

# NORTH CAROLINA CENTRAL UNIVERSITY

## *ANNUAL SECURITY REPORT* *OCTOBER 1, 2018*



# Message from the Chief of Police



Greetings University Family and Friends:

Our mission at the North Carolina Central University Police Department is to establish a partnership with our campus constituents, a partnership with a concentration on deterring criminal behaviors and enhancing the quality of life throughout our campus and community. Campus security and safety can only be realized through an active collaboration treating others with fairness and respect involving its officers, students, faculty, staff and the community at large.

Institutions of postsecondary education that participate in the federal student financial assistance programs are required by section 485 (f) of the Higher Education Act of 1965, otherwise known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) to report crimes. Institutions have been mandated to provide the public with campus crime statistics since 1990 and with fire statistics since the Higher Education Opportunity Act (Public Law 110-315) (HEOA) was enacted on August 14, 2008 reauthorizing the Higher Education Act of 1965 (HEA), as amended. Under the Clery Act, institutions must publish crime and fire statistics for the prior three years. The 2018 Annual Security and Fire Safety Report are designed to inform you of NCCU's campus crime statistics, security policies and steps you can take to maximize your personal safety. It is our goal to remain in compliance with the Clery Act and to be totally transparent when reporting crimes.

Director of Public Safety

A handwritten signature in black ink that reads "Fredrick Hammett". The signature is written in a cursive, flowing style.

Chief Fredrick Hammett

# Table of Contents

- Message from the Chief of Police..... 1
- Report Preparation and Disclosure of Crime Statistics .....3
- Reporting Crimes and Other Emergencies ..... 3
  - Reporting Crimes to the University Police ..... 3
  - Emergency Phones..... 4
  - Reporting Crimes to Other Campus Security Authorities ..... 4
  - Voluntary Confidential Reporting ..... 4
  - Campus Security Authorities ..... 4
  - Pastoral and Professional Counselors ..... 5
  - Responding to Crime Reports..... 5
- About the University Police..... 5
  - Law Enforcement Authority and Training ..... 6
  - Working Relationships with Local, State, and Federal Agencies ..... 6
- Timely Warnings ..... 7
- Emergency Notification ..... 7
- Appropriate Segments to Receive Emergency Notification ..... 8
- Procedures used to Notify the Campus Community ..... 8
  - Enrolling in the University’s Text Message System..... 9
- Emergency Response and Evacuation Procedures ..... 10
  - Drills , Exercises, and Training ..... 10
- Security of and Access to University Facilities ..... 10
- Crime Prevention and Safety Awareness Programs ..... 11
  - Campus Shuttle Service and the Escort Program..... 12
  - Operation Eagle Identification..... 12
  - Residence Hall Watch..... 12
- Programs Designed to Inform Students and Employees about Prevention of Crime..... 12
- Policies Regarding Alcoholic Beverages and Illegal Drugs ..... 13
  - Policies Regarding Alcoholic Beverages..... 14
- Drug and Alcohol Abuse Educational Programs ..... 15
  - North Carolina Alcohol Related Offenses ..... 16
  - Policies Regarding Illegal Drugs ..... 18
  - Drug Risks and Consequences ..... 19
  - Resources for Students ..... 19
  - Resources for Faculty and Staff..... 19
- Preventing, Reporting, and Responding to Sexual Assault, Domestic Violence, Dating Violence, and Stalking ... 20
  - Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault, and Stalking ..... 20
  - Procedures Victims Should Follow ..... 23
  - Importance of Preserving Evidence ..... 23
  - How and To Whom to Report ..... 23
  - Options for the Involvement of Law Enforcement . . . 23
  - Orders of Protection ..... 23
  - Protecting Confidentiality of Victims and Other Necessary Parties ..... 24
  - Written Notice of Victim’s Rights, Options, and Resources ..... 24
  - Resources ..... 25
    - On-Campus Resources ..... 26
    - On-Campus Title IX..... 26
    - Off-Campus Resources..... 26
- Student Disciplinary and Appeal Processes..... 26
  - Rights of the Respondent ..... 27
  - Rights of the Complainant..... 28

Initiation of Charges.....	29
Resolution of Disciplinary Actions.....	31
Hearing Procedures.....	31
In Absentia Consideration of Charges.....	34
Appeals.....	34
Sanctions for Student Misconduct.....	36
Employee Disciplinary, Sanction, and Appeal Processes.....	40
Institutional Definition of Consent.....	40
Criminal Offenses in the State of North Carolina.....	41
Title IX Policy Statement.....	43
Definitions.....	44
Sex Offender Registry.....	45
Missing Student Notification Policy.....	45
Reporting a Missing Student.....	45
Investigating a Report of a Missing Student.....	46
Notifying Appropriate Persons of a Report of a Missing Student.....	46
Confidential Contact.....	47
External Communications.....	47
Disclosure of Crime Statistics.....	48
Crime Reports.....	48
Arrests.....	49
Disciplinary Referrals.....	49
Hate Crimes.....	49
Unfounded Crimes.....	49
Annual Fire Safety Report.....	50
Fire Safety Education and Training Programs.....	50
Fire Log.....	50
Reporting a Fire.....	50
Post Fire Contact Information.....	50
Fire Evacuation.....	51
Procedures for Student Housing Evacuation.....	51
Policy on Portable Electrical Appliances, Smoking, and Open Flames in Student Housing Facilities.....	51
Description of On-Campus Student Housing Fire Safety Systems and Number of Fire Drills.....	52
Plans for Future Improvements in Fire Safety.....	52
Fire Statistics.....	53

# Annual Security and Fire Safety Report

## Report Preparation and Disclosure of Crime Statistics

The North Carolina Central University Department of Police and Public Safety prepare the Annual Security and Fire Safety Report to comply with the Jeanne Clery Disclosure of Campus Security and Crime Statistics Act. Information for the report was provided by the Department of Police and Public Safety, campus partners i.e.; Student Affairs, Student Conduct and Community Standards, Residential Life, Human Resources, and Title IX. The universities off campus partners, Durham Police and the Durham County Sheriff's Departments provide statistical data for crimes that occurred in areas adjacent to campus and off campus sites.

The Annual Security Report provide the reader with statistics from the previous three years and contains reported crimes that occurred on campus, in certain off-campus buildings or property owned or controlled by North Carolina Central University. Statistical data is also provided for public property on or immediately adjacent to the main campus. University policies concerning campus safety and security, such as policies regarding drugs, alcohol, sexual assault and related offenses, emergency notifications and timely warnings are included.

North Carolina Central University publishes the Annual Security and Fire Safety Report no later than October 1 of each year to every member of the campus community via e-mail. Prospective students and employees may find this report on the NCCU website at <http://www.nccu.edu/health-safety/police/> and may obtain a paper copy by contacting the University Police at (919) 530-6106.

## Reporting Crimes and Other Emergencies

The University provides a number of ways to report serious incidents and emergencies. All members of the community should take an active role in reporting crimes that have occurred on campus. It is critical for the safety of the community that you report such incidents immediately. The university police will investigate the situation so a determination of whether a timely warning or emergency notification to the community, or a portion thereof, is required.

### *REPORTING CRIMES TO THE UNIVERSITY POLICE*

North Carolina Central University encourages all members of the community to report all crimes and other emergencies to the NCCU Police in a timely manner. When victims of crime are unable to make a report, members of the community are encouraged to report the crimes on their behalf. Police officers are on duty 24 hours a day, 365 days a year. **The emergency telephone number to the University Police Communications Center is (919) 530-6106.** You may also use this line for non-emergency reporting. The TDD (Telecommunications Device for the Deaf) number is 919 530-5396. Non-

Emergency reports may be made in person at the University Police and Public Safety Building located at 2010 Fayetteville Street. The Durham Police Department, Fire, or Ambulance Services can be reached for emergencies at 911. Although there are many resources available, university police should be notified of all crimes that occur on campus. The university can address any and all security concerns and inform the community if there is a significant threat.

*Emergency Phones*

There are 83 blue light emergency call boxes located throughout the campus, which is activated by the push of a button. The call boxes are linked directly to the University Police Communications Center. The location of the emergency will be displayed in the University Police Communications Center to ensure prompt and accurate responses of the police officers.

**REPORTING CRIMES TO OTHER CAMPUS SECURITY AUTHORITIES**

While the university prefers that community members promptly report all crimes and other emergencies directly to the NCCU Police at (919) 530-6106, we also recognize that some may prefer to report to other individuals or university offices. The Clery Act recognizes certain university officials and offices as Campus Security Authorities. The act defines these individuals as, “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 take action or respond to particular issues on behalf of the institution.” While NCCU has identified and trained numerous Campus Security Authorities, the following offices have been designated as places where the campus community can report crimes:

<b>Official</b>	<b>Campus Address</b>	<b>Phone Number</b>
NCCU Police	2010 Fayetteville St.	(919) 530-6106
Title IX	105 Eagle Campus Drive	(919) 530-7944
Student Conduct and Community Standards	210 Eagle Campus Drive	(919) 530-5469
Office of Residence Life, including all RAs, CDs, and CAs	210 Eagle Campus Drive.	(919) 530-7298
The Women’s Center	122 Eagle Campus Drive	(919) 530-6811
Student Accessibility Services	210 Eagle Campus Drive	(919) 530-6325
Athletics	616 E. Lawson St.	(919) 530-7057
Campus Recreation	617 Nelson St.	(919) 530-5466

**VOLUNTARY CONFIDENTIAL REPORTING**

NCCU encourages anyone who is a victim or witness of a crime to promptly report the incident to university police. Police reports are public records under North Carolina law, so the NCCU Police Department cannot hold reports of crime in confidence. In certain circumstances, the victim's name is protected, but the crime report is not confidential. To report a crime for inclusion in campus crime statistics without making a police report, individuals have the following reporting options: **Campus Security Authorities:** Reports of crime made to CSA’s are included in the annual crime statistics, but a police report will not be made. Reports to CSA’s of sexual harassment, sexual

assault, sexual violence, or other sexual misconduct against students and employees are required to be reported to a Title IX official.

## **CONFIDENTIAL RESOURCES**

*Pastoral and Professional Counselors:* According to the Clery Act, pastoral and professional counselors who are appropriately credentialed and hired by North Carolina Central University to serve in a counseling role are not considered Campus Security Authorities when they are acting in a counseling role. As a matter of policy, the University encourages pastoral and professional counselors to notify those whom they are counseling of the voluntary, confidential options available to them. These individuals will provide assistance in filing reports with university police or Title IX if desired. Counselors are available for students at the NCCU Counseling Center located in the Student Health Building at 200 Cafeteria Drive, Durham, NC 27707. Counselors may also be contacted by telephone at (919) 530-5294. The Director of Spiritual Development and Dialogue office is located in the Student Services Building at 210 Eagle Campus Dr. Durham N.C. 27707. The director's office number is (919) 530-6201.

## **RESPONDING TO CRIME REPORTS**

The North Carolina Central University Police Department Field Operations Division responds to calls dispatched from the communications center 24 hours per day, 7 days per week. Officers responding to calls are initially responsible for ensuring the safety and security of individuals, crime scenes, and property. Officers conduct preliminary investigations by interviewing victims and witnesses, obtaining all the relevant facts of the incident, following up with a final status report and disposition until they can solve and clear the reported incident. Major crimes are forwarded to the investigations division. Specific information on departmental policies and procedures regarding responding to crimes can be found in the Police General Orders Manual.

### *Police Incident Reports/ Daily Crime Log*

Police incident reports and the Daily Crime Log are available at the University Police Department. Reports are also made available to other university departments under certain circumstances, where there are concurrent responsibilities for university students, staff, and/or property. A Campus Appearance Ticket (CAT Form) is issued and the student is referred to the Dean of Students for disciplinary actions when he/she violates a North Carolina law or university policy.

## **About the University Police**

North Carolina Central University police officers protect and serve the campus community 24 hours a day, 365 days a year. The Department is responsible for police, security, environmental health and safety, emergency management, and parking. The Department consist of;

- 28 Sworn Police Officers
- 16 Security Guards
- 2 Parking Enforcement Officers
- 9 Police Tele communicators
- **4 Administrative Support Persons**

## *LAW ENFORCEMENT AUTHORITY, JURISDICTION, AND TRAINING*

University police officers are commissioned under North Carolina General Statute 116-40.5 through the North Carolina Criminal Justice Education and Training Standards Commission and have the full range of police authorities granted by any municipal law enforcement officer. The territorial jurisdiction of the University Police includes property owned by and under the control of the university. Public streets and roadways adjacent to and running through said property are included within the jurisdictional boundaries. North Carolina General Statute 15A-402 (f) authorizes officers to arrest outside their territorial jurisdiction during an accused offender's immediate continuous flight from the commission of a crime.

The North Carolina Central University Department of Police and Public Safety has full law enforcement accreditation (not campus security accreditation) from the Commission on Accreditation of Law Enforcement Agencies (CALEA), the body that also accredits municipal and state law enforcement agencies, among others. All sworn police officers complete basic law enforcement training. Sworn law enforcement officers are mandated by the North Carolina Criminal Justice Education and Training Standards Commission to receive 24 hours in-service training annually. Blocks of instruction includes; firearms qualification, use of force, ethics, legal update, domestic violence, sexual assault response, interviews and interrogation, crime prevention, and juvenile and minority sensitivity training. Compliance training with CALEA standards and departmental policies are additional mandated blocks of instruction.

### *Off-Campus Organizations*

North Carolina Central University does not officially recognize any off-campus locations for student organizations.

## *WORKING RELATIONSHIPS WITH LOCAL, STATE, AND FEDERAL LAW ENFORCEMENT AGENCIES*

The North Carolina Central University Police Department works collaboratively with the Durham Police Department, Durham County Sheriff's Department, State Bureau of Investigation, Duke University Police Department, Durham Technical Community College Police Department, and other surrounding law enforcement agencies. Joint training programs, special event coordination, and investigation of crimes are a few examples why agencies form partnerships.

The Department has a mutual aid agreement with the Durham City Police Department, the Durham County Sheriff's Department, and police departments of constituent institutions within the University of North Carolina System. The agreements enable temporary assistance amongst the parties when requested in writing and upon approval of the heads of each agency. Officers do occasionally assist other agencies in criminal investigations, but there is no written memorandum of understanding with local law enforcement agencies regarding the investigations of alleged criminal offenses.

## **Timely Warning**

The University Police will issue a timely warning for a serious crime that has already occurred, the perpetrator has not been apprehended, and there is an ongoing threat to members of the campus community. Warnings are issued for Clery Act crimes that are reported to the University Police, other campus security authorities, or local law enforcement. Timely warnings are disseminated for crimes that have occurred on campus, on public property, or on non-campus property. In some instances there may be a pattern of crime against persons or property or at a location frequently utilized by members of the university. In these situations, a timely warning will be sent to the community. Victims' names and other identifying information are not included in the warnings. Timely warnings are disseminated through a variety of means including; flyers, e-mails, text messages, and social media.

## **Emergency Notification**

### *Confirming the Existence of a Significant Emergency or Dangerous Situation and Initiating the Emergency Notification System*

University Police become aware of emergency and dangerous situations when they are reported to the Police Communications Center. If the situation is not discovered by a police officer, the officer is dispatched by the Communications Center to confirm the emergency. Once the officer confirms the existence of an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the campus community, he/she will establish incident command and notify his/her supervisor to disseminate an emergency notification.

The supervisor will immediately initiate the university's emergency notification system. If in the professional judgment of the first responder, the dissemination of a notification will potentially compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency, the emergency notification may be delayed. As soon as the condition that may compromise efforts no longer exists, the university will issue the emergency notification to the campus community.

For an imminent, life-threatening emergency such as an armed person, a major hazardous materials incident, or a tornado sighting, the police supervisor will direct the on-duty Police Telecommunicator to activate the emergency sirens

If the situation does not involve an armed person, major hazardous materials incident, or severe weather, the university police will not sound the siren. However, if the situation endangers campus safety (i.e., a bomb threat, explosion, major fire, major power outage, hostage/barricaded person, riot, dangerous weather condition or other civil disorder) and it cannot be quickly and easily contained and mitigated, then as soon as possible – subject to the University Police responsibilities to contain the threat and mitigate the emergency – the incident commander will contact Public Relations to begin the emergency notification process.

### *Determining the Appropriate Segment or Segments of the Campus Community to Receive an Emergency Notification*

If the sirens are activated, the Office of Communications and Marketing sends information to the entire campus community. If the sirens are not made active, the Emergency Response Team determines the appropriate segment(s) of the campus community to receive the emergency notification. The University has an approved set of message templates to accompany siren activation that is maintained by the Communications Center. Immediately upon activating the sirens, the on-duty Police tele communicator selects the approved template that matches the emergency situation and sends the message to the campus via text message and e-mail. The police supervisor advises the tele communicator of the facts needed to complete any blanks in the template. The supervisor will contact The Office of Communications and Marketing to assume responsibility for disseminating additional messaging related to the emergency.

### *Determining the Content of the Emergency Notification*

When the sirens have been activated, the content of the emergency notification will be a pre-approved template. Subsequently, the Emergency Response Team (ERT), through the Office of Communications and Marketing, will update communications to the campus as information becomes available. When the sirens have not been activated, the Office of Communications and Marketing will immediately launch automatic notification of the Emergency Response Team (ERT) and change the NCCU homepage ([www.nccu.edu](http://www.nccu.edu)) to the approved general alert template that announces the campus is on alert status. This general alert message informs the reader that the website will be updated as soon as more information is available. The ERT, through the Office of Communications and Marketing, will then update communications to the campus as information becomes available.

### *Procedures Used to Notify the Campus Community*

When the sirens are sounded, the Office of Communications and Marketing director (or designee) performs the notification process. The following steps are taken:

- The NCCU homepage ([www.nccu.edu](http://www.nccu.edu)) is updated using the basic alert template and RSS feed headlines.
- A text message is sent to students, faculty, and staff using the Blackboard Connect system.
- The phone lists are maintained and updated by Information Technology Services.
- Scheduled programming is interrupted on the campus television system reaching residence halls and some other buildings, (i.e., the Student Union) with a text-only message.
- Programming will be interrupted on Spectrum Channel 4 and the University Access Channel by posting a Power Point slide. All scheduled programming is put on hold until the “all clear” notification is made.
- A campus wide e-mail is sent using the “urgent” option using Blackboard Connect.
- Information Technology Services is instructed to send a campus broadcast voicemail message to university land line phones. Recipients will not know this message is pending

unless another call triggers the message-waiting indicator light. If there is no other call, the light does not turn on.

- A news release is sent to campus and local media using the emergency alert contact list maintained by the Office of Communications and Marketing.
- Messages are posted until 1610 a.m., the traveler’s advisory radio station covering about a two-mile radius from the campus to the adverse weather and emergency phone line.
- Campus operators activate all siren message templates.
- When the situation is resolved, an “all clear” message will be sounded and the steps above will be repeated to the same audiences to announce resolution of the situation.

If the sirens are not sounded, the following notification process is used:

- Communications and Marketing will post a general message to the NCCU homepage announcing the campus is on alert status and updates will be provided as information becomes available.
- Communications and Marketing will notify the Emergency Response Team.
- The ERT stays in contact with the incident commander and updates communications to the campus and community as information is available, including the following:
  - Update the NCCU website
  - Determine if a text message is appropriate and, if so, determines the message content and directs Emergency Management/Communications and Marketing to disseminate the message. A text message is sent when (a) there is risk of serious injury, (b) there is an opportunity to mitigate that risk by evacuating buildings or areas of campus, or avoiding buildings or areas of campus, or sheltering in place, and (c) communication to those at risk cannot be fully accomplished by direct, localized means such as voice/bullhorn/public address system/fire alarm.
- Notify the Chancellor, or in the Chancellor’s absence the Provost.
- If the ERT directs that a text message be sent, Emergency Management and Communications and Marketing will perform all of the notifications outlined above for notifications made when the sirens are activated
- If the ERT does not direct that a text message be sent, the team has the discretion to activate some or all of the notification mechanisms outlined under notifications made when the sirens are activated
- When the situation is resolved, an “all clear” message will be activated and the steps above will be repeated to the same audiences to announce a resolution of the situation.

## Enrolling in the University’s Text Message System

Text messaging can be a very effective way to send important information to the campus community. The University has the ability to send text message alerts to those persons who register their cell phone numbers. All members of the campus community are encouraged to register their mobile phone numbers at:

[https://ssbprodncu.uncecs.edu/pls/NCCUPROD/twbkwbis.P\\_GenMenu?name=bmenu.P\\_MainMu](https://ssbprodncu.uncecs.edu/pls/NCCUPROD/twbkwbis.P_GenMenu?name=bmenu.P_MainMu)

To register for mobile phone timely warnings and emergency notifications, enter your User ID and PIN, click on the “Personal Information” tab and then click on the “Update Addresses and Phones” link. Under the “Phones” heading, click on the “Primary” link to register your mobile phone. Scroll to the bottom of the webpage and enter your information under the “Phone Type” heading. By

registering your mobile phone number, you will receive NCCU crime alert text messages about serious incidents or emergencies on campus.

## **Emergency Response and Evacuation Procedures**

North Carolina Central University is committed to providing a safe and healthy environment for those who work, study, live and visit at the University. NCCU, like any other large organization, is potentially subject to natural, technological, and man-made emergencies that could threaten the university community, core academic mission, and environment. NCCU developed and maintains an Emergency Management Plan, which provides the framework to ensure the university is prepared to deal with such events. To view the NCCU Emergency Management Plan, go to the University's emergency website

<http://www.nccu.edu/health-safety/emergency/index.cfm>

The Chief of Police is the chair of the Emergency Response Team (ERT), which establishes response strategies and tactics, deploys resources and initiates the recovery process. The ERT chair contacts the Emergency Management Section and mobilizes the ERT. NCCU has in place a number of communication systems that will be utilized to notify students, faculty, staff, and visitors in the event of an emergency or dangerous situation that would cause an immediate threat to health or safety. NCCU will initiate these systems without delay once first responders provide conformation of the threat.

### *DRILLS, EXERCISES, AND TRAINING*

To ensure the University's emergency management plans remain current and actionable, the University conducts a minimum of one emergency management exercise to test emergency procedures annually. These exercises may or may not be announced and could include; tabletop drills, emergency operations center exercises, or full-scale emergency response exercises. The university conducts after-action reviews of all emergency management exercises. The scenarios for these exercises change from year to year and several on campus partners participate in the training. In conjunction with at least one emergency exercise each year, the university will notify the community of the exercise and remind the community of the information included in the university's emergency response procedures including evacuation procedures. The university maintains documentation of each exercise, including; a description of the scenario, the date, time, and messages issued. At the completion of each scenario, an after-action-report is created.

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

During business hours, most university facilities (excluding student residential facilities) are open to the general public. During non-business hours, access to all facilities is by university access card or admittance by the university police with prior written approval. Academic and administrative buildings on campus may have individual hours, which may vary at different times of the year. Some academic and administrative buildings, especially those that house computer clusters or research laboratories have electronic card access systems that operate during normal business hours. Access is limited to approved cardholders only. For buildings that are under conventional

lock and key, the building manager for each facility determines the schedule for securing the facility. The University Police Communications Center monitors the digital cameras for the campus CCTV systems.

#### *SPECIAL CONSIDERATION FOR RESIDENTIAL FACILITIES*

Access to residence halls is restricted to students who live and staff who work in the residence halls. All access to residence halls is provided via an electronic key card access system, which will allow access only to approved cardholders. Residence halls are locked at all times. During emergencies or over extended breaks, the doors of all residence halls are secured around the clock by temporarily disabling resident student access cards. Doors are equipped with manual keyed locks, separate from the card access issued to resident students.

#### *SECURITY CONSIDERATIONS IN THE MAINTENANCE OF CAMPUS FACILITIES*

At NCCU, the facilities and grounds are designed for safety and security. Lighting illuminates the pathways from parking lots to buildings and between buildings. The Facilities Services Department conducts frequent surveys for trees, shrubbery, and plants that need to be trimmed to increase safety on campus. Additionally, the department administers lighting assessments for lights that are in need of repair. University Police reports unsafe conditions found during patrol operations, such as dark areas where lighting need to be added or areas where lighting is burned out, to Facilities Services for correction. University Police closely monitor any security-related maintenance problems after hours until reported to and resolved by Facilities Services or a contracted vendor.

## **Crime Prevention and Safety Awareness Programs**

#### *PROGRAMS THAT INFORM STUDENTS AND EMPLOYEES ABOUT SECURITY PROCEDURES AND PRACTICES AND ENCOURAGE RESPONSIBILITY FOR ONE'S OWN SECURITY*

The University Police provide information on security policies and procedures, including crime reporting, at Student Orientation. Similar information is provided at New Employee Orientation.

The Office of Student Conduct and Community Standards provide training on the Student Code of Conduct that includes; disciplinary procedures, hearing procedures, and judicial actions. Students are responsible for complying with the rules and regulations of the University as well as all federal, state, and local laws. In addition, the Office of Student Conduct and Community Standards provide seminars on alcohol, drug and drug paraphernalia, assault and battery, damage and vandalism, harassment (including sexual harassment), sexual assault, sexual misconduct, weapons, and explosives. The Student Handbook can be found on the university website at <https://www.nccu.edu/policies/retrieve.cfm?id=442>.

Residential Life provides training on community living standards, the policies governing residence hall living, safety, key and lock security, illegal entry, trespassing into residence halls and residence hall visitation.

### ***CAMPUSWIDE CRIME PREVENTION SERVICES***

*Campus Shuttle Service, Eagle After-Dark On-Demand Shuttle Program, and the Escort Program*

The North Carolina Central University Transportation Department provides a campus shuttle service for the university community. The maroon shuttle runs every 20 minutes from 7:00 a.m. until 10:00 p.m. Monday through Friday and the grey shuttle runs every 20 minutes from 7:00 a.m. until 7:00 p.m. Monday through Friday. The transportation department also provides a mobility shuttle (Eagle Escort) for students, faculty, and staff who may have a temporary or permanent mobility issue from 7:00 a.m. until 10:00 p.m. Monday through Friday.

The After-Dark On-Demand shuttle service is a student operated service that offers a solution to safety concerns on campus. The After-Dark service begins at 10:00 p.m. and ends at 2:00 a.m. The service is offered seven days a week. A van is provided for NCCU students, faculty, and staff and will transport members of the community to and from NCCU-owned facilities. The vehicle is marked with information and is easily distinguished as a safe means of transportation at night. After-Dark On-Demand services will not be available during university breaks and holidays when classes are not in session. Students, faculty, and staff can call (919) 530-3287 to request rides during service hours. The caller will be asked to provide their NCCU banner number along with their pick-up and drop-off location. Additionally,, the University Police provide escorts for the campus community after the shuttle cease operations.

#### *Operation Eagle Identification*

To help identify recovered stolen items, university police provide an electric engraver for students, faculty and staff to engrave their valuables. The engraver is available at the Police and Public Safety Building.

#### *Residence Hall Watch*

Residential Life implements a proactive approach to crime prevention by conducting residence hall watch programs wherein students keep watch for suspicious activities and/or persons in and around the residence hall. The participants report concerns to the residence hall Campus Security Authorities.

### **PROGRAMS DESIGNED TO INFORM STUDENTS AND EMPLOYEES ABOUT PREVENTION OF CRIME**

Crime prevention programs are provided throughout the year and upon request by the University Police and other campus departments to students, parents, faculty, staff, visitors (campers) and community organizations.

- University Police provide programs at the beginning of the fall, spring and summer semesters for Residential Housing Assistants and residents that include a variety of strategies and tips on how to protect oneself from sexual assault, theft, and other crimes.
- University Police provide safety seminars on ways to make oneself and one's surroundings less attractive to criminals, preventing sex offenses/rapes and domestic violence, and preventing robberies, larcenies, and motor vehicle thefts
- University Police host National Night Out annually in partnership with surrounding law enforcement agencies.
- University Police in conjunction with campus partners and community organizations participate in crime prevention programs on a regular basis. Various topics pertaining to safety are discussed. These events are free and open to all members of the university community.
- The Women's Center provides the EMERGE program and the Men Creating Change program.
- University Police Department offers Drug Awareness, MADD, and Stop the Violence programs for students.
- University Police Department in conjunction with Residential Life provides Behind Closed Doors training for employees.
- University Police Department in conjunction with the Lady Eagle Development Mentoring Program provided training on Emergency Procedures, Drugs and Alcohol Awareness, and crime prevention.

## **Policies Regarding Alcoholic Beverages and Illegal Drugs**

### *POLICIES REGARDING ALCOHOLIC BEVERAGES*

Federal law requires NCCU to notify annually all faculty, staff, and students that the University prohibits the unlawful possession, use, manufacture or distribution of alcohol or controlled substances by students, faculty, staff, and guests in buildings, facilities, grounds or property controlled by the university or used as part of university activities. For students, this includes prohibiting the possession and consumption of any beverage containing alcohol in a residence hall room. Smoking of any material is prohibited in all buildings on North Carolina Central University's campus. All members of the university community (students, faculty, staff and administrators) are responsible for complying with Chapter 18 of the North Carolina General Statutes, which makes the purchase and consumption of alcohol underage illegal. The NCCU Police Department enforces federal and state alcohol laws on the campus.

NCCU's policy is formulated in accordance with state and local laws regulating the sale, possession and consumption of alcoholic beverages. The Student Code "Policy on Alcoholic Beverages" states: "NCCU prohibits the sale, possession, or consumption of alcoholic beverages on campus, **ZERO TOLERANCE**. This includes residence halls, student union, athletic events, or at any activity sponsored by a student organization on or off campus." The full text of the policy may be found in the Student Code of Conduct Appendix 1. The University Police Department firmly enforces the **ZERO TOLERANCE** for **ALCOHOL**.

### *NCCU Alcohol Policy*

It is illegal to possess or consume alcohol while on NCCU campus, except at approved events. Penalties for employees could result in disciplinary action up to and include termination. Penalties for students may include fines and in some cases expulsion from the university. Please review Appendix I in the NCCU Student Code of Conduct located at; <https://www.nccu.edu/policies/retrieve.cfm?id=442>.

### *Areas Open to the Public*

NCCU prohibits the possession and use of alcoholic beverages in areas open to the public including outside buildings on campus. However, the use of alcoholic beverages, subject to the laws of North Carolina may be permitted at NCCU sponsored activities in areas designated by and with the prior approval of the chancellor.

### *Private or Closed Areas*

The possession and use of alcoholic beverages are prohibited in conference rooms, offices, office reception rooms, closed buildings, and areas of buildings not open to the public or from which the public has been excluded, except the use of alcoholic beverages, subject to the laws of North Carolina, may be permitted in specific private or closed areas designated by, and with the prior approval of, the chancellor.

### *Education and Research Areas*

NCCU specifically prohibits the use, possession and dispensing of alcoholic beverages in classrooms, lecture halls, laboratories, libraries, research areas, or within buildings, areas where lectures or concerts are held. Permission will not be granted to use or possess alcoholic beverages in a facility which is being used for one of the above functions unless with the express prior approval of the chancellor.

### *Student Alcohol Policy*

The possession of or use of alcoholic beverages is prohibited in all university on-campus undergraduate residence hall buildings. It is a violation of state law and university policy for a student under 21 years of age to attempt to purchase, consume, possess, or transport alcoholic beverages. It is unlawful to sell, furnish, and give alcoholic beverages or to permit alcoholic beverages to be sold, furnished or given to any minor. Students are prohibited from any tailgating activities in the residential quad areas or residence hall parking lots where alcoholic beverages are being served on any football game/event weekend including all home football games. Students tailgating with alcoholic beverages in these defined areas will be confronted and will likely be charged with “open alcohol containers.” Residents will be held responsible for activities that occur in their room, and will be referred to the Office of Student Conduct and Community Standards and/or University Police if guests are violating state law and the on-campus alcohol policies listed above. Failure to comply with the direction or to present identification to university officials acting in the

performance of their duties is a violation of the Student Code of Conduct and will result in a referral to the Office of Student Conduct and Community Standards.

## **DRUG AND ALCOHOL ABUSE EDUCATIONAL PROGRAMS**

### *Alcohol and Other Drug Resource Center*

The Alcohol and Other Drugs Resource Center educates students, faculty, staff and the greater Durham community on healthy and responsible choices regarding alcohol and other drug consumption, creates and supports alternatives to alcohol and other drug use on and off campus, and promotes behavioral change through culturally relevant interventions that lead to positive student development. Activities of the Center included prevention and educational workshops and presentations; training of students, staff, faculty and community members; on-line assessment tools; alcohol screenings; and interventions and educational materials for students who are self-referred or referred because of violating NCCU's zero tolerance policy. Sponsored by the University Counseling Center, the Alcohol and Other Drug Resource Center is staffed by one counselor and two student interns and is located within the Counseling Center.

### *AlcoholEdu for College*

AlcoholEdu for College, an on-line personalized, interactive assessment tool which incorporates evidence-based prevention methods, corrects social norms regarding alcohol and models safe decision-making required for all incoming first-year students.

### *Additional Drug/Alcohol Workshops and Programs*

<b>Workshop/Program Activity</b>	<b>Purpose</b>	<b>Frequency</b>
New Student Orientation- Introduction to AlcoholEdu	Introduce incoming first-year students to the alcohol education and prevention program using AlcoholEdu, the online course.	Annual
Peer Educator Training	Train peer educators to provide alcohol and other drug outreach programming on campus	Annual
Live real: It's Not a Game	Comprehensive education about alcohol and other drugs through activities.	Annual
Dodge that Drink. Have a Ball	Provide alcohol education and prevention to students while engaging in an alcohol-free activity	Annual
Smart Choices Table	Provide pick up "on the go" information about alcohol use and abuse	Annual

Free Fest in September	Activity included in the event that allows students to try out the Drunk and Dangerous goggles and get a graphic demonstration of how much drinking affects perception. Brief alcohol screenings also conducted.	Annual
Thirsty Thursday	Provide an evening of entertainment, music, and mocktails created by Greek organizations while receiving alcohol education	Annual
Keeping it Real: Alcohol Poisoning Skit	Educate incoming students on alcohol and alcohol abuse, along with the associated campus resources	Annual

## NORTH CAROLINA ALCOHOL RELATED OFFENSES

### *Underage Drinking*

It is illegal for anyone under 21 years of age to attempt to possess, purchase or attempt the purchase of liquor. It is also illegal to lie about age to obtain alcohol and to carry a false identification card. The penalties include fines or possible imprisonment and court costs. By law, the local police department and University Police are required to notify parents or guardians of all underage-drinking violations.

The North Carolina General Statute is as follows:

§ 18B-302. Sale to or purchase by underage persons.

(a) Sale. - It shall be unlawful for any person to:

- (1) Sell malt beverages or unfortified wine to anyone less than 21 years old; or
- (2) Sell fortified wine, spirituous liquor, or mixed beverages to anyone less than 21 years old.

(a1) Give. - It shall be unlawful for any person to:

- (1) Give malt beverages or unfortified wine to anyone less than 21 years old; or
- (2) Give fortified wine, spirituous liquor, or mixed beverages to anyone less than 21 years old.

(b) Purchase, Possession, or Consumption. - It shall be unlawful for:

- (1) A person less than 21 years old to purchase, to attempt to purchase, or to possess malt beverages or unfortified wine; or
- (2) A person less than 21 years old to purchase, to attempt to purchase, or to possess fortified wine, spirituous liquor, or mixed beverages; or
- (3) A person less than 21 years old to consume any alcoholic beverage.

(c) Aider and Abettor.

- (1) By Underage Person. - Any person who is under the lawful age to purchase and who aids or abets another in violation of subsection (a), (a1), or (b) of this section shall be guilty of a Class 2 misdemeanor.
- (2) By Person over Lawful Age. - Any person who is over the lawful age to purchase and who aids or abets another in violation of subsection (a), (a1), or (b) of this section shall be guilty of a Class 1 misdemeanor.

### ***Carrying False I.D.***

It is illegal for anyone under 21 to possess an identification card falsely identifying that person by name, age, date of birth, or photograph as being 21 or older to attempt to obtain liquor, malt, or brewed beverage by using the identification card of another or by using an identification card that has not been lawfully issued to or in the name of the person who possesses the card.

The North Carolina General Statute as follows:

#### **§ 18B-302**

- (e) **Fraudulent Use of Identification.** - It shall be unlawful for any person to enter or attempt to enter a place where alcoholic beverages are sold or consumed, or to obtain or attempt to obtain alcoholic beverages, or to obtain or attempt to obtain permission to purchase alcoholic beverages, in violation of subsection (b) of this section, by using or attempting to use any of the following:
- (1) A fraudulent or altered driver's license.
  - (2) A fraudulent or altered identification document other than a driver's license.
  - (3) A driver's license issued to another person.
  - (4) An identification document other than a driver's license issued to another person.
  - (5) Any other form or means of identification that indicates or symbolizes that the person is not prohibited from purchasing or possessing alcoholic beverages under this section.
- (f) **Allowing Use of Identification.** - It shall be unlawful for any person to permit the use of the person's driver's license or any other form of identification of any kind issued or given to the person by any other person who violates or attempts to violate subsection (b) of this section.
- Public Intoxication-** It is illegal to appear in any public place manifestly under the influence of alcohol to the degree that you may endanger yourself or other persons or property, or annoy others in your vicinity. Public drunkenness is a crime when a person appears in any public place manifestly under the influence of alcohol or a controlled substance to the degree that he may endanger himself or other persons or property, or annoy persons in his vicinity. Public drunkenness also leads to other behaviors and important health concerns. In some cases, public drunkenness contributes to many criminal mischiefs and disorderly conducts on campus. Persons must be responsible for their own actions and know their limits and tolerance levels before consuming alcohol.

#### **§ 14-444. *Public Intoxication and Disruptiveness in Public***

- (a) It shall be unlawful for any person in a public place to be intoxicated and disruptive in any of the following ways:
- (1) Blocking or otherwise interfering with traffic on a highway or public vehicular area, or
  - (2) Blocking or lying across or otherwise preventing or interfering with access to or passage across a sidewalk or entrance to a building, or
  - (3) Grabbing, shoving, pushing or fighting others or challenging others to fight, or
  - (4) Cursing or shouting at or otherwise rudely insulting others, or
  - (5) Begging for money or other property.
- (b) Any person who violates this section shall be guilty of a Class 3 misdemeanor. Notwithstanding the provisions of G.S. 7A-273(1), a magistrate is not empowered to accept a guilty plea and enter judgment for this offense.

## ***Driving Under the Influence (DUI) & Refusing a Chemical Test***

In North Carolina the illegal level for DUI is .08% Blood Alcohol Content (BAC). Also, drivers with any amount of a Schedule I, II, or III controlled substance not medically prescribed (or their metabolites) may not drive, operate, or be in actual physical control of a vehicle. Any person who drives a motor vehicle automatically gives consent to one or more chemical test (e.g. breath, blood, or urine). If a person refuses to submit to a chemical test: (1) the test will not be done; (2) the person's license will be suspended for one year; and (3) the person will most likely be charged with DUI.

The North Carolina General Statute is as follows:

§ 20-138.1. Impaired driving.

- (a) Offense. - A person commits the offense of impaired driving if he drives any vehicle upon any highway, any street, or any public vehicular area within this State:
  - (1) While under the influence of an impairing substance; or
  - (2) After having consumed sufficient alcohol that he has, at any relevant time after the driving, an alcohol concentration of 0.08 or more. The results of a chemical analysis shall be deemed sufficient evidence to prove a person's alcohol concentration; or
  - (3) With any amount of a Schedule I controlled substance, as listed in G.S. 90-89, or its metabolites in his blood or urine.
- (a1) A person who has submitted to a chemical analysis of a blood sample, pursuant to G.S. 20-139.1(d), may use the result in rebuttal as evidence that the person did not have, at a relevant time after driving, an alcohol concentration of 0.08 or more.

## **POLICIES REGARDING ILLEGAL DRUGS**

The university policy on illegal drugs defines drug-related problems and contains explicit penalties for offenses related to possession and trafficking in illegal drugs. All members of the university community are responsible for complying with the provisions of North Carolina General Statutes Chapter 90, which makes it a crime to “posses, sell, deliver or manufacture those drugs designated collectively as controlled substances.” The full text of the policy is contained in the Faculty Handbook, the Academic Administrators Handbook, the Student Code of Conduct Appendix II, and the Human Resources Policies and Procedures Manual. The policy includes reference to required dissemination, counseling and rehabilitation, penalties, and the appeals processes. There is **ZERO TOLERANCE** for **ILLEGAL DRUGS** on campus. NCCU Police Department enforces federal and state drug laws.

### ***Illegal Substances (Drugs)***

It is a violation of state law and university policy to illegally possess, use, distribute, manufacture, sell or be under the influence of illegal drugs. Students who violate this policy will be referred to the Office of Student Conduct and Community Standards and/or University Police. The Policy on Illegal Drugs can be found in Appendix II of the NCCU Student Code of Conduct <https://www.nccu.edu/policies/retrieve.cfm?id=442>.

It is against residence hall policy for a student to be in a residential area (room, common area, common

building, building entryway or quad area immediately adjacent to the residence halls) and in the presence of an illegal substance. Students who are in the presence of an illegal substance in these areas will be referred to the Office of Student Rights and Responsibilities and/or University Police.

### *Policies Specific to Faculty and Staff*

As a condition of university employment, every employee shall abide by the terms of the policy on illegal drugs. Any employee who violates this policy is subject to university sanctions, including dismissal, as well as criminal sanctions provided by federal, state, or local law. An employee may be required to participate in a drug abuse or drug rehabilitation program.

### **DRUG RISKS AND CONSEQUENCES**

- Alcohol and other drug use during pregnancy increase the risk of physical harm to the fetus.
- Additional risks of harm may occur from toxic impurities present in street drugs.
- Additional risks of harm may occur from the use of prescription drugs in ways other than prescribed.
- Drugs taken by injection can increase the risk of infection (e.g. HIV, hepatitis, etc.) through needle contamination.
- For more information visit: [www.drugabuse.gov](http://www.drugabuse.gov) and <https://www.samhsa.gov> **Drug and Alcohol Abuse Education Programs**

### *RESOURCES FOR STUDENTS*

Project SUCCESS: Project SUCCESS is a comprehensive alcohol and other drug prevention and education program at NCCU; which provides campus wide alcohol and other drug awareness and prevention programming designed to educate and empower students to make healthy choices related to alcohol and other drug use. For more information contact the NCCU Alcohol and Other Drug Resource Center 919-530-7068. Additional services offered are: Individual and group counseling, alcohol and other drug assessment/evaluation, referrals/linkage, prevention/education, outreach, Eagle CHOICES (Choosing Healthy Options in Challenging Everyday Situations), Eagle Coping and Smart Recovery Group.

### **RESOURCES FOR FACULTY AND STAFF**

Employee Assistance Program (EAP) services are offered at no cost through the university. Confidential counseling is available through ComPsych at 866-301-9634. A variety of resources are provided regarding substance abuse, grief, and loss, job pressure, problems with children, depression, and relationship/martial conflicts. For additional information, contact the Human Resources Employee Relations Office at 919-530-5143.

# Preventing, Reporting, and Responding to Sexual Assault, Domestic Violence, Dating Violence, and Stalking

North Carolina Central University will not tolerate domestic violence, dating violence, sexual assault, stalking, or other forms of sexual misconduct. Offenders may be subject to appropriate campus adjudication processes, disciplinary action, and/or criminal proceedings. The university utilizes procedures that provide prompt, fair, and impartial investigations and resolution in cases involving domestic violence, dating violence, sexual assault, and stalking. These procedures are carried out by officials who receive specific annual training. Sexual violence is a form of sexual harassment and services are available to students, faculty, and staff who experience sexual violence, domestic violence, dating violence, and instances of stalking. In these situations, North Carolina Central University is committed to providing crisis intervention measures for students, faculty, and staff. The officials will employ the appropriate administrative response for the complainant and respondent. They will refer individuals to criminal authorities as well as educating and promoting discussions on interpersonal abuse and violence issues. The university's process does not preclude adjudication under state law.

North Carolina Central University's Sexual Misconduct Policy and Information:

<http://www.nccu.edu/policies/version.cfm?id=450>

<http://www.nccu.edu/legalaffairs/title-ix-and-sexual-misconduct.cfm>

<http://www.nccu.edu/administration/dhr/titleix/index.cfm>

North Carolina Central University's Equal Employment Opportunity Policy states, in part, as follows: North Carolina Central University supports the protections available to members of its community under all applicable federal laws, including Title VI and VII of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; Sections 799A and 8i45 of the Public Health Service Act; the Equal Pay Act of 1963, as amended; the Age Discrimination in Employment Act of 1967, as amended; the Rehabilitation Act of 1973, as amended; the Pregnancy Discrimination Act of 1978; the Civil Rights Restoration Act of 1988, the Vietnam Era Veteran's Readjustment Assistance Act of 1974, as amended; the Americans with Disabilities Act of 1990, as amended; the Civil Rights Act of 1991; the Americans with Disabilities Act Amendments Act of 2008; Title II of the Genetic Information Nondiscrimination Act of 2008; Executive Order 11246, as amended; the North Carolina General Statutes Section 126-16, as amended, and other applicable federal and state laws. The University's policy is also consistent with the Code of the University of North Carolina, Section 103.

## *PROGRAMS TO PREVENT DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING*

The University engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and

stalking. These programs are culturally relevant, inclusive of diverse communities and identities, to enhance prevention awareness to incoming students and new employees.

Our commitment at NCCU is to educate not only incoming first-year students, but all incoming students, including transfer and graduate students. As a recipient of the OVW Campus Grant, the institution has been required to train all incoming students. The following is a list of programs provided;

Program	Purpose	Frequency
<p><b>HBCU HAVEN</b> (Helpers and Advocates for Violence Ending Now)</p>	<p>An initiative that seeks to provide streamlined, efficient and comprehensive culturally-competent services to members of the NCCU campus community who are victims of domestic violence, sexual assault, dating violence and stalking. HBCU HAVEN is home to peer educator groups EMERGE and Men Creating Change (as mentioned below) and co-sponsor of the annual Keeping It Real peer theatre production along with Student Health.</p> <p>Under the auspices of HBCU Haven, the Women’s Center provide a robust schedule of educational training and awareness programming throughout the academic year including;</p> <ul style="list-style-type: none"> <li>• Purple Week for domestic violence awareness</li> <li>• Stalking Awareness Month</li> <li>• Consent Week for sexual assault awareness</li> <li>• Bystander intervention training</li> </ul>	<p>Biannual</p>

<p><b>EMERGE</b> (Engaging Mentors to Empower Respect and Gender Equality)</p>	<p>Is a group of trained peer educators (EMERGE Leaders) that serve as a resource for fellow students, as well as faculty and staff. <b>EMERGE</b> Leaders facilitate outreach to the campus community, educate, and raise awareness on sexual assault and domestic violence issues.</p>	<p>Monthly</p>
<p><b>MCC</b> (Men Creating Change)</p>	<p>This NCCU men’s initiative began as a way for the Women’s Center to develop male allies to support the work they do related to sexual violence. Men Creating Change is a group of male students, faculty and staff that act as allies in the movement of interpersonal (sexual and physical) violence.</p>	<p>Monthly</p>
<p><b>Keeping It Real Peer Theatre (KIR)- Keeping It Real</b></p>	<p>An interactive play performed by members of the peer education groups on campus. In <b>Keeping It Real</b> students perform skits that educate new students on sexual assault, domestic/dating violence, stalking, sexual health, stress management, and the use of alcohol and other drugs.</p>	<p>Annual</p>

The Women’s Center provides training on information and laws related to sexual assault, domestic violence, and stalking to university police and security personnel, judicial board members, and residential life staff twice each academic year.

Legal Affairs and Title IX provide Clery and Title IX training to all faculty and staff. Staff and Faculty members whose role is working with interpersonal violence incidents on campus are extended professional development opportunities, via webinars, local, regional and national conferences. They also are encouraged to work collaboratively with community partners and colleagues at other institutions to inform best practices related to these topics.

The NCCU Police Department presents educational seminars on sexual assault issues and prevention, including rape/sexual assault prevention, date/acquaintance rape prevention, and simple self-defense techniques. The department works collaboratively with the Women’s Center and the Durham Crisis Response Center and host community outreach events. (i.e. Take Back the Night Rally and March)

## **PROCEDURES VICTIMS SHOULD FOLLOW**

### *Importance of Preserving Evidence*

Preserving evidence is imperative. If you are not sure whether or not you want to involve the police, you should consider preserving evidence so you can make that choice later. Evidence also may be critical to the ability to obtain a protective order. You should:

- Avoid showering or bathing.
- Avoid douching.
- Avoid eating, drinking, or brushing your teeth.
- Don't change out of clothes worn during the assault. If you have changed clothes, preserve the clothes worn during the assault and also the clothes you changed into.
- Preserve bedding. Avoid touching any other surfaces or furniture that were involved in the assault.

### *How and to Whom to Report*

Report the incident to the NCCU Police at 919 530-6106. You are encouraged to report the crime to the police whether or not an investigation continues. University police can address any and all security concerns and inform the community if there is a significant threat. If the incident took place off campus, the NCCU Police will assist you in notifying proper local law enforcement authorities.

Students may also report to the following:

- Dean of Students, (919) 530-7466
- Residential Life (if a residential student), (919) 530-7298 or any AC, CD, or RA
- The Office of Student Conduct and Community Standards (919) 530-5469
- Title IX Coordinator, (919) 530-7944
- Any Campus Security Authority (see Reporting Crimes to Other Campus Securities above)

Employees may also report to, the Title IX Coordinator, (919) 530-7944 or a Deputy Title IX Coordinator (see the list of On-Campus Resources below).

## **OPTIONS FOR THE INVOLVEMENT OF LAW ENFORCEMENT**

Victims may notify proper law enforcement authorities, including the NCCU Police if the incident occurred on campus or the local law enforcement agency in whose jurisdiction the incident occurred. The NCCU Police will assist victims with notifying the proper local law enforcement agency. Other Campus Security Authorities will also assist in notifying the NCCU Police if the victim so desires. Victims also may decline to notify law enforcement authorities.

### *Orders of Protection*

NCCU Police will advise victims on the availability of domestic violence and civil no-contact orders and will assist with their acquisition, service, and enforcement.

## **PROTECTING THE CONFIDENTIALITY OF VICTIMS AND OTHER NECESSARY PARTIES**

- *Reports to Police:* Police reports are public records under state law. The report itself will not be confidential but the NCCU Police can protect the confidentiality of the victim's identity. Criminal investigations records, including names of victims and witnesses, are released only upon court order.
- *Reports to Other Campus Security Authorities:* Reports to other Campus Security Authorities are kept as confidential as possible. The information must be shared with the Title IX Coordinator, and for Clery statistics, will be shared with the Clery Coordinator. Information from the report may be used in a Timely Warning if the incident poses a continuing threat to the campus. There will be no other police involvement unless desired by the victim.
- *Accommodations and Protective Measures:* NCCU will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the NCCU's ability to provide them.

## **WRITTEN NOTICE OF VICTIM'S RIGHTS, OPTIONS, AND RESOURCES**

Whenever a student or employee reports to the institution 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, NCCU provides the victim a written explanation of his or her rights and options. This document is called the Consolidated Victim's Rights Form.

This written explanation includes:

- The importance of preserving evidence
- How and to whom the offense should be reported
- Options about the involvement of law enforcement
- The right of victims and the institution's responsibilities for orders of protection, restraining orders, or similar lawful orders issued by a criminal or civil court
- Information on how the institution will protect confidentiality, including protective measures and any accommodations provided
- Existing counseling, health, mental health, victim advocacy, legal assistance, student financial aid, and other services available for victims, both within the institution and in the community. Immigration and Visa is handled through our partnership with Legal Aid of Durham.
- Options for, available assistance in, and how to request changes in academic, living, transportation, and working situations or protective measures, including a statement that NCCU will make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether or not the victim chooses to report the crime to campus or local law enforcement.
- Where to obtain information on disciplinary procedures for students and employees

The Form also includes a listing of additional rights provided to victims under North Carolina law if the victim chooses to report the crime to law enforcement. These rights include:

- Availability of medical services

- Availability of victim's compensation and contact information
- District Attorney's address and phone number
- Notice that the victim will be notified of the arrest of the accused within 72 hours of the arrest
- Name and address of investigator to contact if the victim has not been notified of an arrest within six months
- Information about the accused's custody status and how to obtain information about pre-trial release or custody status changes

## **RESOURCES**

The Duke Health Care System will administer a SANE (Sexual Assault Nurse Examiner) kit at no cost upon the victim's request. Victim's Compensation will assist if he/she is eligible for services.

University Police is a member of the Sexual Assault Response Team (SART). An investigator trained in sexual assault responds to all incidents of sexual assault, domestic violence, dating violence, and stalking. SART is a subcommittee of the Domestic and Sexual Violence Task Force of the Durham Crisis Response Center.

Students may seek assistance at any time from the NCCU Counseling Center at no additional charge. Referrals may be made upon request for relatives, partners, and friends of either the complainant or respondent to various support agencies. Students may seek assistance from NCCU's Student Health Services. Post-assault medical care includes testing and treating for sexually transmitted diseases (STDs). Costs for testing may be paid directly by the student or billed through insurance.

The University Women's Center is a resource for support to both women and men. The staff provide informal advising and consulting. Services include advocacy for women's issues, information and helpful referrals to important campus and community resources, and support and assistance dealing with problems such as sexual and relationship violence. The contact number is 919 530-6811.

Below is a list of additional on-campus and off-campus resources. Student Affairs can assist with connecting victims to these services.

<b>On-Campus Resources</b>		
Counseling	Counseling Center	919-530-5294
Medical Care	Student Health Services	919-530-6317
Victim's Advocacy	Women's Center	919-530-6811
LGBT Center	Alphonso Elder Student Union	919-530-5545
Student Financial Aid	Scholarships and Student Aid	919-530-6180
Assistance with changing academic, living, transportation, or work situations	Student Affairs	919-530-7466
Reporting incidents, assistance with obtaining protective orders	University Police	919-530-6106
<b>On-Campus Title IX</b>		
Title IX Coordinator	Title IX Coordinator	919-530-7944
Deputy Coordinator	EEO and Employee Relations Consultant	919-530-7992
Deputy Coordinator	Associate Athletic Director	919-530-7053
Deputy Coordinator	Student Conduct Officer	919-530-5287
Deputy Coordinator	Associate Residential Life Director	919-530-7923
<b>Off Campus Resources</b>		
Crisis Intervention	Hopeline (24-hour crisis line)	919-231-4525
Medical Care	Duke Hospital	919-684-8111
Medical Care	Duke Regional Hospital	919-470-4000
Reporting Off-Campus Incidents	Durham City Police	919-560-4600
	Durham County Sheriff Office	919-530-0897
Victim's Advocacy	North Carolina Coalition Against Sexual Assault	919-871-1015
Counseling, Advocacy, other referrals	Durham Crisis Response Center	919-403-6562
Mental Health	Durham Recovery Response Center	919-560-7305
Mental Health	Go Durham Access	919-620-8605
Mental Health	Alliance Behavioral Health Care	919-560-7200
Legal Assistance, including Immigration and Visa	Legal Aid of NC Durham	919-688-6396
Counseling	ComPsych Guidance Resources (employees)	866-301-9634

## **STUDENT DISCIPLINARY AND APPEAL PROCESSES**

North Carolina Central University is a constituent institution of the University of North Carolina. Pursuant to The Code of the University of North Carolina, as adopted by the Board of Governors of the University of North Carolina, the Chancellor is solely responsible for all matters of student discipline at North Carolina Central University. The Chancellor may delegate this authority in matters of student discipline to administrative officers, faculty, and staff committees. The Chancellor has delegated his authority through the Vice Chancellor for Student Affairs to the Office of Student Conduct and Community Standards to implement policies and procedures in the matters of student discipline at North Carolina Central University.

Standards of behavior at North Carolina Central University are intended to enhance and protect the University's general educational process, including research and public service activities, as well as promote personal academic advancement and maturation. Realization of such goals can only be achieved in a civil atmosphere of mutual respect among individuals, of appreciation and respect of the rights of other individuals, and of recognition of the rights of individuals and groups to express dissent. For any community to be self-governing, the rules under which it operates must be promulgated and understood by the community. The Student Code of Conduct is intended to codify and explain the rules for standards of behavior and responsibilities, as well as the rights and remedies accorded to all members of the community. Section 8, Acts of Misconduct, defines dating violence, domestic violence, sexual assault, and stalking as prohibited conduct. The student disciplinary process for such conduct is as follows.

### ***Fundamental Fairness Guarantees***

Students are guaranteed the following elements of fundamental fairness throughout the student conduct process:

#### **Rights of the Respondent**

- To be provided a fundamentally fair process
- To be presumed not responsible for a violation of the Code until determined otherwise
- To be given written notice of any allegation(s) or formal charge(s) of prohibited conduct
- The right to have a reasonable amount of time to prepare for a hearing
- To review the information that will be presented in any resolution, provided that the information may be given to the student in a redacted format
- To present relevant information on their behalf
- To be represented by an Advisor throughout the entire Student Conduct Process, provided written Notice of Representation, a signed FERPA authorization, and Certification forms are received within four (4) business of notification of allegations. **Note: The Notice of Representation must include the identity of the Advisor and specification of their status, address, telephone number, and email where they may be reached. The FERPA Authorization and Certification forms will be provided in the notification email.**
- To have sanction(s) imposed on the basis of the guidelines set forth in the Code
- To be informed of the final decision and results of a disciplinary proceeding
- To request reasonable accommodations under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act through the North Carolina Central University Office of Student Disability Services
- To know the identity of individuals speaking or providing written information for consideration at any hearing
- To confront, in some manner, the allegations and information presented relevant to the formal charge(s) against them, which in all cases will be brought forward by the University
- To request a delay of the hearing for academic or extenuating circumstances
- To admit responsibility for any or all of the charges against them
- To request that a member of a Board be excluded from the hearing on the basis of a conflict of interest or bias

- To not speak or answer any question(s), if such testimony or answers would tend to establish against them a violation of the Code. When a student refuses to speak, therefore avoiding questioning, they relinquish the right to make a written or verbal statement at the end of the findings stage the hearing; however, a summation of the relevant facts of the matter under adjudication may be made by the student's Advisor, provided that the summation is not a substitute for the statement the student declined to provide
- To pose reasonable questions to any witness appearing at a hearing in a manner determined by the Chair; except the alleged victim of alleged sexual violence
- To appeal any decision of a Hearing Panel, pursuant to Section 11 of the Code
- To have supervised access to a recording of the hearing proceedings; and
- To have any disciplinary records kept confidential, unless an exception is allowed or required by law or regulation.

## 7.2 Rights of the Complainant

- To be provided a fundamentally fair process
- To file a complaint with the Office of Student Conduct and Community Standards upon discovery of the violation
- To file criminal charges or pursue civil action in addition to any action taken under the Code
- To have prior disciplinary history excluded from information presented during a Board's hearing and deliberation of findings for any charge(s)
- To have sanction(s) imposed on the basis of the guidelines set forth in the Code
- To request reasonable accommodations under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act through the Office of Student Disability Services
- In cases involving an alleged crime(s) of violence or act(s) of sexual misconduct or sex/gender based harassment, to provide an impact statement, provided that such statement shall only be considered during the sanctioning phase of a hearing
- In cases involving an alleged crime(s) of violence or act(s) of sexual misconduct or sex/gender based harassment, to be informed of the final decision and results of a disciplinary proceeding in accordance with FERPA and the Clery Act
- In cases involving an alleged act(s) of sexual misconduct or sex/gender-based harassment, to review the information that will be presented in any resolution, provided that the information may be given to the student in a redacted format
- To present relevant information on their behalf
- To obtain support, advice, or assistance from an Advisor, pursuant to relevant sections in Section 9 of the Code
- To know the identity of individuals speaking or providing written information for consideration at any hearing
- To be provided the same opportunities as the Respondent to address any University official involved with the resolution of the complaint, including being present during the findings stage of the hearing. **Please note: the complainant has the right not to participate in the hearing if he/she so chooses but the University may still move forward in addressing the alleged violation of the student conduct process.**
- To request that a member of a Board be excluded from the hearing on the basis of a conflict of interest or bias

- To not speak or answer any question(s), if such testimony or answers would tend to establish against them a violation of the Code. When a student refuses to speak, therefore avoiding questioning, they relinquish the right to make a written or verbal statement at the end of the findings stage of the hearing; however, a summation of the relevant facts of the matter under adjudication may be made by the student's Advisor, provided that the summation is not a substitute for the statement the student declined to provide
- To pose reasonable questions to any witness appearing at a hearing in a manner determined by the Chair
- To appeal any decision of a Board, pursuant to Section 11 of the Code
- To have supervised access to a recording of the hearing proceedings in which the Complainant had an opportunity to participate
- To have any disciplinary records kept confidential, unless an exception is allowed or required by law or regulation.

### ***Initiation of Charges***

#### **A. Filing of Complaint/Initial Review**

1. Any member of the University community may register a complaint with the Office of Student Conduct and Community Standards against a student for an alleged violation of University policy. The complaint must include factual information supporting the allegation. Allegations concerning violations of the Code must be brought in writing to the attention of the Office of Student Conduct and Community Standards.
2. Upon receipt of a complaint, the Office of Student Conduct and Community Standards will conduct a preliminary investigation of the allegations included in the complaint. In the absence of sufficient substantive evidence, a complaint will be dismissed. The Office of Student Conduct and Community Standards shall provide written documentation to the complainant (person who filed the complaint) that there will be no further substantive review of the allegations made in the complaint.
3. Should the Office of Student Conduct and Community Standards determine that sufficient substantive evidence exists to substantiate the allegations made in the complaint; disciplinary proceedings will be initiated.

#### **B. Notification of Conduct Allegations**

1. Allegations of Code violations will be presented to Respondent(s) by means of a written notice of referral from the University Police or in other cases by written or electronic notification from the Office of Student Conduct and Community Standards or designee. This notice will contain the substance of the allegations refer the Student to the Office of Student Conduct and Community Standards to schedule a Student Conduct Conference.
2. Allegations shall be prepared in writing and directed to the Office of Student Conduct and Community Standards designee. Such allegations shall be submitted as soon as possible after the incident takes place, preferably within thirty (30) days of the discovery of the violation.

3. The Office of Student Conduct and Community Standards will conduct a preliminary screening of the allegations to determine whether (1) the allegations, if proven, would constitute a violation under the Code; and (2) based upon the allegations, there is reasonable belief that such a violation may have occurred. This screening may involve reading of the description of the alleged conduct, or discussion with the individual(s) making the allegations, as appropriate to the situation. The University may decide to proceed with charges without the complainant's consent, if in the professional judgment of the Office of Student Conduct and Community Standards, the University community's interests are best served by proceeding with the conduct process.
4. Following the preliminary screening of the allegations, the Office of Student Conduct and Community Standards designee will schedule a Student Conduct Conference with the Respondent to discuss the allegations.

#### C. Notification of Charges

1. The accused student will be provided written notification of the charges at least five (5) business days prior to any hearing or administrative review of the charge.
2. The notification will:
  - a. Specify the alleged violation of this Code. If the accused student is a dependent student, a copy of the written notification shall be sent to the parents/guardians of dependent students.
  - b. Inform the student that he/she is presumed not responsible until proven responsible by a preponderance of the evidence.
  - c. Inform the student that he/she has the right to be represented by an attorney/non-attorney advocate from the moment of notice of an allegation.

#### D. Student Conduct Conference.

The purpose of the Student Conduct Conference is to ensure that the Respondent understands his or her rights and responsibilities within the student conduct process. The Student Conduct Conference shall be held within five (5) days of the student's receipt of the notification of alleged charges. The Student Conduct Conference shall be held with a conduct officer from the Office of Student Conduct and Community Standards.

1. At the Student Conduct Conference, the accused student will be:
  - a. Given the opportunity to discuss the allegations and provide information.
  - b. Afforded the opportunity to review the Fundamental Fairness Guarantees.
  - c. Notified of the possible charges which may result from the allegation(s).
  - d. Given notice of the student conduct process to resolve charges in the Code.
  - e. Provided a copy of the Student Code of Conduct and any other appropriate written material.
  - f. Advised to consult further with the conduct officer handling their case concerning any questions or interpretation of procedure.
2. Following this conference, the conduct officer will inform the accused as to whether a formal conduct charge will be pursued to resolve the allegations.

3. If the accused is formally charged with a conduct violation, the conduct officer will inform the student of his/her rights, options available for resolution, and procedures in cases of failure to respond or withdrawal from the University in the face of conduct charges.

### ***Resolution of Disciplinary Actions***

Students who have disciplinary charges pending against them may choose one or more of the following means of resolution.

- A. Request a hearing.
- B. Plead responsible for the charges, waive a hearing on the charges and accept the sanctions to be levied after an administrative review by the Director, or his/her designee. The Director, or his/her designee, will consult with appropriate officials and parties involved and determine the appropriate sanction. A written document stating that the accused waives his/her right to a hearing and will accept the sanctions levied by the Director, or his/her designee, must be signed and witnessed by the accused and made a part of the record.
- C. Request that an interim sanction be imposed so that the student may resolve any pending criminal charges prior to proceeding with the campus disciplinary process.

### ***Hearing Procedures***

- D. Administrative Hearings. (for Respondents who elect to resolve their disciplinary actions before the Director or his/her designee) The following Administrative Hearing procedures apply in cases where the alleged charges do not rise to the level of warranting a suspension or expulsion from the University, as determined by the Office Student Conduct and Community Standards. In addition, these procedures also apply when a student desires to resolve a charge(s) that could result in his/her suspension or expulsion from the University if SCCS determines that resolution of the issues via the Administrative Hearing process is appropriate.
  - A student who is charged with an alleged violation of the Student Code of Conduct will be provided an opportunity to meet with a conduct officer selected by the Director of SCCS. During this meeting, a student may accept responsibility for Student Code of Conduct violations and waive his/her right to a hearing before a judicial panel. A student who fails to attend the meeting with the conduct officer will forfeit his/her right to respond on his/her behalf regarding the alleged violation, unless the student can demonstrate that an extraordinary circumstance prevented his/her appearance as determined by Office of Student Conduct and Community Standards. During the Administrative Hearing, the student will be provided with the following:
    - An explanation of the charges
    - A summary of the information gathered in support of the charges
    - A reasonable opportunity for the student to reflect upon and respond on his/her own behalf to the charges
    - An explanation of the applicable disciplinary procedures
  - The Administrative Hearing Officer will determine whether he/she finds the accused student responsible or not for a violation of the Student Code of Conduct and, if so, the appropriate disciplinary sanction to apply. In determining the sanction, the conduct officer

will consider any aggravating or mitigating factors, including any prior violations of the Student Code of Conduct.

3. The conduct officer will inform the student of the decision in writing within three (3) business days of the conclusion of the hearing.
4. The written decision will include a statement of the charges, the determination, and the sanction to be imposed, if any. This decision is considered to be in full force and effect, unless a notice of appeal is received by the Dean of Students (non suspendable/expellable cases) or the Vice Chancellor of Student Affairs (suspendable/expellable cases) within three (3) business days after the conduct officer/Administrative Hearing Officer pronounces his/her decision in writing.
5. The standard of proof used in an Administrative Hearing for alleged violations under this Code is the preponderance of the evidence. The Administrative Hearing Officer must determine whether it is “more likely than not” that the alleged violation(s) occurred. The Administrative Hearing officer must be convinced that, based solely on the information presented during the hearing, the conduct described is more likely than not to have occurred.

#### E. Hearing Panels (University Committee on Student Conduct, Student Judicial Board)

1. University Committee on Student Conduct -When a student is suspected to have engaged in behavior which violates this Code, and which could result in expulsion or suspension, the Director, or his/her designee, will assemble a five-member hearing panel from the University Committee on Student Conduct.
2. The University Committee on Student Conduct and the Student Judicial Board Members are required to complete mandatory training before serving as panelist in a hearing. The trainings facilitated by the Office of Student Conduct and Community Standards, consist of presentations from Conduct staff and various campus partners. The campus partners consist of the Title IX Coordinator, Legal Affairs, the Crisis Intervention Specialist, and the Prevention and Education Coordinator. The topics covered by campus partners include: Title IX at NCCU, Sexual Misconduct Offenses and Investigation Process, Legal Issues in Student Conduct Proceedings, and the Trauma Informed Hearing Process.
  - a. The Committee shall hold a hearing, consistent with Section 9.3(3) of the Code, ten (10) days after formal notification of charges to the Respondent.
  - b. Members of the Committee will serve a one-year term but may be reappointed at the discretion of the Director. Any vacancies that occur during the course of the year will be filled by the Director.
  - c. The Committee shall also serve in an advisory capacity to the Director in the revision and promulgation of regulations and procedures related to matters of student conduct. Suggestions regarding potential revisions to the Code from members of the University Committee may be addressed to the Director.
3. Student Judicial Board- the Student Judicial Board shall be composed of fifteen (15) members. Ten (10) members will be selected by an application and interview process. The interviews will be conducted by a member of the Office of Student Conduct and Community Standards staff, and the Student Government Association President, or designee, whenever possible. Five members shall be appointed by the Director and Student Government Association President to serve in Judicial Board leadership

positions. The Student Judicial Board shall hear, try and decide cases involving student conduct as determined by SCCS. The Board shall not have the authority to hear cases, which involve sexual misconduct or may result in suspension or expulsion.

F. The following procedures apply in cases being presented before hearing panels:

1. The chair of the hearing panel will state that the hearing is closed to the public. The chair will also remind everyone present that the hearing proceedings are confidential.

The chair will facilitate the introductions of those present and will explain the hearing procedures to the parties.

2. The chair will state the charge(s) against the accused student, advise the student of his/her rights and ask the student whether or not he/she agrees or disagrees to the charges.
3. The conduct officer from SCCS will present the University's case in the form of documentary evidence and witnesses. The panel and the accused student will be provided with copies of any documentary evidence introduced during the hearing.
4. The Respondent may respond to the charges and may also present evidence in the form of documents and witnesses. The Hearing Panel and the conduct officer from SCCS will be provided with copies of any documentary evidence introduced during the hearing.
5. The conduct officer from SCCS will be permitted to question the Respondent's witnesses and the Respondent will be permitted to question the conduct officer or his/her designee's witnesses except the alleged victim of alleged sexual violence (See Section 7.2).
6. The Hearing Panel will be permitted to question the conduct officer from SCCS, the Respondent and witnesses for both parties. The Hearing Panel will normally endeavor to question the witnesses following questioning by the opposing party, and will question the parties at the conclusion of their presentations. Nevertheless, panelists are permitted to question witnesses and the parties at any time during the hearing.
7. The conduct officer from SCCS will be provided with the opportunity to make a closing statement.
8. The Respondent will be provided with the opportunity to make a closing statement.
9. The Chair will conclude the evidentiary portion of the hearing and set up a time for deliberations to begin at the earliest possible time.
10. During panel hearings, deliberations about responsibility are conducted by the panel in a closed session.
11. The decision of the panel shall be determined by majority vote.
12. If the panel finds that the accused student is responsible, the conduct officer from SCCS and the Respondent may present evidence and argument regarding the appropriate sanction. Written statements by either party are permissible.
13. If the panel finds the Respondent responsible, the conduct officer from SCCS will indicate whether the student has any prior findings of responsibility for academic or non-academic conduct violations.
14. The Hearing Panel will then deliberate and determine an appropriate sanction. All sanctions imposed shall be pursuant to and in accordance with the sanctions in Section 10. These deliberations shall be conducted in closed session.
15. The Hearing Panel shall render a written decision as to whether they find the Respondent responsible or not responsible for the charges within three (3) business days of the conclusion of the hearing. The decision shall state the sanction(s), if any, and the

procedures for an appeal.

16. Decisions of a Hearing Panel and sanctions rendered by a Hearing Panel, except in cases involving expulsion (See Section 10.7), are considered to be in full force and effect unless a notice of appeal is received by the Vice Chancellor for Student Affairs (suspendable cases) or the Dean of Students (non-suspendable cases) within three (3) business days of the date of the outcome letter from the Office of Student Conduct and Community Standards.

### ***In Absentia Consideration of Charges***

- A. If the Respondent has been notified pursuant to the Code and fails to respond within five (5) days of the initial notice, the case may be resolved in their absence. If the case is resolved in absentia, the Respondent shall have waived their right to a hearing. The Conduct Officer will, in their professional judgment, determine findings for any alleged violation(s) and may specify any sanction(s) described in the Code.
- B. The resolution must be delivered in writing to the Respondent within five (5) days.
- C. If the Conduct Officer determines that the student's failure to appear was not for the purpose of circumventing the Conduct process, the Director may rescind the disciplinary action and alter the sanction imposed, or refer a student to the appropriate Hearing Panel to have the allegation heard on its merits.
- D. A student who fails to attend his or her scheduled hearing shall have the case adjudicated by the appropriate hearing panel or administrative officer in the student's absence. Note: An Advisor without the presence of the student in question cannot fulfill the student's attendance obligation.

### ***Appeals***

#### A. Purposes of an Appeal

An appeal is not a new hearing, but a review of the record of the original hearing. It is not the purpose of the appeal process to provide for a new hearing at a higher administrative level. The Respondent and his/her Advisor have the right to review the Respondent's disciplinary file, including any verbatim record (audio recording) of the hearing. In cases involving sexual violence/harassment, the complainant and/or the Respondent has the right to appeal the conduct decision.

#### B. Appellate Process

##### 1. Time for filing an Appeal

A written petition for appeal of suspendable offenses shall be filed with the Vice Chancellor of Student of Affairs. A written petition for the appeal of non-suspendable offenses shall be filed with the Dean of Students Office. All petitions for appeals must be filed by 5 p.m. of the third (3rd) business day after the decision was rendered.

##### 2. Appeal Forum

- a. Decisions resulting from a hearing before the Student Judicial Board or an

Administrative Hearing that do not involve suspension or expulsion are limited to an appeal to be heard by the Dean or his/her designee. This is the final appeal that can be requested in these cases.

- b. Decisions from the University Committee on Student Conduct or decisions from an Administrative Hearing that involve the imposition of a sanction of suspension are limited to an appeal to be heard by the Vice Chancellor for Student Affairs.
  - c. Decisions from the University Committee on Student Conduct that involve the recommendation or imposition of a sanction of expulsion are addressed in 10.7 of this Code.
3. Grounds for Appeal
- a. An appeal may be sought on two grounds:
    - (1) On a claim of error in the hearing procedure.
    - (2) On a claim of new evidence or information material to the case which was not available at the time of hearing.
  - b. The petitioner must specify in writing the grounds which form the basis of his/her appeal. The petitioner has the burden of proving the stated grounds for appeal in the petition. The petitioner must provide factual information to support his/her claim and explain the outcome that he/she is seeking. The appeal should include the following:
    - (1) A statement of the grounds for appeal, which at a minimum should contain a list of alleged errors in the decision or procedure and statement of why the decision or sanctions are in error;
    - (2) Documentation which supports the grounds for appeal, to include specific dates if newly available information is the grounds for appeal; and
    - (3) A requested remedy.

#### C. The Appeal

- a. If a Respondent timely submits a written petition for appeal that meets the requirements of Section 11.4, his/her appeal shall be heard by the appropriate person as set forth in Section 11.3. An official summary of previous action in the case being appealed must be prepared by the Office of Student Conduct and Community Standards and submitted to the individual hearing the appeal. The official summary shall contain a statement of the charges brought against the petitioner, a summary of the evidence, and a statement of the sanction imposed. When appropriate, the summary shall also contain a statement of procedural rulings made and of interpretations of the rules and regulations given during the proceedings. A transcript of the hearing or verbatim record of the hearing (but not the deliberations) shall also be submitted to the individual hearing the appeal.

#### D. Decision on Appeal

After the appeal has been received, a decision to take one of the following actions must be made by the individual hearing the appeal:

- 1. Uphold the prior decision;
- 2. Uphold the prior decision, but modify the sanction imposed in the prior decision;
- 3. Remand the case to the initial decision maker with suggestions for a supplemental hearing

- to receive additional evidence, or for a new hearing
4. Reverse or modify the prior decision
  5. Dismiss the entire case.

#### E. Notice of Decision on Appeal

The individual reviewing/hearing the appeal shall provide a written decision to the petitioner within ten (10) business days of the submission of the appeal. A copy of the decision shall be maintained in the student's disciplinary file in SCCS.

#### F. Appeal to Board of Trustees

A Respondent may appeal the decision of the Vice Chancellor for Student Affairs to the Board of Trustees (BOT) of North Carolina Central University by filing a written petition for appeal with the Chancellor by 5 p.m. of the third (3<sup>rd</sup>) day after notice of the decision has been received by the Respondent. A Respondent may communicate with the BOT only by transmitting the communication to the BOT through the Chancellor. That is, a Respondent should write to the Chancellor and request that the Chancellor transmit specific information to the Board of Trustees. Appeals to the Board of Trustees are limited to a claim that the decision violated University policy.

### **SANCTIONS FOR STUDENT MISCONDUCT**

Sanctions for student misconduct include the following:

#### A. Expulsion

Expulsion severs the relationship of the Respondent with the University. It may be recommended by the appropriate Hearing Panel but can be imposed or rescinded only by the Chancellor. Expulsion is warranted in cases that include, but are not limited to, falsified admission applications, possession of a firearm or any weapon of mass destruction, and the illegal manufacture, sale, delivery, or possession with the intent to manufacture, sell or deliver any controlled and/or illegal substance, or in cases where the severity of the violation to the Student Code of Conduct threatens the safety of the campus community. This penalty implies permanent separation from North Carolina Central University and any institution within the University of North Carolina System, and will likely prevent admission to any other institution of higher education. Respondents separated from the University by expulsion for reasons, which represent a threat to persons, or property may not enter University premises or university-related premises without securing prior approval from the Office of Student Conduct and Community Standards.

#### B. Suspension

Suspension severs the Respondent's relationship with the university for no less than the remainder of the semester or summer session in which the sanction is imposed or no more than one year. It is imposed for a specified period of time, the terminal date of which shall coincide with the official ending of an academic semester, summer session, or academic school year. Conditions for readmission may include, but are not limited to, disciplinary probation for a specified length of

time; no on-campus housing; restricted visitation to specified university facilities; and a written statement from an accredited mental health professional or medical doctor verifying the capability of the Respondent to function successfully at the University.

Respondents separated from the University by suspension may not enter university premises or university-related premises without securing prior approval from the Office of Student Conduct and Community Standards. If a Respondent is suspended as a result of a disciplinary hearing, any credit earned at another institution during the time of suspension will not be accepted for transfer credit.

#### C. Disciplinary Probation.

Disciplinary Probation permits continuation of the relationship between the Respondent and the University. The probationary period is to provide a time of reflection for the Respondent to consider the offense and his/her future responsibilities as a member of the University community. Subsequent violations of university rules, regulations, or policies could result in more severe sanction(s) (even after a particular probationary period expires). Probation is a status in which the Respondent is deemed not to be in good conduct standing with the University for a defined period of time. Probation is imposed for a specified period of time, the terminal date of which shall coincide with the official ending of an academic semester, summer session, or academic school year. The status of Disciplinary Probation may involve restrictions, conditions, or terms imposed for a definite period of time. Restrictions, conditions, or terms of probation may include, but are not limited to, ineligibility to participate in university activities or events; periodic contact with a designated member of the University community; and restrictions on accessibility to University facilities and/or housing areas;

#### D. Disciplinary Warning

Disciplinary Warning involves written notice to the Respondent indicating that specific behavior or activity is in violation of the Code and that repetition of similar or other unsatisfactory behavior would likely result in more serious disciplinary action. A copy of the warning becomes a part of the Respondent's conduct record.

#### E. Restitution

Restitution is reimbursement for actual damage or destruction of, or misappropriation of University property or property of any person which results from conduct in violation of the Code. The hearing officer or hearing panel will investigate and determine the appropriate reimbursement.

#### F. Residence Hall Separation

Residence Hall Separation involves the removal from the University residence hall community for conduct, which clearly demonstrates an inability to function appropriately in the residence hall living situation. Such separation may be permanent or for a fixed period of time (but not less than the remainder of the semester). Such separation prohibits accessibility to all or designated residence halls. Visitations will not be permitted without securing prior approval from the hearing officer or

panel.

## G. Interim Sanction

When a Respondent is charged with violating a federal, state or local law, the University will normally choose to proceed with the campus disciplinary process pursuant to Section 9 of the Code. However, a Respondent who faces criminal charges may choose to submit to an interim sanction, such as an interim suspension and/or eviction from University housing, pending the criminal proceeding, provided that such suspension is done in compliance with existing policies. The interim suspension will be imposed by the Office of Student Conduct and Community Standards, after consult with the Dean of Students, without a hearing or a ruling on the behavior in question so as to protect the campus community while also protecting the Respondent from creating a record that may be used against him or her in criminal court. Once a criminal judgment has been rendered (including prayer for judgment continued), the campus disciplinary process may proceed. The Respondent has the responsibility for timely notifying the University upon the conclusion of the criminal proceeding.

If a Respondent chooses to submit to an interim sanction, the Respondent shall be administratively withdrawn from his/her classes, and the Respondent shall only be responsible for fees incurred up to and including the date of the administrative withdrawal. However, the Respondent must complete an Official Administrative Withdrawal Form in order to be withdrawn from his/her classes.

### 1. Interim Suspension.

- a. Purpose of Interim Suspension. In special circumstances, Office of Student Conduct and Community Standards, after consult with the Dean of Students, may suspend a Respondent charged with violating the Code for an interim period until the outcome of a full disciplinary hearing based on the merits of the charge.
- b. Circumstances Where Interim Suspension May Apply. Interim suspension shall be exercised only in those situations in which there is reasonable cause to believe that the Respondent's alleged act of misconduct is of such a serious nature that his or her continued presence at the University is potentially dangerous to the health and safety of the student or to the University community, its property, or its educational mission. Such acts of misconduct include, but are not limited to, all acts of assault and/or battery with any type of weapon or instrument; gross sexual misconduct; rape; hazing; possession of weapons; false bomb threats or community threats against University officials, staff or faculty; armed robbery; arson; the manufacture, distribution, and/or possession of any incendiary or explosive device; and other acts which might endanger persons or property. This list is not exhaustive or conclusive.
- c. Procedure for Interim Suspension. To invoke interim suspension, the Director, or his/her designee, will conduct a preliminary investigation and hearing with the Respondent, if possible. The Respondent will be informed of the alleged violation(s) and the name of the person(s) bringing the charge(s). The Respondent will be given an opportunity to explain the circumstances of the alleged behavior that has become the source of the alleged misconduct.

A judicial board hearing or administrative decision as provided under the Code shall be initiated within seven business (7) days of the date of the interim suspension, except in

cases where the Respondent chooses to resolve his or her conduct case after a criminal judgment has been rendered. The Respondent's interim suspension shall not be used as evidence in any hearing or administrative decision.

A Respondent who fails to attend his or her scheduled hearing will be heard in absentia as specified in Section 9.4.

Should a judicial hearing panel find that the Respondent did not commit the act(s) for which he or she was suspended, the suspension will be revoked and the Respondent immediately reinstated without penalty.

d. Terms of Interim Suspension

Interim suspension is to begin immediately after the preliminary investigation and hearing. The Respondent is to physically remove himself or herself from the property of the University until the initiation of a full hearing and shall be informed that he/she may not trespass. Presence on the campus by the Respondent during the interim suspension shall be considered a violation of the Code, and the Respondent may also be charged with criminal trespass under the state law.

Additional Sanctions

- e. Administrative Mediation. This method of resolving a dispute utilizes a third party to consult with those involved and recommends a solution, which is binding on the parties. The parties involved will be held to the agreement. Should parties violate the agreement, they will be charged with: Failure to comply with University process, in the Code of Conduct, plus any additional violations.
- f. Post-Enrollment and Post-Graduation Sanctions. A Respondent who commits a violation of the Code or is found responsible for violating the Code, but who graduates from NCCU before imposition of a sanction, is subject to (1) revocation of any degree awarded, (2) temporary or permanent withholding of the transcript for any degree earned, regardless of whether the degree has been awarded, and/or (3) having sanctions imposed as a condition of re-enrollment at the University.
- g. Psychological Evaluation. A psychological evaluation may be required of a Respondent found responsible of an offense by the hearing panel when in the Hearing Panel's judgment, the Respondent might benefit from some form of treatment as part of the Hearing Panel's overall plan of sanctions. Such an evaluation, provided by the appropriate staff in the Student Health and Counseling Services area or other bona fide agency would focus on recommending an appropriate way to assist the student in understanding and correcting the behavior that led to the Respondent's difficulties. The results of the evaluation will be shared with the Respondent and the Director, or his/her designee who will maintain the confidentiality of the evaluative record. The Director, or his/her designee, has the discretion to either determine an appropriate sanction for the Respondent, or refer the matter back to the Hearing Panel for final resolution, based on the nature of the information contained in the evaluative record.

In addition to the above individual sanctions, any one or a combination of the following may be concurrently imposed for an offense provided that such additional sanctions shall be imposed for a

definite period of time. Such sanctions are examples only and do not limit the type of additional sanctions which may be imposed:

- A. Loss of on campus parking privileges
- B. Exclusion from practice or membership in organized groups or activities sponsored by the University
- C. Requirement to perform additional community service or work sanction
- D. Trespass from the University or any University-sponsored event
- E. Requirement to enter into a behavioral contract with the University as a condition of readmission
- F. Required counseling, substance abuse assessment, or similar evaluations
- G. Required participation in a program of education as determined by the Director or his/her designee

## **EMPLOYEE DISCIPLINARY, SANCTION, AND APPEAL PROCESSES**

The employee disciplinary and appeal processes vary depending upon whether the individual is subject to or exempt from the State Personnel Act. Disciplinary processes for employees subject to the State Personnel Act are set forth by the State Office of Human Resources. There are two reasons (just causes) for discipline or dismissal of employees – unsatisfactory job performance and unacceptable personal conduct. Domestic violence, dating violence, sexual assault, and stalking are considered unacceptable personal conduct category. Disciplinary action can include written warning, demotion, suspension, and termination. These policies can be found at: <http://oshr.nc.gov/policies-forms/discipline-appeals-grievances/>. The grievance policy governing SPA employees is set forth by the University of North Carolina System and approved by the North Carolina State Personnel Commission. It applies to SPA employees of all constituent institutions of the University of North Carolina and can be found at [http://www.nccu.edu/formdocs/proxy.cfm?file\\_id=2666](http://www.nccu.edu/formdocs/proxy.cfm?file_id=2666). Employees who are exempt from the State Personnel Act are governed by policies adopted by the Board of Trustees of each constituent institution of the University of North Carolina System according to guidelines and requirements set forth by the Board of Governors of the System. The policies governing employment of EPA Non-faculty employees can be found at: [http://www.nccu.edu/formdocs/proxy.cfm?file\\_id=431](http://www.nccu.edu/formdocs/proxy.cfm?file_id=431). Policies governing Faculty employees are contained in the Chapter VI of the University of North Carolina Code and can be found at: <http://www.northcarolina.edu/apps/policy/index.php?pg=toc&id=s4073>.

## **INSTITUTIONAL DEFINITION OF CONSENT**

**Consent:** North Carolina has no definition of consent, therefore we use the Institutional Definition of Consent. Consent is an affirmative decision to engage in mutually acceptable sexual activity given by clear actions or words. It is an informed decision made freely and actively by all parties. Relying solely upon nonverbal communication can lead to miscommunication. It is important not to make assumptions; if confusion or ambiguity on the issue of consent arises anytime during a sexual interaction, it is essential that each participant stops and clarifies, verbally, willingness to continue. Individuals should understand that consent may not be inferred from silence, passivity, or lack of active resistance alone. Furthermore, a current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity. Being intoxicated does not diminish one's responsibility

to obtain consent.

**Conduct will be considered “without consent,” if no clear consent, verbal or nonverbal, is given.** It should be noted that in some situations an individual’s ability to freely consent is taken away by another person or circumstance. Examples include, but are not limited to, when an individual is incapacitated due to alcohol or other drugs, scared, physically forced, passed out, asleep, unconscious, intimidated, coerced, mentally or physically impaired, beaten, threatened, isolated, or confined.

## **CRIMINAL OFFENSES IN THE STATE OF NORTH CAROLINA**

### **North Carolina General Statute Chapter 14. Criminal Law 14-27.21.**

#### **First-degree forcible rape (G.S. 14-27.21)**

- (a) A person is guilty of rape in the first- degree forcible rape if the person if the person engages in vaginal intercourse with another person by force and against the will of the other person, and does the following;
- (1) Uses, threatens to use, or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon.
  - (2) Inflicts serious personal injury upon the victim or another person.
  - (3) The person commits the offense aided and abetted by one or more other persons.

#### ***Second- degree forcible rape (G.S. 14-27.22) –***

- (a) a person is guilty of second–degree forcible rape if the person engages in vaginal intercourse with another person
- (1) By force and against the will of the other person; or
  - (2) Who is mentally disabled, mentally incapacitated, or physically helpless, and the performing the act knows or should reasonably know the other person is mentally disabled, mentally incapacitated, or physically helpless.

#### ***First-degree forcible sexual offense (G.S. 14-27.26)***

- (a) a person is guilty of first-degree forcible sexual offense if the person engages in a sexual act with another person by force and against the will of the other person, and does any of the following:
- (1) Uses, threatens to use, or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon.
  - (2) Inflicts serious personal injury upon the victim or another person.
  - (3) The person commits the offense aided and abetted by one or more other persons.

***Second –degree forcible sexual offense (G.S. 14-27.27)***

- (a) a person is guilty of second degree forcible sexual offense if the person engages in a sexual act with another person:
1. By force and against the will of the other person, or;
  2. Who is mentally disabled, mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know the other person is mentally disabled, or mentally incapacitated or physically helpless.

***First-degree statutory rape (G.S. 14-27.24)***

- (a) a person is guilty of first-degree statutory rape if the person engages in vaginal intercourse with a victim who is a child under the age of 13 years and the defendant is at least 12 years old and is at least four years older than the victim.

***Domestic violence***

- (a) Domestic violence means the commission of one or more of the following acts upon an aggrieved party or upon a minor child residing with or in the custody of the aggrieved party by a person with whom the aggrieved party has or has had a personal relationship, but does not include acts of self-defense:
- (1) Attempting to cause bodily injury, or intentionally causing bodily injury; or
  - (2) Placing the aggrieved party or a member of the aggrieved party's family or household in fear of imminent serious bodily injury or continued harassment, as defined in G.S. 14-277.3A, that rises to such a level as to inflict substantial emotional distress; or
  - (3) Committing any act defined in G.S. 14-27.2 through G.S. 14-27.7.
- (b) For purposes of this section, the term "personal relationship" means a relationship wherein the parties involved:
- (1) Are current or former spouse;
  - (2) Are persons of opposite sex who live together or have lived together;
  - (3) Are related as parents and children, including others acting in loco parentis to a minor child, or as grandparents and grandchildren. For purposes of this subdivision, an aggrieved party may not obtain an order of protection against a child or grandchild under the age of 16;
  - (4) Have a child in common;
  - (5) Are current or former household members;

***Dating Violence*** – (FBI/UCR Defined) Dating Violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

Dating violence does not include acts covered under the definition of domestic violence.

**North Carolina General Statute 14-277.3A. Defines stalking as follows:**

***Stalking*** – Stalking includes engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others’ or suffer substantial emotional distress.

A defendant is guilty of stalking if the defendant willfully on more than one occasion harasses another person without legal purpose or willfully engages in a course of conduct directed at a specific person without legal purpose and the defendant knows or should know that the harassment or the course of conduct would cause a reasonable person to do any of the following:

- (1) Fear for the person's safety or the safety of the person's immediate family or close personal associates.
- (2) Suffer substantial emotional distress by placing that person in fear of death, bodily injury, or continued harassment

**TITLE IX POLICY STATEMENT**

It is the policy of North Carolina Central University to prohibit discrimination and harassment on the basis of age, race, color, gender, national origin, religion, disability, protected veteran status, political affiliation, genetic information, gender identity or gender expression and sexual orientation in regard to the administration of education programs, admission of students, employment actions, athletics or other sponsored activities.

NCCU complies with Title IX of the Educational Amendments Act of 1972, which prohibits discrimination on the basis of sex in all programs and activities (including sexual harassment and sexual violence) in the University’s educational programs and activities.

Title IX states: No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. Title IX also prohibits retaliation for asserting or otherwise participating in claims sex discrimination.

It is the policy of the University to provide educational, preventative and training programs regarding sexual or gender based harassment and discrimination; to encourage reporting incidents; to prevent incidents of sexual and gender based harassment and discrimination; from denying or limiting an individual’s ability to participate in or benefit from the University’s programs; to make available timely services for those who have been affected by discrimination; and to provide prompt and equitable methods of investigation and resolution to stop discrimination, remedy any harm, and prevent its recurrence. Violations of this Policy may result in the imposition of sanctions up to, and including, termination, dismissal, or expulsion, as determined by the appropriate administrators at the University.

For information or if any individual who believes he or she has been discriminated against in violation of Title IX and other applicable laws, or who has witnessed discrimination against another is encouraged to file a complaint with Mr. Selby Lo, who serves as the University’s Title

IX Coordinator at 919-530-7944 or email at [slo2@nccu.edu](mailto:slo2@nccu.edu) or [TitleIX@nccu.edu](mailto:TitleIX@nccu.edu). Title IX complaints may be submitted electronically using the [Title IX Reporting Form](#).

The Title IX Coordinator has appointed the following Deputy Title IX Investigators to receive complaints of sexual harassment, sexual assault, sexual violence or other sexual misconduct, against students and employees:

The Deputy Title IX Coordinators will communicate and consult regularly and work collaboratively with the Title IX Coordinator who has ultimate responsibility for compliance with Title IX of the Education Amendments Act of 1972.

An employee or student may always file a complaint with: U.S. Department of Education for Civil Rights or the Equal Employment Opportunity Commission.

## **DEFINITIONS**

**Awareness programs:** Awareness programs means community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

**Bystander intervention:** Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

**Ongoing prevention awareness campaigns:** Ongoing prevention and awareness campaigns means programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking.

**Primary prevention program:** Primary prevention programs means programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

**Proceeding:** Proceeding means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding, investigations, formal or informal meetings, and hearings. It does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

**Result:** Result means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution.

**Risk reduction:** Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

**Sexual Assault:** Sexual assault means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Rape is defined as 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 is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. Incest is defined as non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape:** Statutory Rape is non-forcible sexual intercourse with a person who is under the statutory age of consent.

## **SEX OFFENDER REGISTRY**

The North Carolina General Assembly created the North Carolina Sex Offender and Public Protection Registry in January 1996. This law outlines registration requirements for persons living in North Carolina, non-resident students and non-resident workers. The Registry serves as a resource to help protect and inform the public. A list of registered sex offenders is made available by the state authorities to the local law enforcement agency (City of Durham Police Department) that has jurisdiction where the institution of higher education is located. The North Carolina Sex Offender Registry is found at <https://www.ncsbi.gov/Services/Sex-Offender-Registry>. The U.S. Department of Justice National Sex Offender website is found at [www.nsopw.gov](http://www.nsopw.gov).

## **Missing Student Notification Policy**

North Carolina Central University takes student safety seriously. The following policy and procedures have been established to assist in locating missing NCCU students who reside in on-campus housing.

### **REPORTING A MISSING STUDENT**

If an individual has reason to believe that a student who legally resides in on-campus housing is missing, he/she should immediately notify University Police (919-530-6106), the Dean of Students (919-530-7466), or Residential Life (919-530-6227). Any person to whom a missing student report is made, if not the university police, will notify the police department immediately. This team will work together to share information under the leadership and coordination of the Chief of Police. For students who do not reside on campus and are reported missing, the university may provide reasonable response and assistance as resources and time allow.

## **INVESTIGATING A REPORT OF A MISSING STUDENT**

Upon receiving information that a student cannot be located and may be missing, the Chief of Police in collaboration with Residential Life personnel and the Dean of Students will initiate an investigation. Before presuming that the student is missing, reasonable measures will be taken to determine whether anyone familiar with the student has seen or heard from him/her recently or is aware of where he/she may be.

Investigating a missing student report includes, but is not limited to, the following:

- Obtain information from the reporting individual about the student, such as a physical description, including clothes he/she may have been wearing when last seen; who he/she may be with or where he/she may be; his/her physical and mental well-being; and the reasons he/she believes the student is missing. (University Police Chief)
- Attempt to contact the student via his/her cell phone (if available) and/or email address. (Dean of Students)
- Check the student's room to see if he/she is present. (Residential Life personnel)
- Contact Residential Life Community Directors, roommates, friends, employers and members of clubs and organizations the student may be affiliated with, if known, to obtain information about when and where the student was last seen and if the student's absence is inconsistent with his/her established patterns of behavior. (Residential Life personnel)
- Contact the student's professors to ascertain the student's recent attendance in class. (Dean of Students)
- Obtain a photograph of the student, if available, from student ID card records and use this information (and/or the physical description) to conduct a search, with possible assistance from Residential Life personnel or others, of the campus and buildings where the student has classes. The Chief of Police may issue an ID card photograph to personnel involved to assist in the identification of the missing student. (University Police Chief)
- Contact the Police and Public Safety Department's Parking Section to determine if the student has a vehicle registered on campus; if the student has a vehicle, University Police officers will attempt to locate the vehicle on campus. (University Police officers)
- Check access card logs (e.g. through Dining Services, Library, Walker Complex) to determine the last time the student's NCCU ID card was used, access logs to NCCU email and/or NCCU computer accounts, as well as any surveillance video. (University Police Chief)

## **NOTIFYING APPROPRIATE PERSONS OF A REPORT OF A MISSING STUDENT**

If the student cannot be located after reasonable efforts, the following individuals will be notified no later than 24 hours after the student has been determined to be missing:

- The Dean of Students will contact the Confidential Contact identified by the student (see below).
- If the missing student is under the age of 18 and is not an emancipated individual, the Dean of Students will notify the student's custodial parent or legal guardian.
- The Chief of Police will notify the local law enforcement agencies.

- The Dean of Students will notify the Vice Chancellor for Student Affairs

This policy does not preclude the university from implementing the procedures described above in less than 24 hours if circumstances warrant a faster implementation.

## **CONFIDENTIAL CONTACT**

Students residing in on-campus housing have the option to confidentially identify an individual to be contacted by NCCU in the event he/she is determined to be missing for more than 24 hours. Students are provided the option of designating a confidential contact at the time of residence hall check-in. The student may register one or more individuals to be contacted strictly for missing person's purposes. This contact may be anyone, even if the student has already identified an emergency contact for other purposes. Students may identify the same or different individuals for emergencies and missing persons contact. The missing person contact name is confidential and will be revealed only to law enforcement in the context of conducting a missing person investigation.

Students will be informed at the time they register the confidential contact:

- If they identify such an individual, NCCU will notify that person no later than 24 hours after they have been determined to be missing.
- If they are under age 18 and are not an emancipated individual at the time they are determined to be missing, NCCU must notify the student's custodial parent or legal guardian.
- Regardless of whether student has identified a confidential contact person, is 18 years of age or older, or is an emancipated minor, the university will notify local law enforcement no later than 24 hours after he/she has been determined to be missing.
- The confidential contact information will be accessible only by authorized campus officials and law enforcement officers in furtherance of a missing person investigation

In addition to informing resident students of this policy at the time of residence hall check-in, Residential Life personnel discuss the policy with resident students at the beginning of the academic year in residence hall meetings.

## **EXTERNAL COMMUNICATIONS**

In case of a missing student, local law enforcement agencies may provide information to the media that is designed to obtain public assistance in the search for a missing student. In doing so, the local law enforcement agencies will consult with NCCU Public Relations. Any media request to the University will be directed to the Public Relations Office.

## Disclosure of Crime Statistics

Table 1 – Crime Reports for Calendar Years 2015, 2016, and 2017

Reports of Crime	Year	On Campus	On Campus Residential Facility	Public Property	Non Campus Building or Property	Total	Unfounded	Hate Crimes
Murder and Non-Negligent Manslaughter	2017	0	0	0	0	0	0	0
	2016	0	0	0	0	0	0	0
	2015	0	0	0	0	0	0	0
Negligent Manslaughter	2017	0	0	0	0	0	0	0
	2016	0	0	0	0	0	0	0
	2015	0	0	0	0	0	0	0
Rape	2017	5	3	2	0	7	0	0
	2016	7	6	0	0	7	0	0
	2015	8	7	0	0	8	0	0
Forcible Fondling	2017	5	1	0	0	5	0	0
	2016	3	2	0	0	3	0	0
	2015	1	0	0	0	1	0	0
Incest	2017	0	0	0	0	0	0	0
	2016	0	0	0	0	0	0	0
	2015	0	0	0	0	0	0	0
Statutory Rape	2017	0	0	0	0	0	0	0
	2016	0	0	0	0	0	0	0
	2015	0	0	0	0	0	0	0
Robbery	2017	5	1	2	0	7	0	0
	2016	4	1	4	0	8	0	0
	2015	6	0	1	0	7	0	0
Aggravated Assault	2017	13	11	1	0	14	0	0
	2016	4	1	0	0	4	0	0
	2015	4	0	1	0	5	0	0
Burglary	2017	44	37	0	1	45	0	0
	2016	30	17	0	0	30	0	0
	2015	19	12	0	0	19	0	0
Motor Vehicle Theft	2017	1	0	0	0	1	0	0
	2016	4	0	0	0	4	0	0
	2015	3	0	1	0	4	0	0
Arson	2017	0	0	0	0	0	0	0
	2016	1	1	0	0	1	0	0
	2015	3	3	0	0	3	0	0
Domestic Violence	2017	26	21	0	0	26	0	0
	2016	20	10	0	1	21	0	0
	2015	13	9	0	0	13	0	0
Dating Violence	2017	0	0	0	0	0	0	0
	2016	1	0	0	0	1	0	0
	2015	13	9	0	0	13	0	0
Stalking	2017	12	8	0	0	12	0	0
	2016	7	3	0	0	7	0	0
	2015	3	2	0	0	3	0	0

**In 2017, one (1) on-campus hate crime of intimidation with a bias of race was reported. No hate crimes were reported in the years 2016 and 2015.**

**Table 2 – Arrests for Calendar Years 2017, 2016, and 2015**

Arrests	Year	On Campus	On Campus Residential Facility	Public Property	Non Campus Building or Property	Total	Unfound
Alcohol	2017	4	1	0	0	4	0
	2016	4	0	2	0	6	0
	2015	2	1	0	0	2	0
Drugs	2017	31	13	2	8	41	0
	2016	30	7	3	0	33	0
	2015	42	17	3	0	45	0
Weapons	2017	12	7	1	0	13	0
	2016	19	5	0	0	19	0
	2015	12	4	2	0	14	0

**Table 3 – Disciplinary Referrals for Calendar Years 2017, 2016, and 2015**

Disciplinary Referrals	Year	On Campus	On Campus Residential Facility	Public Property	Non Campus Building or Property	Total	Unfound
Alcohol	2017	23	12	0	0	23	0
	2016	29	13	1	0	30	0
	2015	21	18	0	0	21	0
Drugs	2017	229	164	3	2	234	0
	2016	142	105	0	0	142	0
	2015	95	80	4	0	99	0
Weapons	2017	5	4	0	0	5	0
	2016	2	1	1	0	3	0
	2015	4	2	0	0	4	0

Unfounded Crimes: When sworn law enforcement personnel have fully investigated a reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless the reported crime will be categorized as ‘unfounded’.

# Annual Fire Safety Report

## FIRE SAFETY EDUCATION AND TRAINING PROGRAMS FOR STUDENTS, FACULTY, AND STAFF

The Police and Public Safety Department in collaboration with Residential Life provide annual training to Residential Life staff. Topics addressed during this training include

- Fire prevention in residence halls
- What to do in the event of a fire
- How to report a fire or other emergency
- How residence hall fire safety systems operate

Residential Life coordinates additional fire safety training and education programs for residence hall students.

## FIRE LOG

University police track fire alarms and fire calls, and provide information pertaining to fires that have occurred in campus housing facilities. A fire log is available for public inspection that provides a listing of all fires that have occurred in an on-campus housing facility, including the nature, date, time, and general location of each fire. The log may be viewed at the North Carolina Central University Police and Public Safety Department, 2010 Fayetteville Street, Durham, NC, 27707.

## REPORTING A FIRE

Any student, faculty, or staff member who suspects the possibility of a fire in a building (for example sees smoke but no flames, feels a very hot door or wall) should immediately contact the University Police at (919) 530-6106. Reporting individuals must take precautions to ensure their own safety but should remain in the vicinity of the suspicious area to inform responders of their concerns. Any student, faculty, or staff member discovering an actual fire should immediately activate the fire alarm system, warn all persons in the immediate vicinity of the presence of the fire, check that there is no one in immediate danger, evacuate the building, assemble in the designated location area and notify the University Police at (919) 530-6106.

## POST FIRE CONTACT INFORMATION

Listed below are non-emergency numbers to call to report fires that have already been extinguished in campus housing. These numbers are for reporting fires after-the-fact if you are unsure whether the University Police were made aware of the fire at the time of its occurrence. If you find evidence of a fire or hear about a fire, and are unsure whether the fire has been reported to the University Police, contact one of the following:

- University Police at 919 530-6106,
- Emergency Management at 919 530-5325 or
- Environmental Health and Safety at 919 530-7947

When calling, please provide as much information as possible about the location, date, time and cause of the fire and any resulting damage.

## FIRE EVACUATION

In the event of a fire, it is expected for all campus community members to close doors and activate the fire alarm system as they are evacuating the building at the nearest exits. Once safely outside the building, it is appropriate to contact the University Police. Students and staff are informed where to relocate if circumstances warrant at the time of the alarm. In the event a fire alarm sounds, University policy requires that all occupants must evacuate from the building. No training is provided to students or employees in firefighting or suppression activity as this is inherently dangerous. Community members only duty is to exit safely and quickly, to shut doors along the exit path as they go to contain the spread of flames and smoke, and to activate the alarm as they exit. However, at no time should closing doors or activating the alarm delay the community member from exiting a building.

### *Procedures for Student Housing Evacuation*

In case of a fire alarm, all residents must vacate the building until the situation is resolved. It is imperative that you cooperate in the evacuation of the residence hall and follow the instructions of University staff and the University Police. Failure to vacate the building during a fire alarm or fire drill will result in disciplinary action and a fine of \$100.

In a fire alarm situation:

- Alert people in the immediate area to evacuate the room.
- Evacuate the building, using the Emergency Evacuation Plan for your residence hall.
- Do not use elevators to evacuate unless directed to do so by emergency responders.
- If you must escape through smoke, crawl low under the smoke on your hands and knees to your exit.
- If you are trapped in a room on an upper floor, stay calm, call 919 530-6106 and report your exact location, make yourself as conspicuous as possible. This will assist fire personnel in finding your location. Go to a window and call to persons below to attract their attention and/or wave brightly colored clothing.
- Notify emergency responders of the location, nature, and size of the fire as soon as you are outside. Call 919 530-6106 or use an emergency blue light phone. Always call from a safe location.

## POLICY ON PORTABLE ELECTRICAL APPLIANCES, SMOKING, AND OPEN FLAMES IN STUDENT HOUSING FACILITIES

Personal electrical equipment is limited to clocks, radios, DVDs, stereo sets, computers, small TVs, desk lamps, and electric fans, provided such devices are plugged in within the room and do not exceed the amperage limits of the circuits within the room. Extension cords are not permitted. Students are strongly encouraged to purchase surge protectors for all electrical equipment. Because of fire hazards, sanitation regulations, and excessive electrical loads, hot plates, burners, microwaves, and other cooking or heating equipment are not permitted in the residence halls. Students may have a small refrigerator (not greater than 4.2 cubic feet). Micro-fridges

(combination refrigerator/microwave) meet building codes and can be rented through Residential Life. These units allow meals to be cooked in rooms by using the microwave unit. Smoking in residence halls is prohibited. Smoking is permitted beyond 25 feet from the building. The use of open flames (such as candles, incense, or any other open flame apparatus) or the possession or use of combustible materials (such as hay, straw, Spanish moss, and cloth ceiling coverings) is prohibited. Halogen lamps are not permitted in the residence halls due to the high risk of fire.

### **DESCRIPTION OF ON-CAMPUS STUDENT HOUSING FIRE SAFETY SYSTEMS AND NUMBER OF FIRE DRILLS**

<b>Residence Hall</b>	<b>Fire Extinguishers</b>	<b>Building Fire Alarm</b>	<b>Sprinkler System</b>	<b>Evacuation Placards</b>	<b>Fire Drills</b>
Annie Day Shepard Hall 207 Cafeteria Dr.	Yes	Yes	Yes	Yes	2
Baynes Hall 116 Eagle Campus Dr.	Yes	Yes	Yes	Yes	2
Chidley Main Hall 828 E. Lawson St.	Yes	Yes	Yes	Yes	2
Eagleson Hall 524 George St.	Yes	Yes	Yes	Yes	2
Eagle Landing 408 Brant St.	Yes	Yes	Yes	Yes	2
Graduate Apartments 202 Eagle Campus Dr.	Yes	Yes	Yes	Yes	2
McLean Hall 2103 Fayetteville St.	Yes	Yes	Yes	Yes	2
Rush Hall 215 Cafeteria Dr.	Yes	Yes	Yes	Yes	2
Ben Ruffin Hall 1850 Fayetteville St.	Yes	Yes	Yes	Yes	2
Tyronza Richmond Hall 820 E. Lawson St.	Yes	Yes	Yes	Yes	2
New Residence Hall 2 822 E. Lawson St.	Yes	Yes	Yes	Yes	2
Martha Street Apartments 609 Martha St.	Yes	Yes	Yes	Yes	2

All fire alarm systems are monitored by Simplex Grinnell and the University Police. All on-campus student housing facilities are equipped with portable fire extinguishers, posted evacuation maps, illuminated exit signs, emergency lighting, and fire rated egress corridors and stairwells.

### **PLANS FOR FUTURE IMPROVEMENTS IN FIRE SAFETY**

The University uses the National Incident Management System (NIMS) for all of its emergency and non-emergency events. The adoption of NIMS has greatly improved response to emergencies and hazards, especially fires. The University has installed the NFPA 72 fire alarm monitoring station, which is located in the University Police Emergency Communications Center. The NFPA 72 system must be monitored by two on-duty tele communicators at all times. Future plans for improvements are to activate the system when funding is available to hire

additional tele communicators to meet the minimum requirement. In addition, plans are to increase the number of trained staff and Student Community Emergency Response Team (CERT) members in the use of Fire Extinguishers and evacuation procedures and activation.

## FIRE STATISTICS

2017

Residence Hall	Total Fires	Fire Number	Cause of Fire	Injuries Requiring Treatment	Deaths	Value of Property Damage
Annie Day Shepard Hall 207 Cafeteria Dr.	0	0		0	0	0
Baynes Hall 116 Eagle Campus Dr.	1	1	Heating Equipment	0	0	\$0-99
Chidley North Res. Hall. 828 E. Lawson St.	2	1	Cooking Fire	0	0	\$0-99
		1	Trash Can Fire	0	0	\$0-99
Eagleson Hall 524 George St.	0	0		0	0	0
Eagle Landing 408 Brant St.	2	1	Cooking Fire	0	0	\$0-99
		1	Fire in Trash Chute	0	0	\$0-99
Graduate Apartments 202 Eagle Campus Dr.	0	0		0	0	0
McLean Hall 2103 Fayetteville St.	0	0		0	0	0
Rush Hall 215 Cafeteria Dr.	0	0		0	0	0
Ben Ruffin Hall 1850 Fayetteville St.	1	1	Electrical	0	0	\$0-99
Tyronza Richmond Hall 820 E. Lawson St.	0	0		0	0	0
New Residence Hall 2 822 E. Lawson St.	0	0		0	0	0
Martha Street Apartments 609 Martha St.	0	0		0	0	0

2016

<b>Residence Hall</b>	<b>Total Fires</b>	<b>Fire Number</b>	<b>Cause of Fire</b>	<b>Injuries Requiring Treatment</b>	<b>Deaths</b>	<b>Value of Property Damage</b>
Annie Day Shepard Hall 207 Cafeteria Dr.	0	0	N/A	0	0	0
Baynes Hall 116 Eagle Campus Dr.	1	1	Intentional Fire	0	0	\$0-99
Chidley Main Hall. 828 E. Lawson St.	0	0	N/A	0	0	0
Eagleson Hall 524 George St.	0	0	N/A	0	0	0
Eagle Landing 408 Brant St.	2	1	Unintentional Cooking	0	0	\$0-99
		2	Unintentional Open flame	0	0	\$0-99
Graduate Apartments 202 Eagle Campus Dr.	0	0	N/A	0	0	0
McLean Hall 2103 Fayetteville St.	0	0	N/A	0	0	0
Rush Hall 215 Cafeteria Dr.	0	0	N/A	0	0	0
Ben Ruffin Hall 1850 Fayetteville St.	0	0	N/A	0	0	0
Tyronza Richmond Hall 820 E. Lawson St.	0	0	N/A	0	0	0
New Residence Hall 2 822 E. Lawson St.	0	0	N/A	0	0	0
Martha Street Apartments 609 Martha St.	0	0	N/A	0	0	0

2015

Residence Hall	Total Fires	Fire Number	Cause of Fire	Injuries Requiring Treatment	Deaths	Value of Property Damage
Annie Day Shepard Hall 207 Cafeteria Dr.	0	0	N/A	0	0	0
Baynes Hall 116 Eagle Campus Dr.	0	0	N/A	0	0	0
Chidley Main Hall. 828 E. Lawson St.	3	1	Intentional Fire	0	0	\$0-100
		2	Intentional Fire	0	0	\$0-100
		3	Intentional Fire	0	0	\$100-999
Eagleson Hall 524 George St.	0	0	N/A	0	0	0
Eagle Landing 408 Brant St.	0	0	N/A	0	0	0
Graduate Apartments 202 Eagle Campus Dr.	0	0	N/A	0	0	0
McLean Hall 2103 Fayetteville St.	0	0	N/A	0	0	0
Rush Hall 215 Cafeteria Dr.	0	0	N/A	0	0	0
Ben Ruffin Hall 1850 Fayetteville St.	1	1	Unintentional Open Flame	0	0	\$0-99
Tyronza Richmond Hall 820 E. Lawson St.	1	1	Unintentional Cooking	0	0	\$100-999
New Residence Hall 2 822 E. Lawson St.	0	0	N/A	0	0	0
Martha Street Apartments 609 Martha St.	0	0	N/A	0	0	0