written notice disclosing:

- the Formal Complaint • the requirements of the Alternative Resolution Process, including the circumstances that may preclude resuming Formal TIX Student Procedures;
- the parties’ right to withdraw from the process prior to a resolution being reached; and
- any consequences resulting from participating or withdrawing from the process, including the records that may be maintained by the University.

At any time prior to reaching a resolution, either party may withdraw from the Alternative Resolution Process and proceed with the formal grievance process for resolving the Formal Complaint.

Once an Alternative Resolution is agreed to by all parties, the resolution is binding and the parties are precluded from resuming or starting Formal TIX Student Procedures related to that Formal Complaint (they are not precluded from filing complaints regarding possible Title IX Prohibited Conduct that occurs after the conduct reported in the Formal Complaint). Fisk will enforce the terms of an Alternative Resolution agreement.

### **Rights of the Parties in an Institutional Proceeding:**

During the course of the process described in the previous section, both the accuser and the individual accused of the offense are entitled to:

1. A prompt, fair and impartial process from the initial investigation to the final result.
  - A prompt, fair and impartial process is one that is:
    - Completed within reasonably prompt timeframes designated by the institution's policy, including a process that allows for the extension of timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay.
    - Conducted in a manner that:
      - Is consistent with the institution's policies and transparent to the accuser and the accused.
      - Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
      - Provides timely access to the accuser, the accused and appropriate officials to any information that will be used during the informal and formal disciplinary meetings and hearings.
    - Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.
2. Proceedings conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
  - Title IX Hearings will be conducted by officials who receive annual in person or online training on issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of the victims and promotes accountability. The in person or online training is conducted by Legal Counsel, addresses, but is not limited to: relevant evidence and how it should be used during a proceeding; proper techniques for questioning witnesses; basic procedural rules for conducting a proceeding; and avoiding actual and perceived conflicts of interest
3. The same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The institution may not limit the choice of advisor, but may establish limits regarding the extent to which that advisor may participate in the proceeding, as long as those limits apply equally to both parties.
4. Have the outcome determined using the preponderance of the evidence standard.
5. Simultaneous, written notification of the results of the proceeding, any procedures for either party to appeal the result, any change to the result, and when the result becomes final. For this purpose, "result" means "any initial, interim and final decision by an official or entity authorized to resolve disciplinary matters" and must include the rationale for reaching the result and any sanctions imposed.

**Possible Sanctions or Protective Measures that the University May Impose for Dating Violence, Domestic Violence, Sexual Assault or Stalking Offenses:**



In the event the Hearing Officer finds the Respondent responsible for a violation of the University's policies, appropriate remedies and sanctions

Title IX Office and Human Resources.

Upon a finding of responsibility, the Complainant will be provided with remedies designed to restore access to the University's educational and employment programs and activities.

Sanctions for a finding of responsibility for Student Respondents include: withdrawal of privileges, restitution, mental health/medical assessment/treatment, fine, exclusion, educational projects/initiatives, community service, degree revocation, admonition, formal warning, disciplinary probation, suspension, expulsion, and/or other restrictions on access to Fisk programs and activities. In determining (a) sanction(s), the sanction decision-maker will consider whether the nature of the conduct at issue warrants removal from the University, either permanent (expulsion) or temporary (suspension). Other factors pertinent to the determination of what sanction applies include, but are not limited to, the nature of the conduct at issue, prior disciplinary history of the respondent (shared with the appropriate University official only upon a finding of responsibility for the allegation), previous University response to similar conduct, and University interests (e.g., in providing a safe environment for all).

Sanctions for finding of responsibility for Employee and Faculty Respondents include, but are not limited to, progressive disciplinary action; prohibition from various academic or managerial responsibilities involving the complainant or others; letter of reprimand placed in a respondent's personnel file; restrictions on a respondent's access to Fisk programs or facilities; limitations on merit pay or other salary increases for a specific period; or demotion, suspension, or dismissal/termination from the University, or a recommendation that a separate process required to impose such action be commenced.

Sanctions will be determined by the appropriate University official, as described below. Remedies are designed to restore or preserve equal access to the University's Education Program or Activity. Remedies may be disciplinary or punitive.

For Student Respondents, a University representative appointed by the Associate Provost for Student Affairs will determine appropriate remedies and sanctions in consultation with the Title IX Office. For Employee and Faculty Respondents, the Provost, the Respondent's Dean or Division Chair, the Office of Human Resources, or other Supervisor Designee as determined in the discretion of the University will determine appropriate remedies and sanctions in consultation with the

Fisk will implement appropriate interim measures on its own initiative or in response to a request from a complainant or respondent. The university is obligated to comply with a student's reasonable request for a living and/or academic change following an alleged sex offence. Interim measures are intended to provide temporary support and relief to the parties involved in or affected by sexual misconduct. Such measures will remain in effect as long as necessary, depending on the relevant facts and circumstances. The university will maintain as confidential any accommodations or protective measures provided, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

Requests for interim measures may be made to the Title IX Coordinator or the Office of Student Engagement. Parties may request interim measures even in cases where an investigation is not undertaken or either party has declined to participate in the university proceeding or the criminal process. In all instances, the Title IX coordinator will be apprised of the measure(s) provided.

Interim measures may include, but are not limited to:

- A “No Contact” order prohibiting either, or both of, the Complainant and/or the Respondent from having contact with any other person(s) or each other.
- A transfer of the Complainant or the Respondent to another classroom setting or living arrangement, including without limitation moving to another residence and/or distance learning.
- Place an employee or a member of the faculty on administrative leave. In such cases, the Office of Student Engagement and the Title IX Coordinator shall: (i) if it is an employee, consult with the Director of Human Resources and the employee’s unit head; and (2) if it is a member of the Faculty consult with the Provost and the Director of Human Resources.

Student, faculty, or staff complainants also may seek orders of protection, restraining orders, or other similar orders issued by a court of law and may be assisted in doing so by Campus Safety or MNPD.

### **Publicly Available Recordkeeping:**

The University will complete any publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifiable information about victims of dating violence, domestic violence, sexual assault, and stalking who make reports of such to the University to the extent permitted by law.

### **Victims to Receive Written Notification of Rights:**

When a student or employee reports to the University that he or she has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the University will provide the student or employee a written explanation of his or her rights and options as described in the paragraphs above.

### **Sex Offender Registration Program:**

The Campus Sex Crimes Prevention Act of 2000 requires institutions of higher education to advise members of the campus community where they can obtain information provided by the state concerning registered sex offenders. It also requires sex offenders to notify the state of each institution of higher education in the state at which they are employed or enrolled or carrying on a vocation. The state is then required to notify the University of any such information it receives. Anyone interested in determining whether such persons are on this campus may do so by contacting the Chief of Campus Safety/Mickey West at [mwest@fisk.edu](mailto:mwest@fisk.edu)/615-329-8680 or 615-438-4942. State registry of sex offender information may be accessed at the following link: <http://www.tn.gov/tbi/section/tennessee-sex-offender-registry>

## **Timely Warnings and Emergency Response**

### **Timely Warnings**

In the event of criminal activity occurring either on campus or off campus that in the judgment of the Campus Safety Department, Director of Communications, and Office of the President constitutes a serious or continuing threat to members of the campus community, a campus-wide “timely warning” will be issued. Examples of such situations may include a sexual assault or a series of motor vehicle thefts in the area that merit a warning because they present a continuing threat to the campus community. Warnings will be communicated to students and employees via one or more of the methods discussed later in this section. Updates to the warnings will be provided as appropriate.

Anyone with information warranting a timely warning should immediately report the circumstances to:

- Campus Safety Department , 615-329-8777/safety@fisk.edu
- Title IX Coordinator, 615-438-4942/titleixcoordinator@fisk.edu
- Associate Provost for Student Affairs, 615-329-8635
- Veterans Affairs Coordinator, 615-329-8616

The University has communicated with local law enforcement asking them to notify the University if it receives reports or information warranting a timely warning.

### **Emergency Response**

Fisk University has an emergency management plan designed to ensure there is a timely and effective response in the event of a significant emergency or dangerous situation occurring on campus involving an immediate threat to the health or safety of members of the campus community. Such situations include, but are not limited to: tornadoes, bomb threats, chemical spills, disease outbreaks, fires, active shooters, etc. The University has communicated with local police requesting their cooperation in informing the University about situations reported to them that may warrant an emergency response.

Students, staff and visitors are encouraged to notify the Campus Safety Department at Campus Safety Department of any emergency or potentially dangerous situation.

The Clarksville Police Department is designated as the first responder to all emergencies at Fisk University Clarksville. Campus Safety, after consulting with the Clarksville Police Department will determine if an incident poses an imminent threat or danger to the Fisk community. The Chief of Campus Safety to make the final determination, but depending on the nature of the emergency, other University departments may be involved in the confirmation process.

The Fisk University Alert system is the primary communication tool used for university-wide emergency mass notifications. The system is designed to deliver a blanket message to every subscriber and every registered device via emails, phone calls, and text messages.

The Chief of Campus Safety in collaboration with other appropriate personnel, will determine who should be notified, and will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

When appropriate, the content of the notification will be determined in consultation with local authorities. Also as appropriate, the notification will give guidance as to whether its recipients should shelter in place or evacuate their location.

The Chief of Campus Safety will direct the issuance of emergency notifications, which will be accomplished using one or more of methods discussed later in this section, depending on the nature of the threat and the segment of the campus community being threatened.

At the direction of the Chief of Campus Safety, the Campus Safety Department will notify local law enforcement of the emergency. The University's Director of Marketing & Communications or other University Official will notify local media outlets in order that the larger community outside the campus will be aware of the emergency.

Methods for Issuing Timely Warnings and Emergency Notifications

The method(s) listed below may be utilized when the University issues a timely warning or emergency notification to the campus community.

<b>Method</b>	<b>Sign Up Instructions</b>
Fisk University Alert System	<a href="https://member.everbridge.net/index/1332612387831936/#/signup">https://member.everbridge.net/index/1332612387831936/#/signup</a>
Email Blast	Auto enrollment
Social Media	Fisk University FB/Twitter/Instagram

Testing & Documentation

The University tests its emergency response and evacuation procedures at least once a year. The tests may be announced or unannounced. Also, at various times the Campus Safety Department and other University Officials will meet to train and test and evaluate the University's emergency response plan.

A test of the Fisk University Alert system was most recently conducted on September 3, 2021. Testing procedures were announced prior to activation, and a test message was sent to all devices registered in the system by students, faculty, and staff.

The Chief of Campus Safety maintains a record of these tests and training exercises, including a description of them, the dates and times they were held and an indication of whether they were announced or unannounced. In connection with at least one such test, the University will distribute to its students and employees information to remind them of the University's emergency response and evacuation procedures.

## Crime Statistics

The statistical summary of crimes for Fisk University Clarksville for the 2020 calendar year follows (2020 was the first year of this campus):

Crime	On Campus			Non Campus			Public Property		
	2020			2020			2020		
Murder/Non-Negligent Manslaughter	0			0			0		
Manslaughter by Negligence	0			0			0		
Rape	0			0			0		
Fondling	0			0			0		
Statutory Rape	0			0			0		
Incest	0			0			0		
Aggravated Assault	0			0			0		
Burglary	0			0			0		
Robbery	0			0			0		
Motor Vehicle Theft	0			0			0		
Arson	0			0			0		
Arrest - Liquor Law Violation	0			0			0		
Arrest - Drug Abuse Violation	0			0			0		
Arrest - Weapon Violation	0			0			0		
Disciplinary Referral - Liquor Law Violation	0			0			0		
Disciplinary Referral - Drug Abuse Violation	0			0			0		
Disciplinary Referral - Weapon Violation	0			0			0		
Domestic Violence	0			0			0		
Dating Violence	0			0			0		
Stalking	0			0			0		

\* The University does not have on-campus student housing facilities in Clarksville.

### Hate crimes:

2020: No hate crimes reported.

### Crimes unfounded by the University:

2020: 0 unfounded crimes.

### Statistics for unfounded crimes provided by law enforcement agencies:

2020: 0 unfounded crimes.

### Data from law enforcement agencies:

- The data above reflects statistics provided from law enforcement agencies related to crimes that occurred on the University's Clery Geography.