



**North Carolina Wesleyan University**

**2023**

**Annual Security & Fire Safety Report**

**(Reporting for Calendar Years 2020, 2021, 2022)**

**September 29, 2023**

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## **Introduction**

North Carolina Wesleyan University Incorporated, hereafter referred to as "the University" or "NCWU," is pleased to publish the 2023 Annual Security and Fire Safety Report for calendar years 2022, 2021, and 2020. This report is prepared using input from law enforcement and various campus officials. It complies with the Jeanne Clery Disclosure of Campus Policy and Campus Crime Statistics Act, and it describes any drug or alcohol abuse education programs required by § 120(a) – (d) (34 CFR Part 86) of the HEA and the Department of Education regulations. The safety and well-being of our students, faculty, staff, and visitors are of the utmost concern to the University. This is a part of the ongoing efforts to keep our campus informed and safe through available safety programs and services.

North Carolina Wesleyan University works diligently to reduce the risk and potential for crime on our campus. However, despite our best efforts, crimes may occur. Safety and security are a shared responsibility, and we expect all current and prospective community members to contribute to the safety and security of our campus.

If you have any questions or suggestions concerning this publication, please contact the Clery Compliance Officer, Director J. Wayne Sears, at (252) 985-5585.

## **Preparation of Annual Security Report & Disclosure of Crime Statistics**

The Director of Campus Safety prepares this report in compliance with the Jeanne Clery Disclosure of Campus Security and Crime Statistics Act (Clery Act) using crime information maintained by law enforcement, the North Carolina Wesleyan University (NCWU) Campus Security Office, and information provided by other designated University authorities known as Campus Security Authorities or CSA's. In addition to these sources, the information provided by various local law enforcement agencies who have jurisdiction of the main campus and the areas surrounding the main campus, satellite campuses, facilities owned or leased by the University, public property adjacent to the University, and non-campus property, as defined in the Clery Act, is collected, maintained and compiled for this report.

North Carolina Wesleyan University accepts and encourages anonymous crime reporting, especially in the concerning area of sexual assault in which a victim might be reluctant to come forward. Campus crime, arrest, and referral statistics include those reported to the NCWU security office, the NCWU Director of Campus Safety, and Campus Security Authorities (CSA's), which include but is not limited to directors, deans, department heads, designated NCWU staff, athletic coaches, assistant coaches, law enforcement officers who work at the campus in an off-duty capacity. We also gather data from local law enforcement agencies with geographical jurisdiction. These statistics are maintained and reported to the Director of Campus Safety regardless of whether or not the survivor client chooses to file a report or involve law enforcement.

Each year, this report is shared with all enrolled students, faculty, and staff through campus email prior to October 1<sup>st</sup>, per United States Department of Education (DOE) requirements. Notification is made to all applying students and prospective employees of the availability of this report by providing the web address to access the report. All current students, current employees, prospective students, employees, and the general public may access from the NCWU website a copy of the [Annual Security & Fire Safety Report](#).

North Carolina Wesleyan University remains committed to the safety of all members of the Bishop Community. The manner in which many safety, security, and discipline issues are mitigated, managed, investigated, adjudicated, or prepared for may be found under the Student Right-to-Know & Campus Security Act, including CLERY Policy Statements that are detailed in the final section of this report.

### **NCWU Campus Overview**

The liberal arts and sciences are the foundation of North Carolina Wesleyan University's curriculum for all undergraduate degree programs. Students choose from a variety of majors, all of which help prepare them for rewarding personal lives, good citizenship, and productive careers. Instruction emphasizes critical thinking, analytical reasoning, reading, writing, speaking, informed decision-making, and information skills. The University understands the increasing importance of a global perspective and of helping students learn to function in a complex society. It provides a learning environment that encourages ethical and spiritual development.

The University provides undergraduate degree programs, master programs (Master of Science in Criminal Justice, Master of Business Administration, Master of Public Health, and Master of Science in Strategic Leadership), an online RN to BSN program, certificate programs (Executive Leadership, Healthcare Administration, Human Resource Management, and Public Health Graduate Certificate), and other educational opportunities for residential, commuting, and adult students. The traditional program in Rocky Mount for residential and commuting students emphasizes small classes and individual attention. It also encourages student development through co-curricular and extracurricular activities. The non-traditional Adult & Professional Studies program is designed for students who wish to strengthen their academic background, enhance their professional knowledge and skills, and advance their careers. The University operates separate adult programs in Durham, and had a standalone program in Goldsboro, NC until June 2022. This program is now managed within Wayne Community College. The University also operates adult classes through cooperative agreements at the following locations:

- Pitt Community College, Winterville, NC
- College of the Albemarle, Manteo, NC
- Craven Community College, New Bern, NC
- Beaufort County Community College, Washington, NC
- Cape Fear Community College, Castle Hayne, NC
- Wayne Community College, Goldsboro, NC

The Adult & Professional Studies program is tailored to the learning styles and schedules of working adults. These programs provide student support services to ensure academic success. The University has a special commitment to the Rocky Mount area and eastern North Carolina. The University promotes the region's development through individual faculty, staff, alum activity, as well as educational and cultural programs. The University works to create an environment in which students, faculty, and staff come together in a dynamic learning community. The Wesleyan community includes students from diverse cultural and racial backgrounds.

The University adult studies location in Durham, NC, is located at 4426 S. Miami Blvd.

## **A Message from the Director of Campus Safety**

At North Carolina Wesleyan University, safety and security are integral to everyday campus life. Our students, faculty, and staff are our most valuable assets. An incoming Wesleyan family begins their education as soon as they arrive, with safety and security education being an essential part of their orientation. Parents of incoming students are offered insight on helping their young Bishops stay safe by encouraging those new students to make good decisions. This student education continues during the semester with security tips, programs, modules, symposiums, and forums on safety, alcohol and substance abuse, dating violence, bystander intervention, sexual harassment/assault, anonymous reporting of crimes, how to report a crime, and other instances of concern.

NC Wesleyan keeps trained, state-certified, full-time security officers on-site at the Rocky Mount main campus. During weekdays, uniformed Rocky Mount Police Officers patrol the campus, often in marked police cars, four hours per evening until approximately 2:00 a.m. During weekends or special events, this number increases as necessary. All Security Officers are AED and CPR certified.

At NCWU, our commitment to resources, personnel, and practices lead to an environment that fosters positive behavior and directly leads to enhanced safety for all on our campus.

We ask all to stay "Wesleyan Wise"!

J. Wayne Sears (2023)

NCWU Director of Campus Safety

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## **Overview of Campus Security**

North Carolina Wesleyan University is dedicated to the safety and well-being of the University community. Campus Security works closely with local police departments, and the University is constantly striving to improve and enhance policies and procedures through education and training.

NCWU makes every effort to enhance the quality of life for the entire Wesleyan community by maintaining a secure environment where the safety of all is balanced with the individual's rights. Our success depends upon an effective working relationship between Campus Security personnel and the diverse elements of the Wesleyan community, including students, staff, faculty, and visitors. Critical to this relationship is mutual respect. Therefore, we pledge to respect the diverse needs and interests of the community we serve. We pledge to be diligent and relentless in protecting both persons and property.

In return, we ask that our partners in the community assume their individual and collective responsibilities to make all Wesleyan campuses a place that is free of crime, fear, and disorder and to provide a civil and open environment that fosters learning.

## **Rocky Mount Campus**

Includes the Villas at Wesleyan, along with an off-site music production classroom.

Campus security is staffed by one full-time Director of Campus Safety employed by NCWU and contract six full-time and four part-time security officers employed by Universal Allied Security. These officers are not sworn, do not carry firearms, and do not have police powers or arrest authority. Campus security officers are assigned mobile posts. Patrols are conducted in the campus security vehicle and on foot. We also employ full-time Rocky Mount Police Officers every weekday until approximately 2:00 a.m. and on weekends, this number is increased in proportion to student activities. These sworn, armed officers are assigned a marked patrol vehicle as part of their role.

## **Durham Campus**

The Durham Campus is staffed by one part-time security officer employed by TNCG Security Service. The officer is not sworn, does not carry a firearm, and does not have police powers or arrest authority. The security officer has access to secure the building in

the evening, the entrance and exit at 4426 South Miami Blvd, Durham, NC 27703, but do not have access to individual offices. Officer can lock and open classrooms and is on duty each night from 6:00 p.m. until 10:00 p.m. or as requested.

### **Public Safety**

Compliance with the University's policies and procedures is necessary for the achievement of a safe environment in our community. These policies were developed to promote a safe campus and high-quality campus life. The effectiveness of these policies depends upon the active participation of all community members.

### **Drug and Alcohol Use**

Consumption of alcohol is prohibited on the campus of North Carolina Wesleyan University, except for permitted use for events held in The Dunn Center. No students of age may consume alcohol on campus, in any building, on the grounds, at any school activity or in residence halls. Possession of alcoholic containers, whether empty or full, is not allowed.

It is illegal in North Carolina for anyone under 21 to possess alcoholic beverages for consumption. Every student assumes full responsibility for their compliance with North Carolina State laws and University policy. False or fraudulent identification to purchase alcoholic beverages is illegal and can result in an arrest by law enforcement.

### **Substance Abuse**

The University is committed to maintaining a drug-free campus environment. Any member of the Wesleyan community, faculty, staff, or student who violates this policy is subject to any series of actions, ranging from written warnings to dismissal from the University. Counseling and treatment programs are available through the University's Health Center or Counseling Center. In 2019, vape products that contain hemp were included as a banned substance under this policy. In 2020, all hemp products containing any amount of THC, considered a psychoactive hallucinogenic, were also banned even though they are currently legal in North Carolina if the amount of THC is under a certain threshold.

## **Weapons Policy**

No student, faculty, staff, or contractor shall carry or possess any prohibited weapons on or about his or her person, whether visible or concealed in or on the campus of North Carolina Wesleyan University or leased buildings, grounds, and other facilities. No employee acting within the scope of their employment or employees of organizations utilizing University facilities shall carry or possess any prohibited weapon on or about his or her person, whether visible or concealed in or on NC Wesleyan owned or leased buildings, grounds, and other facilities.

No other individual shall carry or possess any prohibited weapon on or about his or her person, whether visible or concealed in or on NC Wesleyan owned or leased buildings, grounds, and other facilities. No vehicle owned, leased, or otherwise under the control of the University shall be used to store or carry a firearm. NC Wesleyan University is "posted" that no weapons are allowed. As such, under North Carolina General Statute 14-269, no weapons are allowed on campus whether or not any person affected by this posting has or possesses a concealed carry permit. For this policy and in the language of N.C. state law, weapons include any gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slingshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), firework, or any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for the preparation of food, instruction, and maintenance, on educational property, or small non-locking knives for hygiene, as defined in the student handbook. This policy does not apply to any sworn law enforcement officer who is in their jurisdiction and is acting within the scope of their department's policy.

## **General Procedures for Reporting a Crime or Emergency**

Students, employees, and guests at North Carolina Wesleyan University (NCWU) campuses are encouraged to promptly report criminal incidents, accidents, and other emergencies to the campus security office, campus security authorities and/or local law enforcement agencies, either by phone or in person. Additionally, incidents can be reported to any NCWU Campus Security Officer or Police Officer. Campus Security investigates all reports of crimes, including confidential (where the reporting parties' names are known but not released) and anonymous (where the reporting parties' names are not known) reports.

Daily crime logs containing the times, dates, and locations of all reported incidents are maintained at the Rocky Mount campus in the Office of Student Affairs and are available for review from 8:30 a.m. until 5:00 p.m. during any school day. The campus security office is located in room 109 in the Hardee's building, or a security officer may be contacted by phone at (252) 406-7928.

In addition, you may report any alleged crime to the following office or personnel:

<b>NAME</b>	<b>TITLE</b>	<b>PHONE</b>	<b>BUILDING</b>
J. Wayne Sears	Dr. of Campus Safety	(252) 985-5585	Hardee's Building, Office D
	Office of Student Affairs	(252) 985-5178	Hardee's Building, Suite 111
Dr. Jason Modlin	Dean of Students	(252) 985-5404	Hardee's Building, Suite 111
Dr. Joseph Lane	Sr. VP of Academic Affairs, Provost	(252) 985-5364	Braswell Building, Provost Office
Rev. Edwin Ferguson**	Chaplain	(252) 985-5575	Leon Russell Chapel
Jessica Brys- Wilson P.A. **	Dr. of Health Services, Counseling & Disability Service.	(252) 985-5186	Spruill Building, Health Center

\*\*confidential reporting available

The Director of Campus Safety will investigate or oversee the investigation of all non-Title IX reports. Incident reports and investigatory findings are forwarded to the Dean of Students or their designee for review and potential on-campus judicial action.

The appropriate authority will be contacted if assistance is required from the Rocky Mount Police Department or the Rocky Mount Fire Department. If sexual misconduct or sexual assault should occur, the Title IX Coordinator will offer the victim access to various services. NC Wesleyan University has a sexual misconduct policy in place to address such issues. If the victim desires an investigation, the Dean of Students as the Title IX Coordinator for the University will oversee these investigations.

All incidents should be reported to the security office to ensure a prompt and thorough investigation and aid in providing timely warning notices to the community, when appropriate, and to ensure inclusion in the annual crime statistics. Victims are advised that the timeliness of reporting is essential and that they should not take a shower or wash before reporting any assault, as valuable evidence may be destroyed.

## **Sexual Misconduct-Title IX**

### **North Carolina Wesleyan University**

#### **Title IX Policy**

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#### **Title IX Coordinator**

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## **Appeal Process**

North Carolina Wesleyan University is committed to providing a safe living, learning, and working environment that is free from harassment and discrimination. North Carolina Wesleyan University believes that all people should be treated with respect and dignity and that we are all accountable for our actions. As such, North Carolina Wesleyan University does not tolerate sexual and gender discrimination, harassment, and misconduct.

Title IX of the Education Amendments of 1972 (hereafter referred to as “Title IX”) prohibits discrimination on the basis of sex. Although it is a gender-equity law, Title IX also applies to incidents of sexual harassment, which includes sexual assault, that prevent a student from full and equitable participation in educational programs and activities. North Carolina Wesleyan University will respond promptly to all complaints filed under this policy.

The Title IX Coordinator has oversight of the University’s compliance with Title IX regulations and works with the individuals listed below to ensure all complaints are handled promptly and equitably. The Title IX Coordinator has oversight of the reporting, investigating and resolving of all complaints involving students, faculty, and/or staff. The Title IX Coordinator also has oversight of training for students, faculty, and staff along with education and prevention efforts.

**Title IX Coordinator**

Jason Modlin, Ed.D.

*Dean of Students*

111 Hardees Student Union

252.985.5404

[jmodlin@ncwu.edu](mailto:jmodlin@ncwu.edu)

**Deputy Title IX Coordinator for Human Resources**

Darrell Whitley,

*Director of Human Resources*

141 Braswell

252.985.5105

[dwhitley@ncwu.edu](mailto:dwhitley@ncwu.edu)

**Deputy Title IX Coordinator for Athletics**

Carol Carson

*Assistant Athletic Director for Medical Services*

110B Taylor Center

252.985.5221

[ccarson@ncwu.edu](mailto:ccarson@ncwu.edu)

**I. Purpose and Scope of Policy**

This policy prohibits behaviors which constitute sexual or gender-based harassment or discrimination, including sexual assault, interpersonal violence, and stalking. This policy is applicable to all members of the North Carolina Wesleyan University community, including students, employees, and non-students (e.g. visitors, independent contractors, etc.).

Members of the University community are expected to take responsibility for their behavior.

North Carolina Wesleyan University is committed to maintaining a campus environment that is free from all forms of discrimination for all community members. Discrimination for any reason is incompatible with the values of North Carolina Wesleyan University and will not be tolerated. All reports under this policy will be assessed for severity and the threat it poses to the campus community, and the University will respond accordingly. Individuals found in violation of this policy may face disciplinary sanctions up to and including expulsion from the University or termination of employment.

This policy addresses all forms of sexual misconduct, to include harassment, assault, exploitation, interpersonal violence, stalking, and retaliation related to reports under this

policy. Violations of sexual misconduct are prohibited by all members of the campus community, regardless of their status, gender identity, or sexual orientation.

This policy applies for students at the date of enrollment and continues until the student withdraws or graduates, and includes periods between semesters and semester breaks.

For employees, the policy applies on the date the employee accepts employment and continues until employment ceases. For volunteers, the policy applies once the volunteer receives clearance and continues until the volunteer duties are completed.

This policy addresses sexual misconduct committed by or against students, employees, vendors, visitors, and volunteers when:

- The conduct is alleged to have occurred in the United States;
- The conduct is alleged to have occurred in a location, event, or circumstance over which NC Wesleyan University exercised substantial control over both the respondent and the context in which the sexual harassment occurred. This includes any building owned or controlled by NC Wesleyan University or a student organization that is officially recognized by the University, as well as conduct occurring during the course of University-related travel or off-campus programs such as academic field trips, student events, athletic events, etc.

This policy also applies to behaviors conducted via electronic means including email, social media, texts, or other online formats.

## **II. Notice of Non-Discrimination**

As an institution with core values that include integrity and respect, North Carolina Wesleyan University is committed to ensuring that all members of our campus community are treated fairly and equitably. To that end, we comply with all regulations under Title IX and other federal and state laws that prohibit discrimination which are applicable to higher education institutions.

North Carolina Wesleyan University does not discriminate on the basis of race, religion, creed, national or ethnic origin, age, sex, sexual orientation, marital status or disability in administration of its educational policies, admissions policies, scholarship and loan programs, athletic and other school administered programs.



Inquiries regarding this policy or Title IX can be referred to:

**Title IX Coordinator**

Jason Modlin

*Dean of Students*

111 Hardees Student Union

252.985.5404

[jmodlin@ncwu.edu](mailto:jmodlin@ncwu.edu)

or

Office for Civil Rights Washington, DC

1.800.421.3481

OCR@ed.gov

### **III. Prohibited Conduct**

#### **A. Sexual Harassment**

Any unwelcome conduct of a sexual nature, to include sexual advances, requests for sexual favors, verbal or physical conduct of a sexual nature, or conduct of a sexual nature based on a person's gender, gender identity, or sexual orientation, when one or more of the following conditions are present:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's enrollment, employment, academic success, or athletic or other program participation (*quid pro quo harassment*)
2. The behavior is so severe and pervasive and objectively offensive that it deprives an individual of equal educational access
3. Such conduct has the purpose or effect of substantially interfering with an individual's work or academic performance or creates an intimidating, hostile, or offensive work or educational environment.

Conduct is unwelcome when it is not solicited and it is regarded as offensive by the recipient. In determining whether the conduct is harassment and creates a hostile environment, the University will consider the issue from both an objective (reasonable person) and subjective (complainant's) viewpoint. A single incident of harassment may be severe enough to create a hostile environment on its own. A pattern of similar behavior may not be needed in order to determine that the conduct creates a hostile environment. This threshold will be used to determine whether a hostile environment exists, whether in an on-campus or off-campus educational program and/or activity.

In making this determination, the University will consider a number of factors, including:

- The nature, severity, duration, and context of the conduct;
- The relationship between the respondent and the complainant;
- Whether academic freedoms protect the conduct; and
- Whether the conduct was part of other discriminatory conduct.
- Sexual harassment can include but is not limited to conduct that is:
  - Physical, such as unwelcome touching, unwelcome sexual advances, blocking another's movements, sexual or physical assault.
  - Verbal, such as comments of a sexual nature, derogatory comments about another, crude humor, verbal descriptions of another's body, verbal descriptions of sexual activity with another.
  - Visual, such as the display of sexually-oriented images in public, sexually-oriented gestures toward others.
  - Quid pro quo, such as offers for academic or work-related benefits in exchange for sexual favors. Such offers can be explicit or implicit.

First amendment protections are appropriate for educational institutions where students are learning, and employees are teaching. Students, faculty, and others should enjoy free speech and academic freedom protections, even when speech or expression is offensive.

#### B. Non-Consensual Sexual Penetration

Any sexual penetration, no matter how slight, of the vagina or anus with any body part (penis, finger, tongue, etc.) or object, or oral penetration by a sex organ of another person, without consent.

#### C. Non-Consensual Sexual Contact

The intentional, non-accidental touching of intimate body parts such as genitalia, groin, breast, buttocks, or mouth or any clothing covering them, without consent; the removal of another person's clothing without consent; touching a person with one's own intimate body parts without consent; compelling another to touch one's intimate body parts without consent; or any other intentional sexual touching with any object by a person upon another person, without consent.

#### D. Sexual Exploitation

Taking sexual advantage of another person without consent. This includes but is not limited to: causing the incapacitation of another person for a sexual purpose; causing the prostitution of another person; electronically recording, photographing, or transmitting intimate or sexual utterances, sounds, or images of another person; allowing third parties to observe sexual acts; engaging in voyeurism; distributing intimate or sexual information about another person; and engaging in sexual activity with another person while knowingly infected with a sexually transmitted infection, including HIV, without notifying the other person of the infection.

#### E. Interpersonal Violence

Includes actions often referred to as Domestic Violence and Dating Violence. Interpersonal violence includes but is not limited to acts of abuse, coercion, violence or the threat of violence that is physical and/or sexual in nature. This behavior can be physical, sexual, economic, verbal, emotional, or psychological actions or threats of actions that influence another person. Interpersonal violence can occur between persons of the same or different gender, gender identity, and sexual orientation.

Domestic violence refers to any of the acts listed above that are committed by:

- A current or former spouse or intimate partner of the complainant.
- A person with whom the complainant shares a child in common.
- A person who is cohabitating or has cohabitated with the complainant as an intimate partner or spouse.
- A person committing the violence against an adult or a youth who is protected from such conduct by the domestic or family laws of North Carolina.
- Dating violence refers to any of the acts listed above that are committed by:
- A person who is or has been in a social relationship of a romantic or intimate nature with the complainant.

Domestic violence, dating violence, stalking (see Stalking definition), and retaliation may all be forms of interpersonal violence when committed by an individual who is or has been in a relationship as described above.

## F. Stalking

Involves a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or that of others or which causes substantial emotional distress.

A course of conduct refers to two or more acts in which the stalker directly, indirectly, or through third-parties, by any action, method, device or means, follows, observes, contacts, threatens, or communicates to or about a person or interferes with a person's property when such acts are unwelcome.

Substantial emotional distress refers to significant mental suffering that may, but does not require, medical or counseling referral or treatment.

Examples of stalking behaviors include, but are not limited to:

- Unwelcome communication including in-person, email, text, social media, instant messages, letters, notes, gifts or other communications.
- Surveillance and other observations, either in-person or electronically.
- Trespassing.
- Vandalism.
- Threats (verbal or physical) against the complainant or someone close to the complainant.
- Controlling or manipulative behavior such as threats to harm one's self.
- Information gathering about the complainant from family, friends, teammates, co-workers, etc.
- Using a third party or parties to accomplish any of the above behaviors.

## G. Retaliation

Includes any act of intimidation, threats, coercion or other forms of discrimination against an individual for exercising rights under this policy.

*From the NC Wesleyan Code of Student Conduct:*

**Retaliation** – Engaging, encouraging others, or directing others in an adverse action or threat of an adverse action against a complainant, respondent, or any individual or group of individuals involved in the complaint, investigation, and/or resolution of an allegation of a violation of University's Code of Student Conduct, Title IX policy, or other University policy; including any individual who attempts to intervene, prevent, or report behavior prohibited

by these policies. Retaliation can be committed by an individual or group of individuals, not just a complainant or respondent. Examples of retaliation include, but are not limited to, threats, intimidation, pressuring, continued harassment, violence, or other forms of harm to others.

Acts will be considered retaliatory if they are made in response to a good faith disclosure of real or perceived University-related misconduct, participation in an investigation or resolution of such misconduct, or the bystander intervention of such misconduct, and a reasonable person would be deterred from reporting or participating in the resolution process for misconduct covered under this policy.

All members of the University community, including students, faculty, and staff, who have good-faith concerns regarding possible sexual harassment, discrimination, and misconduct are expected to report these concerns to the Title IX Coordinator. Anyone who engages in retaliation will be subject to discipline in accordance with the University's Retaliation policy and the Student Code of Conduct. The University will act to stop acts of retaliation, remedy the effects for victims, and sanction individuals found responsible for these acts. The University, through Human Resources for employees and the Dean of Students for students, may take immediate administrative actions to stop such acts. The individual accused of retaliation will receive notice of the allegation and given the opportunity to be heard before final disciplinary action is taken. The exercise of right protected by the First Amendment does not constitute retaliation. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a Title IX grievance proceeding does not constitute retaliation; however, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a bad faith materially false statement.

#### **IV. Definitions**

1. **Complainant** – An individual who is alleged to be the victim of conduct that could constitute sexual harassment.
2. **Respondent** – An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

**3. Formal Complaint** – A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment.

At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the school with which the formal complaint is filed.

A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator, and by any additional method designated by the school.

“Document filed by a complainant” means a document or electronic submission (such as by e-mail or through an online portal provided for this purpose by the school) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or a party during a grievance process, and must comply with requirements for Title IX personnel to be free from conflicts and bias.

**Supportive Measures** - Individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment. The University’s selection of supportive measures and remedies based on what is not clearly unreasonable in light of the known circumstances. The University will offer supportive measures, and will provide remedies to a complainant whenever a respondent is found responsible. Remedies, required when a respondent is found responsible, are designed to maintain the complainant’s equal access to education and may include supportive measures under this policy. Remedies are not required to be non-disciplinary or non-punitive and need not avoid burdening the respondent.

**Bystander**- Individuals who observe possible sexual harassment, discrimination, and misconduct and have the opportunity to intervene. Bystanders may report possible sexual harassment, discrimination, and misconduct (see “Reporting”). Responsible employees which includes faculty and staff are required to report.

**Privacy** – Information shared related to a report of sexual misconduct will be shared only with University employees who have a need to know in order to investigate or otherwise resolve a formal complaint. Care will be taken to comply with the requirements of the Family Educational Rights and Privacy Act (FERPA) and other state and federal laws.

**Confidentiality** – Information shared related to a report of sexual misconduct will not be shared with anyone else without the express, written consent of the individual. Confidential resources at the University (*see Confidential Resources* definition) are the only individuals on campus who may guarantee confidentiality. University Community members desiring confidentiality should speak first with a confidential resource.

**University** – North Carolina Wesleyan University

**Confidential Resources**- Employees at the University who are permitted to guarantee confidentiality. These include staff in the Health Services Center: Health Center (252) 985.5186 or the Counseling Center (252) 985.5369 and the University Chaplain (252) 985.5223.

**Responsible Employees** – North Carolina Wesleyan University faculty and staff, including residence life staff, who are not designated as confidential resources. While we take the wishes of the complainant into strong consideration, reports of sexual harassment, discrimination, and misconduct made to a responsible employee must be reported to the University’s Title IX Coordinator.

**University Community** – Students, employees, visitors, and independent contractors of North Carolina Wesleyan University.

## **V. Consent: Yes, means Yes**

Consent is defined as words or actions that show an active knowing and voluntary agreement to engage in mutually agreed-upon sexual activity.

- Consent cannot be gained by force, coercion, or manipulation.
- Use of alcohol or drugs may impair an individual's capacity to freely consent and may render an individual incapable of giving consent.
- Consent may not be implied by silence or any other absence of active resistance.
- Prior consent does not imply consent to future sexual acts.
- Consent to one type of sexual act does not give consent to another type of sexual act.
- Individuals with a previously intimate relationship do not automatically give initial or continuing consent to sexual activity. Even within the context of a relationship, mutual consent must be established before engaging in sexual activity.
- Consent may be withdrawn by either party at any time before or during the sexual activity. Withdrawal should be communicated clearly by words or actions that clearly indicate a desire to cease the activity.
- Consent cannot be given by the following persons:
  - \* Individuals who are mentally incapacitated at the time of the sexual contact in a manner that prevents him or her from understanding the nature or consequences of the sexual act involved;
  - \* Individuals who are asleep;
  - \* Individuals who are intoxicated and under the influence of drugs or alcohol;
  - \* Individuals who are unconscious or otherwise physically helpless; and
  - \* Minors (individuals under the age of 18).

Note: Being intoxicated or otherwise under the influence of drugs or alcohol is NEVER an excuse for sexual misconduct, nor does it remove the responsibility to gain consent for sexual activity. The test of whether an individual should know about another's incapacitation is whether a reasonable, sober person would know about the incapacitation. A respondent cannot rebut a sexual misconduct charge merely by arguing that he or she was drunk or otherwise impaired and, as a result did not know that the other person was incapacitated.



An individual who is passed out or unconscious as a result of the consumption of alcohol or drugs is physically helpless and is unable to give consent.

*Immediate medical attention should be summoned for an individual found to be in this state (see Amnesty policy).*

**Yes, Means Yes.** This means that affirmative consent should be freely given by all participants, without coercion or duress, before any sexual activity occurs.

## **VI. Resources for Complainants and Respondents**

The University encourages all who have witnessed or believe they have been a victim of sexual discrimination, including assault, to report the incident promptly. However, the University also recognizes that it may be difficult to discuss such incidents. The University will support complainants through the process. The University will provide certain policies and resources to ensure a complaint can be properly investigated and resolved. Once a respondent is identified, she or he will also be provided with resources as support through the process.

Confidential Resources: While all persons receiving a report of sexual harassment, discrimination, and misconduct understand the desire to keep information confidential, maintaining confidentiality is not always possible (*see Privacy and Confidentiality definitions*). The only individuals at North Carolina Wesleyan University permitted to guarantee confidentiality are the Director of Counseling and Accessibility Services (252.985.5369), the Counselor (252.985.5241), the University Chaplain (252.985.5223), and the Director of Health Services (252.985.5186). These resources may be consulted at any time, including prior to making an official report to the University or law enforcement officials. To the extent possible, the University will respect an individual's request for confidentiality; however, the request for confidentiality will be weighed against the University's obligation to act on information it has received in order to provide a safe campus environment. At all times, the University will act to protect a student's privacy.

Assistance and support for complainants of sexual misconduct: North Carolina Wesleyan University recognizes the importance of assisting a member of the University community who is a complainant of sexual violence in regaining a sense of personal control. In this

respect, several University departments coordinate resources to offer services to a complainant and others upon whom the sexual harassment, discrimination, and misconduct might have had an impact.

**Immediate Medical Assistance:**

Emergency Services (EMS, Fire, Police)	911
UNC Nash Hospital/ SARN (Sexual Assault Response Nurse)	(252) 962-8000

**Victim Assistance and Support**

My Sister's House (Domestic Abuse)	(252) 462-0366
(252) 459-3094 <a href="http://mshnc.org">mshnc.org</a>	

National Rape Hotline	(800) 656-HOPE (4673)
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National Domestic Violence Hotline <a href="http://thehotline.org">thehotline.org</a>	(800) 799-SAFE (7233)
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**Health, Mental Health, and Counseling Services:**

Counseling Center	(252) 985-5369
Employee Assistance Program (employees only)	(Contact Human Resources)

**Campus Offices**

Financial Aid	(252) 985-5293
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NCWU Immigration & Visa Assistance	(252) 985-5124
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**Gather information:**

If you need more information about filing a complaint, campus policies, rights, reporting and resources, contact:

Title IX Coordinator – Dr. Jason Modlin	(252) 985-5404
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Wrongful allegation: It is a violation of this policy to knowingly bring a false complaint under this policy. However, failure to prove a claim of sexual harassment, discrimination, and misconduct does not alone constitute proof of a false and/or malicious accusation. Individuals who make frivolous or false reports shall not be deemed to be acting in good faith.

## **VII. Reporting**

### **A. Campus Reporting**

The University encourages reporting of violations or potential violations of the Title IX policy. We also encourage all individuals to seek appropriate medical or mental health assistance when needed immediately following an incident of sexual misconduct. Additionally, law enforcement should be contacted regardless of whether the individual seeks to pursue criminal charges. This is to preserve evidence which may support the report to the University, a protective or no-contact order, or a future report to law enforcement in the pursuit of criminal charges.

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by email, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time, including during non-business hours, by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator.

You can make a report by contacting any member of the Title IX team:

#### **Jason Modlin, Ed.D.**

*Title IX Coordinator/Dean of Students*

111 Hardees Student Union

252.985.5404

[jmodlin@ncwu.edu](mailto:jmodlin@ncwu.edu)

**Deputy Title IX Coordinator for Human Resources**

Darrell Whitley

*Director of Human Resources*

141 Braswell

252.985.5105

[dwhitley@ncwu.edu](mailto:dwhitley@ncwu.edu)

**Deputy Title IX Coordinator for Athletics**

Carol Carson

*Assistant Athletic Director for Medical Services*

110B Taylor Center

252.985.5221

[ccarson@ncwu.edu](mailto:ccarson@ncwu.edu)

**Campus Security and Safety**

1.252.406.7928

Available 24 hours per day, 7 days per week, 365 days per year

At the time of reporting, the complainant need not decide how they want the report to be handled. The University will offer support to the complainant as described in this policy, including support in deciding how to handle the incident. The University will respect the complainant's autonomy in making the important decision on whether to proceed with a formal complaint (*see Formal Complaint definition*).

**Deliberate Indifference Standard**

The University will respond promptly to Title IX sexual harassment in a manner that is not deliberately indifferent, which means a response that is not clearly unreasonable in light of the known circumstances. As such, the University must:

- Offer supportive measures to the person alleged to be the complainant;
- Ensure the Title IX Coordinator promptly contacts the complainant confidentially to discuss the availability of supportive measures
- Consider the complainant's wishes with respect to supportive measures;
- Inform the complainant of the availability of supportive measures with or without the filing of a formal complaint;
- Explain to the complainant the process for filing a formal complaint;
- Investigate sexual harassment allegations in any formal complaint, which can be filed by a complainant or signed by the Title IX Coordinator;
- Affirm that a complainant's wishes with respect to whether the school investigates should be respected unless the Title IX Coordinator

determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances;

- Dismiss, for the purposes of Title IX, any formal complaint that does not meet the definition of sexual harassment or did not occur in the school's education program or activity against a person in the United States. The University may still address the allegations as it deems appropriate under the Code of Student Conduct.

Any individual reporting sexual misconduct may be assured that the University will assess each report and resolve it in a fair, impartial, and timely manner, as appropriate under the circumstances. All individuals may expect to be treated with respect and dignity. In all reports, the University will make an immediate assessment of any risk of harm to the University or to the broader campus community and will address those risks, including taking interim measures for the safety of the individuals involved and the campus community.

## **B. Anonymous Reporting**

Any individual may make an anonymous report of sexual misconduct. An individual may report the incident without disclosing his or her name, identifying the respondent, or requesting any action. Depending on the extent of information available about the incident or the individuals involved, however, the University's ability to respond to an anonymous report may be limited.

The Title IX Coordinator or a Deputy Title IX Coordinator will receive the anonymous report and will determine any appropriate steps, including individual or community remedies as appropriate and in compliance with all federal and state legal obligations.

## **C. Reporting to Law Enforcement**

The University encourages complainants to pursue criminal action for incidents of sexual misconduct that may also be crimes under state criminal statutes. Complainants have the right to notify or decline to notify law enforcement authorities. The University will assist a complainant, at the complainant's request, in contacting local law enforcement, filing a

report, or obtaining a protective order. The University will cooperate with law enforcement agencies if a complainant decides to pursue the criminal process.

Complainants have the right to participate or decline to participate in any investigation to the extent permitted under state or federal law.

Local Law Enforcement Information: Rocky Mount Police 252.972.1411

The University's policy, definitions, and burden of proof differ from those that apply in criminal law. A complainant may seek resolution through the University's complaint process, may pursue criminal action, may choose one but not the other, or may choose both. Neither law enforcement's determination regarding whether to prosecute a respondent nor the outcome of any criminal prosecution determines whether sexual misconduct has occurred in violation of this policy. Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

#### **D. Reporting Considerations**

##### **1. Timeliness of Report, Location of Incident**

Complainants and third-party witnesses are encouraged to report incidents of sexual misconduct as soon as possible in order to maximize the University's ability to respond promptly and effectively. However, there is no time limit on reporting violations of this policy. If the respondent is no longer a student or employee, the University may not be able to take disciplinary action against the respondent, but it will still seek to comply with its Title IX obligation by providing support for a complainant and taking steps to end the harassment, prevent its recurrence, and remedy its effects. An incident does not have to occur on campus to be reported to the University. Off-campus conduct that occurs in connection with University programs or events may also be covered, as may off-campus conduct that may have a continuing adverse effect on the complainant while on campus or other property owned or controlled by the University or in any University employment or education program or activity. The University will process all Title IX complaints regardless of where the conduct occurred to determine whether the conduct occurred in

the context of its educational program or has continuing adverse effects on campus or in an off-campus program or activity.

## 2. Amnesty for Personal Use of Alcohol or Other Drugs

The University seeks to remove any barriers to reporting. It is in the best interest of this community that all individuals who have been the subject of sexual misconduct report the behavior to the University, and that witnesses share what they know. To encourage reporting, complainants, third-party witnesses, or respondents will not be subject to disciplinary action by the University for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. Students may be required to engage in non-disciplinary substance abuse or awareness measures.

## 3. Statement against Retaliation

Retaliation is a violation of University policy and will result in disciplinary action. See section III-G above for more information.

## 4. False Reporting

The University takes the validity of information very seriously, as a charge of sexual misconduct may have severe consequences. A complainant who makes a report that is later found to have been intentionally false or made maliciously without regard for truth, or anyone proven to have acted in bad faith to intentionally give false information during the course of an investigation may be subject to disciplinary action. This provision does not apply to reports made in good faith, even if the facts alleged in the report are not substantiated by an investigation and/or hearing decision. An allegation of false reporting cannot be investigated or heard until the underlying allegations have been resolved.

## 5. Protection of Minors and Mandatory Reporting of Suspected Child Abuse

Any persons employed by the University who, in their professional or official capacity, have reason to suspect that a child is an abused or neglected child, are required to report the matter immediately to child protective services. The University also requires that the information be immediately shared with the Office of Public Safety so that the University can ensure timely compliance with this law and enhance the protection of children. The

University will report all suspected child abuse and neglect, including sexual assault, to law enforcement. The University will act quickly regarding all suspected child abuse. For the purposes of this reporting obligation, a child is any individual under the age of 18, and the suspected abuse may involve physical, sexual, or other forms of abuse or neglect, regardless of the identity of the suspected perpetrator. The duty to report is triggered by reasonable suspicion or belief. There is no requirement that evidence of abuse be presented, nor is it the responsibility of any employee, student, or volunteer to investigate suspected child abuse on his/her own. The Department of Social Services and/or law enforcement authorities are best positioned to conduct any such investigation and make appropriate determinations. A report should be made as follows:

- **if a child is in immediate danger, call the police (911).**
- **If there is no immediate danger, call Campus Security at (252.406.7928).**

#### **E. Bystanders**

A bystander is a person who (either directly or indirectly) has an opportunity to prevent or respond to a situation that they know to be damaging to another person or the community. The role of bystanders during acts of disruption, prejudice, or violence toward others and oneself (i.e., overconsumption of substances) may be either harmful or helpful, depending on the bystander's response. In cases of sexual violence where students are witnessing a peer consume harmful quantities of substances, abusive relationships, or cruel or bullying behavior toward others, failure to intervene in safe ways can be detrimental. Students are being asked to recognize that they always have a choice when they see situations that could potentially become violent or unsafe for those involved: to take a stand and call for help; report the behavior to someone in authority; take action to protect a potential victim; or they can stand by, remain passive, and take no action. The conversations that occur during the student conduct process will include an intention to raise awareness of the issues of the role of bystanders in the well-being and health of our community. For every incident that occurs on our campus, there are multiple levels of responsibility. This includes direct and indirect contributions to the situation. The University encourages all community members to take reasonable and prudent actions to prevent an act of sexual misconduct. Taking action to protect a potential victim may include direct intervention when safe to do so, enlisting the assistance of friends, contacting law enforcement, or seeking assistance from a



person in authority. Community members who assist under these circumstances will be supported by the University and protected from retaliation.

## **VIII. Report Assessment, Interim Measures, and Supportive Measures**

### **Report Assessment**

When receiving a report, the Title IX Coordinator ensures consistent application of this policy to all individuals to allow the University to respond promptly and equitably to eliminate the harassment, prevent its recurrence, and remedy its effects. Complainants and respondents can expect the following under these procedures:

- Prompt and equitable resolution of allegations of sexual misconduct;
- Privacy in accordance with the policy and any legal requirements;
- Reasonably available interim measures;
- Freedom from retaliation for making a good faith report of sexual misconduct or participating in any proceeding under this policy;
- The responsibility to refrain from retaliation directed against any person for making a good faith report of sexual misconduct or participating in any proceeding under this policy;
- The responsibility to provide truthful information in connection with any report, investigation, or resolution of sexual misconduct under the policy;
- The opportunity to articulate concerns or issues about proceedings under the policy;
- Notice of any meeting or proceeding that the party may attend;
- The opportunity to have an advisor;
- Written notice of an investigation, including notice of potential policy violations;
- The opportunity to offer information, present evidence, and identify witnesses during an investigation;
- The right to participate or decline to participate in the complaint resolution process, with the acknowledgement that not participating, either totally or in part, may not prevent the process from proceeding with the information available;
- Equal access to information that will be used during resolution proceedings;
- Written notice of any extension of timeframes; and
- Written notice of the outcome of any disciplinary proceeding.

The initial assessment will include an evaluation of the safety of the individual and of the campus community. During the initial assessment, the University will ensure that the complainant receives a written explanation of available resources and options. At the conclusion of the initial assessment, if the complainant has expressed a desire to proceed with an investigation, the University will begin the process. If the complainant has requested not to proceed with an investigation, the Title IX Coordinator with others as necessary, will determine the appropriate resolution (see Sections IX and X).

### **Interim Measures**

Upon receipt of a report of sexual misconduct, the University will impose reasonable and appropriate interim measures. Interim measures may be imposed regardless of whether formal disciplinary action is sought by the complainant or the University, and regardless of whether or not the complainant chooses to report to local law enforcement, in order to ensure the preservation of the complainant's educational, work or volunteer experience and the overall safety of the University environment. The imposition of an interim measure is NOT a determination of responsibility nor is it a sanction or disciplinary action. When implementing interim measures, the University will seek to minimize the burden on the party seeking the measures. For example, if the parties share the same residence hall, the University will not, as a matter of course, remove the party seeking the protective measure from the class or residence hall while allowing the other party to remain, without carefully considering all options and circumstances. The University will maintain as private any interim measures provided, to the extent that maintaining such privacy would not impair the ability of the University to provide those measures. All individuals are encouraged to report concerns about the failure of another individual to abide by the terms of any imposed interim measure. The University will take immediate action to enforce a previously implemented measure. The University can impose disciplinary sanctions for failing to abide by a University-imposed measure. For employees or volunteers, the Director of Human Resources, the Provost's office, or a department head will handle alleged violations of interim measures. For students, the Dean of Students has the discretion to address alleged violations of interim measures by taking administrative actions, disciplinary or otherwise, or referring the matter for a formal conduct charge. In all cases the Title IX Coordinator oversees this process.

The University, at its discretion, will implement interim measures. Interim measures are intended to be protective and/or remedial for one or both parties, may be temporary or permanent, and may be modified by the University as circumstances change. Potential measures, which may be applied to the complainant and/or the respondent to the extent reasonably available and warranted by the circumstances, include but are not limited to:

- Access to counseling services and assistance in setting up initial appointment;
- No-contact orders;
- Rescheduling of exams and assignments;
- Providing alternative course-completion options;
- Change in class schedule, including the ability to transfer course sections or withdraw from a course without penalty;
- Change in work schedule or job assignment;
- Change in student's University housing assignment;
- Assistance from University staff in completing housing relocation;
- Limit of an individual's or organization's access to certain University facilities or activities pending resolution of the matter;
- Voluntary leave of absence;
- Arranging a meeting with law enforcement;
- Providing medical services to the extent possible;
- Any other remedy that can be tailored to the involved individuals to achieve the goals of this policy.

### **University-Imposed Interim Administrative Leave of Absence**

If the Title IX Coordinator, after consultation with the Director of Campus Safety, and/or others, as advisable, decides at any point that the health and safety of a student or of the community is at stake, an interim administrative leave of absence may be imposed on any student. In addition, interim administrative leaves of absence may be used to preserve University property; pursue an investigation and/or disciplinary proceeding; and prevent disruption of, or interference with, the normal operations of the University. Interim administrative leaves of absence will be used for short periods of time pending resolution of a report. The use of an interim administrative leave does not require, and has no bearing on, a determination of responsibility. An interim administrative leave of absence is NOT a determination of responsibility nor is it a sanction or disciplinary action. During an interim

administrative leave of absence, a student may be denied access to University housing and/or the University's campus or programs. As determined appropriate by the Title IX Coordinator (or designee), this restriction includes classes and/or all other University activities or privileges for which the student might otherwise be eligible. At the discretion of the Title IX Coordinator, and with the approval of, and in collaboration with, the Provost, alternative coursework options may be pursued to ensure as minimal an impact as possible on the respondent. Similarly, if at any point in a complaint process, an employee who is suspected of violating this policy represents a danger to individuals or disruption to campus operations, the employee may be placed on administrative leave pending the outcome of the complaint and appeals. Such leave will be structured at the University's discretion.

### **Complainant Autonomy/Request to Not Proceed**

In the event that a complainant does not wish to proceed with an investigation or a complaint, the Title IX Coordinator will respect the complainant's wish unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances. If the allegations in a formal complaint do not meet the definition of sexual harassment, or did not occur in the school's education program or activity against a person in the United States, the University must dismiss such allegations for purposes of Title IX but may still address the allegations in any manner the University deems appropriate under the school's own code of conduct. The Title IX Coordinator will assess any barriers to proceeding and will reassure the complainant that Title IX prohibits retaliation and that the University will take strong responsive action to protect the complainant.

In determining whether the University can comply with a complainant's request not to proceed, the Title IX Coordinator will consider a range of factors relative to the safety and welfare of the University community, including but not limited to:

- The severity and impact of the conduct;
- Whether the complainant is a minor under the age of 18;
- Whether prior reports of sexual misconduct have been made against the respondent;

- Whether the respondent threatened further violence or other violence against the complainant or others;
- Whether the University possesses other means to obtain relevant evidence of the alleged sexual misconduct (security cameras, video recordings, photographs or other evidence); and,
- The extent of prior remedial methods taken with the respondent.

After evaluating the appropriate factors, if the complainant's request not to proceed is allowed, the University will take all reasonable steps to respond to the complaint consistent with the request, but its ability to do so may be limited based on the nature of the request by the complainant. Where the University is unable to take action consistent with the request of the complainant, the Title IX Coordinator will notify the complainant of the University's chosen course of action. To the extent possible, the University will avoid taking action that would reveal the identity of the complainant. A complainant who initially requests that the University not proceed with an investigation or disciplinary action may later request that an investigation be conducted. Additionally, the Title IX Coordinator, after granting a request not to proceed, may proceed with an investigation or disciplinary action if any new or additional information becomes available.

#### Multi-Party Complaints

At the discretion of the Title IX Coordinator, the University may consolidate formal complaints alleging sexual misconduct by more than one respondent, or by more than one complainant against one or more respondents, when the formal complaints alleging sexual misconduct arise from the same set of facts or circumstances.

#### Mandatory Dismissal

Formal complaints that do not meet the definition of sexual harassment in the Final Rule or which allege sexual misconduct that did not occur in the University's education program or activity against a person in the United States must be dismissed.

#### Discretionary Dismissal

At the discretion of the Title IX Coordinator, a formal complaint or any specific allegations within a formal complaint may be dismissed during the investigation or hearing if:

- A complainant notifies the Title IX Coordinator in writing that they wish to withdraw the formal complaint or any allegation(s) raised within the formal complaint.
- The respondent is no longer enrolled or employed by the University.
- Specific circumstances prevent the University from collecting sufficient evidence to make a determination regarding the formal complaint or any allegation(s) raised within the complaint.

### **Notice of Dismissal**

If a formal complaint or allegation(s) within a formal complaint are dismissed for reasons stated above, the Title IX Coordinator will send written notice of the dismissal to both the complainant and the respondent. The notice will include the reason for the dismissal.

### **Notice of Removal to Other Campus Policies**

When a formal complaint or allegation(s) within a formal complaint are dismissed for reasons stated above, the University retains discretion to remove the complaint to the jurisdiction of other campus policies (Code of Student Conduct, Employee Handbook, etc.) to determine if a violation of that policy has occurred. If using another campus policy to determine if a policy violation has occurred, written notice will be sent to both the complainant and respondent.

### **Communication**

All communications regarding any aspect of a Title IX report or formal complaint will be sent using the party's campus email address (students and employees) or personal/business email address and/or U.S. Postal Service (third-party). Students and employees are encouraged to check their campus email daily.

## **IX. Resolution Procedures**

### **A. Procedural Overview**

The procedures below will be used to resolve all formal complaints. In cases where the respondent is both a student and an employee:

- The student resolution procedures will apply if the respondent is a full-time student but not a full-time employee.

- The employee resolution procedures will apply if the respondent is a full-time employee but not a full-time student.

Following the Title IX Assessment (section VIII), the University may seek a remedies-based resolution which does not involve disciplinary action against the respondent or (2) initiate an investigation to determine if a charge should be issued. The intent of the investigation is to gather all evidence and relevant facts to determine if there is sufficient reason to support a charge against the respondent.

## **B. Informal Resolution**

Informal resolution (remedies-based resolution) is a non-disciplinary approach designed to address the alleged misconduct and eliminate a reported hostile environment without initiating potential disciplinary action against a respondent. Where the Title IX assessment concludes that remedies-based resolution is appropriate, the University will take immediate and corrective action through the imposition of individual and community remedies designed to maintain the complainant's access to the educational, extracurricular, employment or volunteer activities at the University. At no time will the University require, as a condition of continuing enrollment or employment, or any other right, either party to waive the right to an investigation and formal resolution of sexual harassment complaints. Examples of protective, non-disciplinary remedies include mediation, supported direct or indirect confrontation, targeted or broad-based educational programming or training, or other actions as deemed appropriate by the Title IX Coordinator. Depending on the form of remedies-based resolution used, it may be possible to maintain anonymity. The University will offer mediation for appropriate cases, but it will not compel a complainant to engage in mediation. Mediation, even if voluntary, will not be used in cases involving sexual assault or violence. Participation in remedies-based resolution is voluntary, and either party can request to end remedies-based resolution at any time and proceed with an investigation and potential disciplinary action. Likewise, a complainant may request remedies-based resolution at any time prior to a hearing, provided that the University determines that the complainant's request is consistent with the University's obligations under Title IX to ensure the safety and welfare of the University. In cases where informal resolution is used, both parties must give written consent and may withdraw consent in writing at any time prior to the resolution. The Title

IX Coordinator will maintain records of all reports and conduct resolved by remedies-based resolution.

### **C. Formal Complaints**

#### **Investigations:**

The University is obligated to investigate allegations in any formal complaint and send written notice to both complainant and respondent of the allegations upon receipt of a formal complaint.

During an investigation and disciplinary proceeding, both the complainant and the respondent may have an Advisor at his/her expense (see *Advisors* below this section). The Advisor may be present at any meeting or proceeding related to the investigative or disciplinary process in which the individual to whom the Advisor is assigned is present. The Advisor may observe but may not speak on behalf of the individual to whom the Advisor is assigned during any interview or hearing. The investigator will conduct the investigation in a manner appropriate in light of the circumstances of the case. He or she will coordinate the gathering of information from the complainant, the respondent, and any other individuals who may have information relevant to the determination. The investigator will also gather any available physical evidence, including documents, communications between the parties, and other electronic records as appropriate. The complainant and respondent will have an equal opportunity to be heard, to submit information, and to identify witnesses who may have relevant information. Witnesses must have observed the acts in question or have information relevant to the incident; character witnesses who do not have information relevant to the case will not be considered. The investigation is designed to provide a fair and reliable gathering of the facts. It will be thorough, impartial, and fair, and all individuals will be treated with respect. The investigation is a neutral fact-gathering process. The respondent is presumed to be not responsible; this presumption may be overcome only where the Hearing Officers conclude that there is sufficient evidence, by clear and convincing evidence, to support a finding that the respondent violated the policy. The University will seek to complete the investigation within thirty (30) calendar days from the start of the investigation, but this time frame may be extended depending on the circumstances of the case. At the request of law enforcement, the University may agree to defer its Title IX fact gathering until after the



initial stages of a criminal investigation. The University will communicate with the complainant and the respondent regarding Title IX rights, responsibilities, procedural options, and the implementation of necessary interim measures to assure the safety and well-being of all affected individuals. If applicable, the University will promptly resume its Title IX fact gathering as soon as law enforcement permits it to do so. Information the University gathers during the review or investigation will be used to evaluate the responsibility of the respondent, to provide for the safety of the complainant and the University community, and to take appropriate measures to end any misconduct, prevent its recurrence, and address its effects. The Title IX Coordinator will retain copies of all reports generated as a result of investigations. The University will keep these records private to the extent permitted by law. Although all witnesses, the complainant, and the respondent are expected to participate in the investigative process, neither party is required to participate in the investigation under these procedures. If a party chooses not to participate in an investigation, the investigation and potential disciplinary proceedings may still proceed. In order to protect the integrity of the investigation, none of the parties involved in the investigation should discuss with any witness or potential witness what was shared with investigator while proceedings are pending.

**During the Investigation:**

- The burden of gathering evidence and burden of proof must remain on the University, not on the parties.
- The University will provide equal opportunity for the parties to present fact and expert witnesses and other inculpatory and exculpatory evidence.
- The University will not restrict the ability of the parties to discuss the allegations or gather evidence.
- Both parties will have the same opportunity to select an advisor of the party's choice who may be, but need not be, an attorney.
- The University will send written notice of any investigative interviews, meetings, or hearings.
- The University will send the parties, and their advisors, evidence directly related to the allegations in electronic format or hard copy, with at least 10 days for the parties to respond.

- The University will send the parties, and their advisors, an investigative report that fairly summarizes relevant evidence, in electronic format or hard copy, with at least 10 days for the parties to respond.
- The University will dismiss allegations of conduct that do not meet the definition of sexual harassment or did not occur in one of the University's education programs or activity against a person in the United States. Such dismissal is only for Title IX purposes and does not preclude the University from addressing the conduct in any manner the University deems appropriate.
- The University may, in its discretion, dismiss a formal complaint or allegations therein if the complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein, if the respondent is no longer enrolled or employed by the school, or if specific circumstances prevent the University from gathering sufficient evidence to reach a determination.
- The University will send the parties written notice of a dismissal (mandatory or discretionary) and the reasons for the dismissal.
- The University may, in its discretion, consolidate formal complaints where the allegations arise out of the same facts.
- The medical, psychological, and similar treatment records of either party may not be accessed or used unless the University obtains the party's voluntary, written consent to use such records.

At the conclusion of the investigation, the investigator will prepare a written report that summarizes the information gathered and synthesizes the areas of agreement and disagreement between the parties and any supporting information. Before the investigative report is finalized, the complainant and respondent will have the opportunity to review it. The complainant and respondent may submit any additional comments, request changes, or request further investigation from the investigator. After giving the parties the opportunity to comment on the report orally or in writing, the investigator will make changes to the report based on those comments at his or her discretion. He or she will then submit the report to the designated Title IX coordinator for dissemination to the Hearing Officers. All copies of the investigation report (the original, copies bearing

feedback from the parties, and the investigator's final report should be identified and maintained in the case file.

### **Advisors**

If an investigation of prohibited conduct is initiated, the complainant and respondent will be invited to bring an advisor to their interview and/or to the hearing as a source of support. Advisors may accompany the complainant and respondent at interviews or hearings. Parties may request a brief recess to consult with their advisors, which will be granted at the discretion of the investigators, Hearing Officers, or Review Board, as applicable. The Advisor's primary roles at the hearing are to 1) provide support for the complainant or respondent, and 2) provide cross-examination to the other party on behalf of their advisee. Advisors may not directly question the Investigator, Hearing Officers, or Review Board. Any Advisor who does not follow the University's policies, procedures, or practices relating to the advisor's role in the resolution process will receive an initial warning. If the advisor continues to disregard the University's policies, procedures, and/or practices or disrupts or otherwise fails to respect the limits of the role, such advisor will be required to leave the meeting, hearing, or other proceeding at the discretion of the investigator, Hearing Officers, or Review Board, as applicable. When an advisor is removed from a meeting, hearing, or other proceeding, the proceeding will continue without the advisor's presence. Parties may choose to share their copy of the investigation report with their advisor. Neither a party nor an advisor may duplicate the investigation report. All advisors are expected to maintain the privacy of any records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the University or by the applicable law. The University may restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the University's privacy expectations. The University expects all advisors to adjust their schedules to allow them to attend University meetings when scheduled. The University does not typically change scheduled meetings to accommodate an advisor's inability to attend. The University will, however, make provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available. The University will not recognize or enforce agreements between an advisor and the complainant/respondent that are reached outside of these procedures.

## **D. Hearings**

### **1. Hearing Officers**

North Carolina Wesleyan University uses two Hearing Officers who together determine responsibility and, if warranted, administer sanctions and/or discipline against a respondent. Each hearing officer is appointed by the Title IX Coordinator and is specially trained to adjudicate cases of sexual misconduct. The Hearing Officers are selected from a pool of individuals trained to serve. Hearing Officers must be impartial and free of any conflict of interest. A pre-hearing conference is held prior to formally beginning. The Hearing Officers shall determine the order of the proceedings, the relevancy of witnesses and evidence, and the nature of questioning. The Hearing Officers shall exercise reasonable discretion in adjudicating all matters not expressly covered under this Policy and shall have the authority to make the final determination as to all procedural questions or issues that may arise. The Hearing Officers will determine whether to formally charge the respondent and will notify the parties. A charge will be issued if the complainant's factual allegations are plausible and could constitute a violation of this policy. Absent extenuating circumstances, the decision whether to formally charge the respondent will be made within two (2) calendar days after the Hearing Officers receive the investigation report. The Title IX Coordinator reserves the right to overturn the Hearing Officers' decision with respect to whether to issue a charge. The formal charge(s) will state the subject matter of the complaint, the name of the complainant, and the approximate date and/or timeframe for the alleged conduct. The Hearing Officers may deliver notice of the charge by one or more of the following methods:

- In-person or via a designated University administrator;
- Mailed to the local or permanent address of the individual as indicated in official University records; or
- Emailed to the individual's University-issued email account.

### **2. Pre-hearing Conference**

Once a formal charge has been issued, the respondent will answer the charge as "Responsible", "No Contest", or "Not Responsible". If the respondent answers "Responsible" or "No Contest", the Hearing Officers will review the charge to determine an appropriate sanction. The respondent must answer the charge before or during the Pre-hearing Conference with the Hearing Officers, which is held, absent extraordinary

circumstances, within seven (7) calendar days after the issuance of the formal charge document. Upon the issuance of a formal charge, the investigation report and related appendices will be made available to the parties for their review. The Hearing Officers will determine whether there is sufficient justification for asking a witness to attend in person or whether the witness statement adequately summarizes the information. Absent extenuating circumstances, the Pre-Hearing Conferences will be held within seven (7) calendar days of issuance of the charge document. If additional investigation is required, the Hearing Officers will set a timeframe in which it is to be completed and reviewed by both parties prior to the hearing.

### **3. Hearing Procedures**

A hearing will be held in a timely manner; assuming no extraordinary circumstances, within fourteen (14) calendar days of issuance of the formal charge. The Hearing Officers will review the investigation report prior to the hearing. All hearings will be live. Each party's advisor will be allowed to ask the other party and any witnesses all relevant questions and follow-up questions, including questions challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally. Live hearings may be conducted with all parties physically present in the same geographic location or, at the school's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually. At the request of either party, the University must provide for the entire live hearing (including cross-examination) to occur with the parties located in separate rooms with technology enabling the parties to see and hear each other. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker must first determine whether the questions is relevant and explain to the party's advisor asking cross-examination questions any decision to exclude a question as not relevant. If a party does not have an advisor present at the live hearing, the school must provide, without fee or charge to that party, an advisor of the school's choice who may be, but is not required to be, an attorney to conduct cross-examination on behalf of that party. If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s)

cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions. With or without a hearing, after the school has sent the investigative report to the parties and before reaching a determination regarding responsibility, the decision-maker(s) must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. All hearings are closed to the public. Although both the complainant and respondent may be asked to be present at various times during the hearing, if either party would prefer not to be physically present during the hearing, the party can participate through electronic means or a privacy screen may be erected. Neither party is required to participate in the hearing in order for the hearing to proceed. If either party is not in attendance, the hearing may still proceed, findings may still be made, and sanctions may still be imposed. During the hearing, the Hearing Officers may question the complainant, the respondent, any witnesses called, and/or the investigator, and examine related information and evidence. The hearing officers shall restrict their questions to matters relevant to the specific case. The parties cannot verbally pose questions to each other or to witnesses. However, in advance of the hearing, the parties may submit written questions to the hearing officers to ask on their behalf. The hearing officers will screen the questions and have discretion to determine whether to ask them. The Hearing Officers will not ask questions in violation of University policy and prior evidentiary decisions, or questions that are irrelevant or repetitive. Additionally, the adjudicators have discretion to change the wording of the question. The parties cannot call witnesses or present information at the hearing that could reasonably have been provided during the investigation. If information produced during the hearing discloses additional tangible evidence or witnesses with relevant information that could not have reasonably been provided during the investigation, the Hearing Officers, in their sole discretion, may obtain that evidence or call those witnesses to testify. Hearing officers, investigators, and advisors are expected to maintain the privacy of the participants in these proceedings except where disclosure may be authorized or mandated by law or University policy. After considering all of the relevant information, the hearing officers will deliberate and make findings of fact supported by clear and convincing evidence. From those facts, the Hearing Officers will reach conclusions as to whether the respondent is responsible for conduct in violation of this policy. The two (2) officers must

agree "responsible" for a finding of responsibility. A deadlock will result in a finding of "not responsible". At any time during the hearing process, the respondent may choose voluntarily to agree to a finding of responsibility relating to some or all of the charged conduct and proceed to the disciplinary stage of the process. The hearing officers must issue a written determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant. The written determination must be sent simultaneously to the parties along with information about how to file an appeal.

#### **4. Evidentiary Standard**

The Hearing Officers will use the evidentiary standard of clear and convincing evidence in making determinations of responsibility for charges. 'Clear and convincing' means that the evidence presented is substantially more probable to be true than not true. In other words, the Hearing Officers must have a firm belief that the evidence presented is factual and supports a finding of responsibility.

#### **5. Imposition of Sanction**

If the respondent is found "Responsible" or agrees to a finding of responsibility, the hearing officers, following consultation with the Title IX Coordinator, will impose a sanction designed to eliminate the misconduct, prevent its recurrence, and remedy its effects, while supporting the University's educational mission and complying with the University's Title IX obligations. The complainant and respondent will each have the opportunity to present a statement about the impact of the violation and/or requested sanctions. The hearing officers will review these statements only if they find, or the respondent accepts, that the respondent is responsible for one or more violations. The hearing officers shall determine the appropriate sanction (or combination of sanctions) in accordance with the Code of Student Conduct. Both hearing officers must be in favor of the imposition of each sanction or combination of sanctions. If they fail to agree, the Title IX Coordinator will make the final determination. If the respondent is no longer a student at the time of sanctioning, the hearing officers may impose any sanction as outline in the Code of Student Conduct and/or may consider the respondent persona non grata on campus property, any property under the control of the University, and/or any event under the control of the University. In

considering the appropriate sanction, the hearing officers may consider the circumstances, including but not limited to the following factors:

- The respondent's prior discipline history;
- Sanctions previously issued for similar incidents;
- The nature and violence of the conduct at issue;
- The impact of the conduct on the complainant;
- The impact of the conduct on the community, its members, or its property;
- Whether the respondent has accepted responsibility;
- Whether the respondent is reasonably likely to engage in the conduct in the future;
- The severity of the sanction necessary to ensure that the conduct does not recur;
- Any other mitigating or aggravating circumstances, including the University's values.

## **6. Notice of Outcome**

Within two (2) calendar days of the decision, the Hearing Officers shall provide to the parties a copy of the written report of the Hearing Officers' decision. If applicable, the hearing officers will inform the respondent of any sanctions, the date by which the requirements must be satisfied, and the consequences of failure to satisfy the requirements. The hearing officers also will inform the complainant of any sanctions that directly relate to the complainant or are required by federal law to be disclosed to the complainant in the case of certain sexual offenses, including sexual assault, domestic/dating violence, and stalking. The hearing officers will also provide each party with an outcome letter containing their appeal options. The University will also notify those University employees necessary to implement the outcome and/or sanctions. Upon a finding of responsibility, additional remedies, in addition to the issued sanction, may be available to a complainant. Examples of potential remedies are provided in Section 8-Interim Measures. The Title IX Coordinator, in consultation with others as necessary, will determine any appropriate additional remedies.

## **E. Appeal Process**

Either party may appeal the finding of a policy violation/non-violation and/or a sanction within seventy-two (72) hours of receipt of the written hearing report. Appeals must be in writing, specifying in detail the basis for the appeal. The President will appoint a Review



Board to review these matters. The Chair of the Review Board will be someone who was not involved in the original hearing. The Review Board will be comprised of three (3) members of the North Carolina Wesleyan University community who do not have a conflict of interest in the case and who have received training on Title IX, the University's policy and the Appeal process. For an appeal to be granted, at least two (2) members of the Review Board must vote to grant appeal. Appeals, if granted, do not constitute a re-hearing of the case and the Review Board will defer to decisions of the hearing officers unless one or more of the reasons for granting the appeal are satisfied. The Review Board will review the entire written hearing record, the written appeal and other documents it deems relevant. Upon completion of this review, the Review Board may grant or reject a request for appeal based on one or more of the following grounds if it reasonably determines the ground(s) could more likely than not impact the underlying decision:

- Newly discovered evidence/information that could affect the outcome of the matter (this does not apply in cases of deliberate omission of information by the appellant or in cases where the information was known but not shared);
- Procedural irregularity significant enough to affect the outcome of the matter; or
- Title IX personnel had a conflict of interest or bias significant enough to affect the outcome of the matter.

If the Review Board decides to grant an appeal, it may decide the case based solely upon the hearing record, the written appeal, and other documents it deems relevant, or it may remand the case to the original hearing officers in cases in which there is new information presented. The Chair of the Review Board will determine the proper composition of the panel for any appeal and oversee the process. The President will accommodate any conflicts that may arise with members constituting the panel. The Appeals Panel will confer with the Title IX coordinator on matters relating to consistency of sanctions and adherence to the University's policy.

### **Campus Sex Crimes Prevention Act**

The Campus Sex Crimes Prevention Act (section 1601 of Public Law 106-386) is a federal law enacted on October 28, 2000 that provides for the tracking of convicted, registered sex offender enrolled as students at institutions of higher education or working or volunteering on campus. The Act amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act to require sex offenders already required to register in a

state to provide notice, as required under state law, of each institution of higher education in that state at which the person is employed, carries on a vocation, or is a student. It also mandates that state procedures ensure that this registration information is promptly made available to law enforcement agencies with jurisdiction where the institutions of higher education are located and that it is entered into appropriate state records or data systems. Sex Offender Registration Program information for the state of North Carolina may be found at [sexoffender.ncsbi.gov/disclaimer.aspx](http://sexoffender.ncsbi.gov/disclaimer.aspx)

Yearly, NCWU inquires with the agency of jurisdiction if any residential or enrolled students are registered sex offenders. Additionally, the University, in writing, request that the local agency of sex offender registry responsibility notify NCWU immediately of any person registering with them who claims to be enrolled or housed at NCWU.

### **Workplace Violence**

- Rocky Mount Campus. The Director of Campus Safety will initially investigate or represent the University in the investigation of all reports of crimes. Referrals are made to the Rocky Mount Police Department for most criminal matters and they assume jurisdiction of the case at that point.
- Durham Campus. For criminal acts contact Durham Police Department.
- Goldsboro Campus. For criminal acts contact Goldsboro Police Department.

### **Crime Prevention/Educational Programs**

North Carolina Wesleyan University provides a variety of crime prevention programs and services including: Surveillance cameras, a Tip Line at [ncwu.edu/tipline](http://ncwu.edu/tipline) and security escort service. The Health Center and Counseling Services provide staff to aid students in coping with a variety of issues including sexual assault awareness, personal safety, and alcohol and drug abuse.

Campus security is available to assist you with protecting yourself by providing vehicle, and foot patrols. However, you can help protect yourself by being aware of your surrounds and taking appropriate steps in preventing crime.

## **Crime Prevention Recommendations**

- Protect your room or apartment. Lock your door even if you are only going out for a short time or only going a short distance. It only takes seconds to walk into an open door and steal valuables.
- Always lock your door when you are asleep. You are also encouraged to lock your door when you are awake in your room.
- Do not prop open locked exterior building doors. These doors are locked for your protection and protection of other residents.
- Never open exterior doors of the building for strangers or non-residents. Always escort your guests to and from the building.
- Do not loan your keys to anyone, even a classmate or a friend. They may not be careful with them and may misplace them, giving the wrong person access to your possessions.
- Do not leave your keys lying around in public places or in your jacket pocket when you are not wearing it.
- Do not put your name or address on key rings as they may be used to steal your property if found by the wrong person.
- Record all serial numbers of electronic and serial numbered items. Keep a copy at school and leave a copy with a responsible person at home.

## **Protect your automobile**

- Always lock your car doors and never leave your keys in the vehicle.
- Try to park your vehicle in a well-lit area.
- Avoid leaving property where it is visible.
- Call for an escort at (252) 985-5273 or (252) 406-7928
- If you arrive at North Carolina Wesleyan University late at night, you should contact Security and request an escort. They will escort you from the parking area to your residence hall.

## **Protect yourself at night**

- Avoid walking alone at night.
- Refrain from taking shortcuts, and walk where there is plenty of light and traffic.
- Walk with a friend.

### **Protect yourself walking and jogging**

- Avoid walking and jogging alone after dark. If you travel alone at night use the Campus Security escort, to escort you to your on-campus destination.
- Walk in well-lit routes.
- Be alert to your surroundings. If you suspect you are being followed, run in a different direction or to the other side of the street and yell for help, or head quickly for a lighted area or group of people
- Have your keys ready when returning to your residence hall or apartment, and keep your personal valuables concealed and close to your body.

### **Help us protect you**

- Watch for suspicious persons in and around the University buildings and parking lots. Do not pursue them. Call campus security immediately. Call campus security if you should enter your room and find a stranger, regardless of the “cover story” supplied.
- If you see any suspicious activity or person on or near campus, call campus security at (252) 406-7928 or the Rocky Mount Police Department by dialing 911. Do not assume that what you observed is an innocent activity or that it has already been reported.
- Do not assume the person is a visitor or a University staff member that you haven’t seen before.
- Suspicious people may be loitering about at unusual hours and locations or running, especially if something of value is being carried. Persons may be under the influence of drugs or need medical or psychiatric assistance. If you spot someone carrying property that may be suspicious or going room to room trying door handles, report it to campus security immediately. Door-to-door soliciting is not permitted in the University residence halls.
- Immediately report all thefts and property loss to campus security

## **Monitoring and Recording Criminal Activity**

### **Off-Campus**

North Carolina Wesleyan University operates no off-campus housing, or off-campus student organization facilities. However, some students live in and frequent neighborhoods surrounding campus. When a North Carolina Wesleyan University student is involved in an off-campus offense within Rocky Mount, campus security officers, through communications with the local police, fire, and ambulance associations may assist in facilitating rapid emergency response.

### **Daily Crime Log**

Campus Security, under the direction of the Clery Compliance Officer, maintains a daily log of offenses reported to them for the most recent sixty (60) day period. The log is available for public view during normal business hours in the Office of Student Affairs located in Suite 111 the Hardee's Building. Normal business hours are Monday –Friday, 8:00 am – 5:00 pm, excluding University holidays or emergency closings. Information that is prohibited by law or that would jeopardize the confidentiality of a victim will not be disclosed on the log.

The department will also withhold certain other information if there is clear and convincing evidence it would:

- Jeopardize an on-going criminal investigation or the safety of an individual;
- Cause a suspect to flee or evade detection;
- Result in the destruction of evidence.

Any information that is withheld by the department will be made available immediately once these conditions are no longer met.

### **Fire Log**

The Campus Security, under the direction of the Clery Compliance Officer, maintains a fire log of all fires occurring in on-campus student residence halls for the most recent sixty (60) day period. The fire log is available for public view during normal business hours. Normal business hours are Monday –Friday, 8:00 am – 5:00 pm, excluding University holidays or emergency closings.

## **Campus Crime Statistics**

The Clery Act requires U.S. universities and colleges receiving federal student financial aid to disclose timely and annual information about crime on and around University campuses. Recent amendments to the law have added a requirement that schools afford the victims of campus sexual misconduct certain basic rights and have expanded reporting requirements.

Our reports include statistics on categories for crimes that have occurred in locales adjacent to Wesleyan's campuses. These are crimes committed in public areas such as sidewalks and streets immediately surrounding the campuses, non-campus buildings, and other off-campus property used by the University in direct support of its educational mission. These additional areas are reported separately from reports of crime on campus. Information about the specific location of public property included in these statistics can be obtained from the Student Affairs Office.

The crimes reported are not necessarily committed against a member of the University community. Crimes that may have occurred on the campus of any affiliated educational institution are not included in the University's statistics, as these institutions compile their own Clery crime statistics. However, if at an affiliated campus a Clery reportable crime occurred in a classroom or hall, stair, elevator or parking lot adjacent to any classroom or other property used officially by NC Wesleyan University, per an agreement or lease, when they occurred, such crime is reported by both the institution of locale and NC Wesleyan University.

## **Registered Sex Offenders**

The law was amended in 2000 to require schools to notify the campus community about where public "Megan's Law" information related to registered sex offenders on campus could be obtained. This information is available at

<https://www.ncsbi.gov/Services/Sex-Offender-Registry.aspx>

## **Explanation of How Statistics Are Compiled**

The statistics contained herein, which include crimes on campus and crimes in adjacent public areas, are collected by the Office of Student Affairs and are based on crimes reported

directly to campus security, CSA's, and information provided by the local law enforcement agency having geographic jurisdiction.

In preparation for annual reporting, persons within each department of the University with significant responsibility for student and campus affairs, including disciplinary proceedings, are surveyed for knowledge of crimes that may not have been reported to the Director of Campus Safety, campus security or police authorities. These individuals include the Dean of Students, Residence Life staff, Athletic Directors and coaches, organization advisors, and Student Affairs personnel. Persons at Counseling Services and campus ministries are not surveyed for knowledge of certain crimes because the law does not impose a reporting obligation on persons with counseling or pastoral obligations.

Crimes that occurred in residence halls are reported both in the "On Campus" category and in the "Residence Hall" category. Thus, "Residence Hall" is a subset of "On Campus."

The presentation of the tables is designed to enable the reader to compare crimes committed in the same locales during the past three years.

The definition of each crime can be found in Appendix 1 and may differ from the definition of comparable crimes under the North Carolina Penal Code or University discipline policies. The Clery Act also requires reporting of hate crimes in the above categories where prejudice on account of race, gender, religion, sexual orientation, ethnicity, or disability was a factor.

If a campus official has knowledge of a reportable crime that was not reported for investigation or disciplinary action and he or she informs the campus security, that occurrence will be included in these statistics.

## **Emergency Management**

### **Critical Incident Emergency Management Plan/Team**

Guidelines on emergency preparedness are designed to inform the campus community about what to do in the event of a critical incident/emergency and what to expect from campus and other officials responding to such an incident. The NCWU Emergency Management Plan is available at ([NCWU emergency-management-plan.](#))

For the purpose of this document “critical incident” is defined as a situation that requires prompt or immediate action. Such an incident may result in a disaster or crisis that disrupts the normal operation of the University and may jeopardize the health and/or safety of members of the NCWU community.

The Emergency Management Plan is overseen by the Emergency Management Team (EMT) comprised of the President, Provost, Director of Campus Safety (chair), Vice President of Administration and Finance, Dean of Students, Athletic Director, Director of Marketing and Communications, Director of Facilities Management, Director of Health Services, and the Director of Information Technology Services.

### **Timely Warnings Procedures**

NCWU has a campus emergency notification system (Blackboard Connect 7) to warn the University community if a crisis, imminent danger or other urgent situation is present on or near the campus. Blackboard Connect gives the University the ability to contact the students, faculty, and staff and permanent contractors both by telephone, email and through text messages. All students, staff and faculty listed in the University’s database will automatically upload such information to the Blackboard Connect notification system every 24 hours. With Blackboard Connect, the community database can be subdivided into specific groups if only that particular group needs to be notified. As with any other notification system, the success of this system will depend on the information reported to the University’s database system.

In the event that a situation arises, either on or off campus, that, in the judgment of the University, constitutes an ongoing or continuing threat, a campus wide “timely warning”



will be issued. The warning will be authorized, prepared and initiated by the Director of Security or the Dean of Students, Director of Marketing and Communications or the Director of Information Technology Services.

Depending on the particular circumstances of the crime, especially in all situations that could pose an immediate threat to the community and individuals, notices may also be posted on the campus website at [ncwu.edu](http://ncwu.edu), as well as on NC Wesleyan University social media links such as Twitter, Instagram and Facebook. This provides the University community with more immediate notification. Anyone with information warranting a timely warning should report the circumstances to the NCWU security office at (252) 406-7928 or call 9-1-1.

Should an incident require wider notice to other area law enforcement and surrounding communities, the Director of Marketing & Communications will do so with the coordination of the City of Rocky Mount, Rocky Mount Police Department, call list, media list, social media, the NCWU website ([ncwu.edu](http://ncwu.edu)) and press releases. Updates and further communications will be shared through these means as well.

### **Emergency Notifications**

When a member of the NCWU community becomes aware of a situation that is defined as a *Critical Incident or Emergent Situation*, they will contact campus security or the student affairs administrator on call. The campus security officer or student affairs administrator on call is notified of the situation a brief assessment of the event is made. Using established protocols, initial steps will be taken to ensure student and community safety by public safety/student affairs staff. The Campus Safety Director, Dean of Students or her designated backup will be contacted and informed of the critical incident/emergent situation.

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

The emergency management team composed of the President, Director of Campus Safety (chair), Vice President of Administration and Finance, Dean of Students, Athletic Director, Director of Marketing and Communications, Director of Facilities Management, Director of Health Services, and the Director of Information Technology Services would meet in person or on a conference call to assess the situation. If so determined, a command center would be established.

All available information is shared with the Emergency Management Team and initial steps are taken to address concerns. Student/community safety is the driving force in all decisions. Documentation of actions taken begins, as well as maintaining accurate records of the ongoing process.

Short-term steps necessary to resolve the situation are identified and implemented by appropriate individuals. Institutional and external resources are identified and utilized in response to the incident. Delegation of responsibilities occurs, based on plans, competencies, and availability of staff. A communication strategy is developed and implemented. This includes a statement or fact sheet that provides consistent communication and factual information. Peripheral issues are identified, and strategies to address them are implemented. Other key constituencies are involved as deemed appropriate. Once all relevant issues associated with the situation have been resolved, the Emergency Management Team disbands. Within a week of resolution, the Emergency Management Team meets to conduct an evaluation of the situation.

## **Communications**

A central theme in dealing with incidents that will impact the NCWU community is the process of communicating to the many constituencies that make up our campus community. It is understood that all stakeholders (trustees, students, employees, parents, alumni, and the local community) will expect timely communication of potential issues that are affecting our campus. To support the community in resolving emergent situations, we have developed the following guidelines to assist in responding to the challenges of communication. Information will be provided in a timely fashion, using the most effective modes of communication that are available, as detailed in the guidelines section of our Emergency Management Plan.

NC Wesleyan University's emergency alerts are delivered using Blackboard Connect, a mass notification system. This system allows students, faculty, staff, and permanent contractors to receive text messages on cell phones, email accounts, text and other "smart" communications devices. The University uses the emergency alert system's "emergency messaging" only for critical incidents and emergencies as described in the emergency plan. The system also has an administrative messaging system for non-emergency messages such as snow delays, minor power outages, weather advisories, etc. These notifications are sent out as "Bishop Advisories". When an immediate notification is warranted, the alert system will be initiated without delay.

Timely warnings may be delivered with alternate notification systems such as mass emails, posts on the University website, and/or postings on the University's social media accounts.

### **Imminent and Immediate Safety Risk**

North Carolina Wesleyan University (NCWU) has an emergency notification system to warn the University community if a crisis, imminent danger or other urgent situation is present on or near the campus. If such an emergency situation occurs, a message via the University's emergency notification software, Blackboard Connect, will be initiated and a Bishop Alert will be disseminated through voicemail, email and/or text. These messages will go to those individuals listed in the University's database.

Students, faculty and staff who feel that a situation exists or may occur requiring the activation of the campus emergency notification system are strongly encouraged to contact Campus Security immediately at (252) 406-7928, (252) 985-5273 or dial 9-1-1.

### **Non-Imminent/Safety Communication**

A variety of situations that are detailed in our plan will require ongoing communication and updates but will not require immediate action by the majority of the campus community. In these cases, we will rely on appropriate modes of communication (Blackboard Connect, email, website updates) that are available. Regular updates on the status of situations will be provided to assure safety of the campus community, as well as any effect on the normal operation of the University.

*\*We will attempt to always balance respecting privacy with the importance of keeping the University community informed. Additionally, resolving the emergency situation will take precedence above overcommunicating*

### **Building Evacuation Procedures**

Depending on the circumstances, a building may be either partially or totally evacuated. Under partial evacuation, wait for further instructions until building is deemed safe.

Complete evacuation will result in all persons leaving the building and moving to a designated assembly area, or a location at least 200 feet from the building.

It is the responsibility of all students and employees to comply with an evacuation request, and to assist others to the designated assembly area. A building should be evacuated when a fire has been confirmed, the fire alarm system has been activated, or University or emergency officials direct to do so

### **Testing Emergency Response and Evacuation Procedures**

Residence life and campus staff members conduct monitored evacuation drills in all residence halls within ten days of the onset of each semester. Once each semester a general fire alarm is conducted in non-residential buildings. During March of each year a campus-wide tornado drill is held in conjunction with the State's severe weather awareness protocol. Thus, the emergency response and evacuation procedures for are tested four times a year as required under state & local fire code.

Students and University employees learn the locations of the emergency exits in the residence halls and are provided guidance about the direction they should travel when exiting for short-term evacuation. These tests are generally unannounced to the general population but are planned and overseen by the residence life staff and/or the Director of Security.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in the case of a fire or other emergency. At NCWU, evacuation drills are used as a way to educate and train occupants on fire safety issues specific to their building. During

the drill, occupants practice drill procedures and familiarize themselves with the location of exits and the sound of the alarm. During the drills Campus Safety is afforded the opportunity to test the operation of fire alarm system components.

Long-term evacuation locations are not shared with the general University population because these decisions, made by the Emergency Management Team will be determined by a variety of circumstances such as time of day, nature of the threat, and location of the building(s) requiring evacuation. The Emergency Management Team and campus officials on scene will communicate information to students and staff regarding the developing situation or any evacuation status changes.

Students receive information about evacuation and shelter-in-place procedures during their initial floor meetings and during other educational sessions that they can participate in throughout the year. Residence Life staff members are trained in these procedures as well and act as an on-going resource for students living in residential facilities.

NCWU conducts tests of the emergency notification systems on campus during each semester. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution. After each test, the Office of Marketing & Communications, and the Director of Security notifies the University officials of the results.

### **Lock Down and Shelter in Place Drills**

Typically, during September a Lock Down drill is held. This pre-announced drill is to prepare classroom building occupants for a lock down or other shelter-in-place emergencies. This drill is used as a way to educate and train occupants on lock down procedures specific to their location. During the drill, occupants practice drill procedures and familiarize themselves with sheltering in place. The post drill reporting process is designed to gather information on vulnerabilities during such drills such as poorly locking or inoperable locks on doors, windows that allow overly intrusive views into lock down areas, and working with students as a team to shut off all lights, phones and other devices that omit sounds.

## **Local Police Department**

NC Wesleyan Campus Security maintains an excellent relationship with the local police department. The police also help to maintain a safer campus by providing extra coverage for special events that attract large crowds. Campus Security also regularly confers with the Rocky Mount Police Department to control criminal activity around University property.

## **Access to Campus Facilities**

During business hours, the University (excluding housing facilities) will be open to students, parents, employees, contractors, guests, and the general public. During non-business hours, access to all University facilities is by key, or by admittance from Campus Security or residence life staff. In the case of periods of extended closing, the University will admit only those with prior approval to all facilities. The University has one main entrance and four rear entrance onto the main campus. During evening hours after specified hours all rear entrances are closed off making the main entrance as the only means of entrance to the campus.

Residence halls are secured 24 hours a day. Over extended breaks, the doors of all halls will be secured around the clock, and locks will be changed to restrict unauthorized access. Some facilities may have individual hours, which may vary during the year. Emergencies may necessitate changes or alterations to any posted schedules.

## **Maintenance of Campus Facilities**

NCWU's Facilities Office is responsible for University structures and landscaping and assures that they are maintained in a manner that minimizes hazardous conditions. Campus Security regularly patrols campus and reports malfunctioning lights and other unsafe physical conditions to facilities services for correction. Other members of the University community are helpful when they report problems to the appropriate office. Facilities services and information technology provide 24-hour emergency assistance by contacting security at (252) 406-7928.

## **Campus Facilities – Access and Security**

Access to non-residential facilities is limited to members of the University community except for those specific events to which the public is invited. All residence halls and most

internal stairwells of traditional residence halls (Roberson, Pash, Pettaway and Collins) are accessible by key only. Boddie, Jin, Bradley, Taylor and the Villas at Wesleyan Townhome Community require either a front door, lobby and hall key to enter. Each individual room is keyed separately and this key is assigned only to the resident student(s). Access to residence halls is limited to the residents of the building and their invited guests. Hours of operation for all buildings are as posted or as stated in University publications. In an effort to ensure these policies are adhered to, student workers are on duty during the evening hours at each residence hall lobby to oversee the signing in and out of all guest by their student host. Access to any building after normal hours of operation is only allowed following written notice and permission from the Dean of Students or Residence Life Director. All guests are subject to the rules and regulations of the University and are to be in the company of their hosts at all times. The visitation policy for resident students is explained in detail in the Student Handbook. The University reserves the right to deny access to University property to any person who violates University regulations or who exhibits behavior which negatively impacts the mission and purpose of the institution, Campus Security and local law enforcement. North Carolina Wesleyan University will at all times cooperate with local law enforcement. At North Carolina Wesleyan University, the University's Campus Security officers are an extension of the University and are charged with assuring the safety and security of the campus through service, patrol, and the enforcement of University's rules and regulations.

Maintenance and housekeeping personnel are only allowed in residence halls for maintenance and housekeeping issues. Unless there is an emergency, they are required to have a second team member, or Campus Security, a member of Residence Life Staff, the on-duty staff person, or at minimum a Residence Assistant whenever they key into a "main campus" room of a student of the opposite sex. Service request for the interior of all Villas at Wesleyan housing units require two persons in attendance at all times. In all situations they are to knock and announce themselves. Maintenance and housekeeping do not address non-emergency issues before 9AM and after 4:30 PM.

### **Educational Programs**

Throughout the academic year, a series of awareness and crime prevention programs are offered for students and employees. During Orientation Weekend, students are informed of

services offered by student affairs. The programs are designed to provide information about security procedures and the prevention, awareness, and reporting of crime. A common theme of all awareness and crime prevention programs is encouraging students and employees to be aware of their responsibility for their own security and the security of others.

The active shooter/active violence protocol used at NCWU is “Run Hide Fight” (*trademarked by the City of Houston, Texas*). The educational video for this training is shown during new faculty orientation, faculty convocation and during the freshmen orientation “What Is Expected of You” series. The link to this video is additionally sent to all of the NCWU family about 30 days after classes start.

The first of every month, all members of the NCWU family are sent a series of safety tips aimed at keeping students safe. These tips are released under the title “Bishop Safety Tips.” Many of these topics apply to all persons at NCWU. However; it is aimed at the student population. These tips address not only standard safety procedures and practices but also address current topics in student safety.

The Office of Student Affairs is very active in learning ways to continually inform and educate the student body. Programs cover depression/anxiety, values and decision making, dating, sexual conduct/misconduct, and alcohol/substance abuse awareness.

In addition to seminars, information is disseminated to students through the NCWU Student Handbook, the University’s student newspaper, and regular discussions with residence life staff.

### **Alcohol and Drug Policies**

The NCWU campus has been designated “Drug and Alcohol Free” and only under specific circumstances is the consumption of alcohol permitted. The possession, sale, manufacture, or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by Campus Security and the Rocky Mount Police Department. Violators are subject to University disciplinary action, criminal prosecution, fine, and imprisonment.



The University's policies related to the possession, consumption, and sale of alcoholic beverages mirrors the laws of the state of North Carolina. As such, only those over the legal drinking age of 21 are permitted to possess and consume alcohol under specific circumstances.

NCWU does not permit or condone the possession, use, consumption, or sale of narcotics or dangerous or illegal drugs. Their possession and non-medically supervised use is in violation of the law and NCWU policies. The University cannot and will not protect students from prosecution under federal or state laws. In addition to the student being subject to possible prosecution under federal or state laws, the University may take appropriate disciplinary action under its own policies and procedures.

Violations of this policy will subject the student to on-campus disciplinary action in accordance with the Code of Student Conduct. The possession of paraphernalia associated with the dispensing or use of alcohol or illegal drugs is also a violation of the Code of Student Conduct.

Referrals for counseling and treatment of alcohol/substance abuse issues are made to the University's counseling staff, and if determined necessary, outside professional agencies in the Wesleyan community.

Through special programs and events, the University attempts to educate its students and employees on the legal, social, and medical effects related to substance use and abuse. The annual Alcohol Awareness Week is a substantial campus-wide effort to publicize and dramatize the effects of substance abuse.

### **Parent Notification for Drug and Alcohol Violations**

In accordance with the Higher Education Amendments of 1998 to the Family Education Rights and Privacy Act (FERPA) of 1974, North Carolina Wesleyan University (NCWU) will notify a parent or legal guardian of a student who is under 21 years of age when the student has been found guilty through disciplinary channels of violating any NCWU policy regarding alcohol or illegal drugs.

## **Crime Statement and Statistics Reporting**

The information below provides context for the crime statistics reported as part of compliance with the Clery Act and include statistics obtained from the following sources: NC Wesleyan Campus Security Office, Rocky Mount Police Department, Durham County Sheriff's Department, Goldsboro Police Department, Wake County Sheriff's Department, Cary Police Department, Manteo Police Department, New Bern Police Department, Beaufort County Sheriff's Office, Wilmington Police Department, New Hanover County Sheriff's Office, and non-police officials (Campus Security authorities). For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

Statistical information from the Office of Counseling Services is requested by the Clery Compliance Officer, though they are not required by law to provide statistics for the compliance document. A procedure is in place to anonymously capture crime statistics disclosed confidentially during such a session.

## **Crime Statistics for this Report**

The statistics in this report are published in accordance with the standards and guidelines used by the Federal Bureau of Investigation Uniform Crime Reporting Handbook and federal law (the Clery Act).

The number of victims involved in a particular incident is indicated in the statistics column for the following crime classifications: Murder/Non-Negligent Manslaughter, Negligent Manslaughter, Forcible and Non-Forcible Sex Offenses, and Aggravated Misconduct. For example, if an aggravated misconduct occurs and there are three victims, this would be counted as three aggravated misconducts in the crime statistics chart.

The number reflected in the statistics for the following crime categories includes one offense per distinct operation: Robbery, Burglary, Larceny, and Arson. For example, if five students are walking across campus together and they are robbed, this would count as one instance of robbery in the crime statistics chart.

- In cases of motor vehicle theft, each vehicle stolen is counted as a statistic.
- In cases involving Liquor Law, Drug Law, and Illegal Weapons violations, each person who was arrested is indicated in the arrest statistics.

- The statistics captured under the “Referred for Disciplinary Action” section for Liquor Law, Drug Law, and Illegal Weapons violations indicates the number of people referred to the Office of Student Judicial Affairs and found responsible for violating those specific laws. Being found responsible includes a referral that resulted in disciplinary action being initiated by Student Judicial Affairs and a record of the action being kept on file.
- The statistics in the Hate Crime chart are separated by category of prejudice, but the numbers for each specific crime category are part of the overall statistics reported for each year. The only exception to this is the addition of Simple Misconduct to the Hate Crime chart. If a hate crime occurs where there is bodily injury, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the compliance document.
- Statistics for “Residential Facilities” also are counted in the “On-Campus” crime category. The law requires institutions to break out the number of “on-campus” crimes that occur in residential facilities.

### **Geographical Reporting Area**

For the specific purpose of Clery reporting, the University is required to identify the geographic area under Clery definition that the crime and fire statistical information for this report is derived from. Under this guideline, the University is required to report three (3) specific areas as Clery reporting locations:

- Rocky Mount, NC – Main Campus and associated locations
- Goldsboro, NC (This unit closed in June of 2022, but its data is required in this report)
- Durham NC

#### **North Carolina Wesleyan University**

**3400 N. Wesleyan Blvd.**

**Rocky Mount, NC 278704**

Rocky Mount, NC main campus geographical locations consist of the following:

- 1) North Carolina Wesleyan University Rocky Mount- 3400 N. Wesleyan Blvd. Rocky Mount NC, its auxiliary housing site the Wesleyan Inn, 1941 N. Wesleyan Blvd,

- 2) The Villas at Wesleyan Townhome Community- a leased unit of town homes adjacent to the South West area of campus consisting of 106, 107, 110, 111 Calloway Ct. and 147,151,162, 168 Calloway Rd.
- 3) 2746 N. Wesleyan Blvd.- a leased space used by our Music Department.

It additionally includes the following locations, which are required to be included under the main campus, as well as their host campus, as these are all leased spaces or spaces under a Memorandum of Understanding (MOU) with cooperating University. The main campus and Wesleyan Inn geographical area includes all surrounding streets and sidewalks. The satellite campuses only include the actual office space, halls, room spaces, their hallways, stairs and elevators for their times and days of their lease.

- Craven Community College, New Bern, NC
- Pitt Community College, Winterville, NC
- Beaufort County Community College, Washington, NC
- Cape Fear Community College, Castle Hayne NC
- Cape Fear Community College, Wilmington, NC
- Wayne Community College, Goldsboro, NC

**North Carolina Wesleyan University Durham NC**

**4426 S Miami Blvd.**

**Durham, NC 27703**

This reporting location consist of a “stand-alone” location leased by the University. The geographical reporting area includes all parking lots, streets and sidewalks surrounding the leased area.

**North Carolina Wesleyan University Goldsboro NC.**

**1101 Parkway Dr. Goldsboro NC 27534**

This reporting location consist of a “stand-alone” location leased by the University. The geographical reporting area includes all parking lots, streets and sidewalks surrounding the leased area. This location was closed and moved in June 2022.

### **Missing Students Statement**

If a member of the University community has reason to believe that a student who resides in campus housing is missing, he or she should immediately notify the NCWU Campus Security at 252-406-7928. Campus Security will generate a missing person report and initiate an investigation by the Director of Security.

In addition to registering an emergency contact, students residing in campus housing have the option to confidentially identify an individual to be contacted by NCWU in the event the student is determined to be missing for more than 24 hours. A student's confidential contact information will be accessible only by authorized campus officials and law enforcement as appropriate. After investigating the missing person report, should Campus Security determine that the student is missing and has been missing for more than 24 hours, or that the student is likely in danger, the Director of Campus Security will notify the Dean of Students, who will in-turn notify the student's emergency contact no later than 24 hours after the student is determined to be missing. If the missing student is under the age of 18 and is not an emancipated individual, NCWU will additionally notify the student's parent or legal guardian immediately after public safety has determined that the student has been missing for more than 24 hours.

### **Annual Fire Safety Report**

The Office of Student Affairs publishes the fire safety report as part of its annual Clery Act Compliance document. This report includes statistics concerning the number of fires, the cause of each fire, the number of injuries and deaths related to a fire, and the value of the property damage caused by a fire (see appendix 5).

If a fire occurs in a University building, community members should immediately call 9-1-1 and notify Campus Security at 252-406-7928 to inform them of the circumstances. Campus Security will respond to the scene to facilitate evacuation of the fire location pending the arrival of fire department personnel. If a member of the Wesleyan community finds evidence of a fire that has been extinguished, and the person is not sure whether Campus Security has already responded, the community member should immediately notify Campus Security to investigate and document the incident. Fire alarms alert community

members of potential hazards and community members are required to heed their warning and evacuate buildings immediately when hearing a fire alarm in a facility. Use the nearest stairwell and/or exit to leave the building immediately. Community members should familiarize themselves with the exits in each building. The Rocky Mount Fire Marshall can levy fines and penalties to individuals who fail to evacuate a building promptly—but safety is a more important reason to evacuate. When a fire alarm is activated, the elevators in most buildings will stop automatically. Occupants should use the stairs to evacuate the building. If you are caught in the elevator, push the emergency phone button. Student rooms are inspected for health and safety policy compliance once each semester. These inspections are conducted to check for fire and safety hazards and to evaluate the condition of the room and furnishings. These inspections will be announced in advance. Areas found to be substandard will be documented and residents will be given a designated time period to rectify the problems. If the problems are not resolved, the situations will be handled as a judicial matter involving fines and other sanctions. Violations of University and residence hall policies that may be observed during the inspection also are addressed through the disciplinary process.

### **Fire Safety and Equipment Policy**

Fire extinguishers are located in hallways of all campus buildings. Fire safety equipment is to be used in case of an emergency only. Tampering with this equipment can result in civil charges and disciplinary action, including but not limited to replacement cost and fines. Room smoke detectors are wired to the main fire system and will set off the entire system if tampered with. Covering the detectors will result in severe sanctions, when applicable. Open flames, including candles, incense, propane stoves, and gas or charcoal grills are not permitted in residence halls or on porches. Appliances with exposed heating elements may not be used in the residence halls. Electric frying pans, open coils, hot plates and sandwich makers, oil lamps, halogen lamps, electric or kerosene heaters, and deep fat cookers are prohibited in the residence halls. George Foreman grills, toasters, crock pots, blenders, toaster ovens, air fryers and microwaves are prohibited. Halogen lamps are a fire hazard and are not allowed in the residence halls. Bathrooms, hallways, and stairwells must be kept clear of personal belongings and any other objects that create a safety hazard (i.e., shoes, clothing, furniture wastebaskets, etc.).

NCWU is a smoke free campus. Smoking or vaping is not permitted in the residence halls at any time. Smokeless tobacco is permitted, but tobacco is not to be spit inappropriately in the residence halls or in the water fountains. Spit cups/containers are not to be left lying around anywhere on campus. Any damage resulting from tobacco use will be the responsibility of the individual using the product or his/her host.

Periodic fire drills are conducted by residential life and public safety for the protection of students living in the residence halls. These occur a minimum of once every semester. All students are expected to evacuate the building when fire alarms are sounded. Some drills may involve room checks to ensure the building has been vacated. Students who tamper with fire alarm systems or other safety devices may be subject to the penalties imposed by the Rocky Mount Fire Department (RMFD) and the State of North Carolina for violation of local and state ordinances. Fines are imposed for the misuse of fire prevention devices. For violations, the University imposes disciplinary action and up to a \$500 fine plus the cost of resultant damage and possible removal from the residence hall or suspension from the University.

## **Appendix 1-Definitions of Reportable Crimes**

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of misconduct usually is accompanied by the use of a weapon or by a means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated misconduct when a gun, knife, or other weapon is used that could and probably would result in serious personal injury if the crime were successfully completed.)

**Alcohol Law Violations:** The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

**Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

**Burglary:** The unlawful entry of a structure to commit a felony or theft. For reporting purposes this definition includes unlawful entry with intent to commit a larceny or felony, breaking and entering with intent to commit a larceny, housebreaking, safecracking, and all attempts to commit any of the aforementioned acts.

**Consent:** When all people in a sexual encounter agree to the sexual activity. Agreement to sexual activity means there are informed, freely given, mutually understandable words or actions that indicate a willingness to participate in the particular sexual activity. A person may decide at any time that he/she no longer consents and wants to stop sexual activity.

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

**Destruction/Damage/Vandalism of Property:** (Except "Arson"): To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

**Domestic Violence:** A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, a person with whom the victim shares a child in common, a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies [under VAWA], or any other person against an adult or youth victim who is protected from the person's acts under the domestic or family violence laws of the jurisdiction.

**Drug Law Violations:** Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol,



methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Ethnicity:** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term race in that “race” refers to grouping based mostly upon biological criteria, while “ethnicity” also encompasses additional cultural factors.

**Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person’s will; or, not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

**Forcible Rape:** “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.”

**Forcible Sodomy:** Oral or anal sexual intercourse with another person, forcibly and/or against that person’s will; or not forcibly against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

**Gender Identity:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals

## **Hate Crimes**

In addition to any of the crimes above, the following acts are now reportable as Hate Crimes under the Clery Act, when motivated by prejudice on account of race, gender, religion, sexual orientation, ethnicity, or disability.

**Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Larceny-Theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Includes pocket-picking, purse-snatching, shoplifting, theft from building, theft from coin operated machine or device, theft from motor vehicle, theft of motor vehicle parts or accessories and all other larceny.

**Liquor Law Violations:** The violation of laws or ordinances prohibiting the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned activities. (Drunkenness and driving under the influence are not included in this definition.)

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned, including joyriding.)

### **Murder and Non-negligent**

**Manslaughter:** The willful (non-negligent) killing of one human being by another.

### **National Origin:**

A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and/or traditions.

**Negligent Manslaughter:** The killing of another person through gross negligence.

**Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Sex Offenses—Forcible:** Any sexual act directed against another person, forcibly and/or against that person's will; or not

forcibly or against the person's will where the victim is incapable of giving consent.

**Sex Offenses-Non-Forcible:** Unlawful, non-forcible sexual intercourse.

**Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

**Stalking:** 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.

**Weapon Law Violations:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned acts.

It should be noted that single crimes in the below Clery crime statistics may show up in multiple categories. Drugs or alcohol discovered on a student in their room would be shown as both an "on campus property" crime AND a "residential facilities" crime. In the case of multiple alcohol offenders at a single location, such as a party in a student's residential room, the number of persons in violation would be listed as the statistic. I.E. 7 people in the room would result in both a numeric value of 7 in the on-campus property crime and 7 would be listed in the "residential facilities" category for this singular incident.

Crimes that are unfounded as not having occurred after they are reported may not be removed from the daily crime log or from the annual crime report. They may only be shown under the general category of "unfounded crime" in the Annual Fire & Security Report. For clarity on any specific crime generally listed as unfounded please see the Director of Security J. Wayne Sears.

## Appendix 2-Crime Statistics

### North Carolina Wesleyan University- Rocky Mount Campus

Offense	Year	On-Campus Property	Residential Facilities	Non-Campus Property	Public Property
Aggravated Assault	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Arson	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Burglary	2022	4	3	0	0
	2021	2	1	0	0
	2020	1	0	0	0
Dating Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Domestic Violence	2022	4	1	0	0
	2021	1	0	0	0
	2020	0	0	0	0
Motor Vehicle Theft	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Murder/Non-negligent Manslaughter	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Negligent Manslaughter	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Robbery	2022	0	0	0	0
	2021	0	0	0	0

	<b>2020</b>	0	0	0	0
Fondling	<b>2022</b>	1	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2020</b>	1	0	0	0
Rape	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2020</b>	0	0	0	0
Statutory Rape	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2020</b>	0	0	0	0
Incest	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2020</b>	0	0	0	0
Stalking	<b>2022</b>	1	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2020</b>	0	0	0	0
Arrests					
Drug Abuse Violation	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2020</b>	0	0	0	0
Liquor Law Violation	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2020</b>	0	0	0	0
Weapons Carrying, Possessing, etc..	<b>2022</b>	0	0	0	0
	<b>2021</b>	4	0	0	0
	<b>2020</b>	1	0	0	0
Disciplinary Action/Referrals					
Drug Abuse Violation	<b>2022</b>	14	11	0	0
	<b>2021</b>	6	3	0	0
	<b>2020</b>	2	2	0	0
	<b>2022</b>	18	18	0	0

Liquor Law Violation	<b>2021</b>	22	5	0	0
	<b>2020</b>	15	14	0	0
Weapons Carrying, Possessing, etc..	<b>2022</b>	0	0	0	0
	<b>2021</b>	1	0	0	0
	<b>2020</b>	0	0	0	0

Unfounded Crimes	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2020</b>	0	0	0	0

**Hate Crimes:** There were no reported hate crimes for the years 2020, 2021 or 2022.

\*Pursuant to the of the Violence Against Women Reauthorization Act of 2013, and accompanying regulations (34 CFR 668), beginning for 2014 year, NCWU is required to disclose the number of reported crimes for Rape, Fondling, Incest, and Statutory Rape as individual crime categories.

#### North Carolina Wesleyan University- Durham Campus

Offense	Year	On-Campus Property	Residential Facilities	Non-Campus Property	Public Property
Aggravated Assault	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2020</b>	0	0	0	0
Arson	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2020</b>	0	0	0	0
Burglary	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2020</b>	0	0	0	0
Dating Violence	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0

	<b>2020</b>	0	0	0	0
Domestic Violence	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2020</b>	0	0	0	0
Motor Vehicle Theft	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2020</b>	0	0	0	0
Murder/Non-negligent Manslaughter	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2020</b>	0	0	0	0
Manslaughter	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2020</b>	0	0	0	0
Robbery	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2020</b>	0	0	0	0
Fondling	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2020</b>	0	0	0	0
Rape	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2020</b>	0	0	0	0
Statutory Rape	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2020</b>	0	0	0	0
Incest	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2020</b>	0	0	0	0
Stalking	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2020</b>	0	0	0	0

Arrests					
Drug Abuse Violation	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2020</b>	0	0	0	0
Liquor Law Violation	<b>2022</b>	0	0	0	
	<b>2021</b>	0	0	0	0
	<b>2020</b>	0	0	0	0
Weapons Carrying, Possessing, etc..	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2020</b>	0	0	0	0
Disciplinary Action/Referrals					
Drug Abuse Violation	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2020</b>	0	0	0	0
Liquor Law Violation	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2020</b>	0	0	0	0
Weapons Carrying, Possessing, etc..	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2020</b>	0	0	0	0

Unfounded Crimes	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2020</b>	0	0	0	0

**Hate Crimes:** There were no reported hate crimes for the years 2020, 2021 or 2022

\*Pursuant to the of the Violence Against Women Reauthorization Act of 2013, and accompanying regulations (34 CFR 668), beginning for 2014 year, NCWU is required to disclose the number of reported crimes for Rape, Fondling, Incest, and Statutory Rape as individual crime categories.



# North Carolina Wesleyan University-Goldsboro Campus

Offense	Year	On-Campus Property	Residential Facilities	Non-Campus Property	Public Property
Aggravated Assault	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Arson	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Burglary	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Dating Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Domestic Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Motor Vehicle Theft	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Murder/Non-negligent Manslaughter	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Negligent Manslaughter	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Robbery	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

Fondling	<b>2021</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
Rape	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2020</b>	0	0	0	0
Statutory Rape	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2020</b>	0	0	0	0
Incest	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2020</b>	0	0	0	0
Stalking	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2020</b>	0	0	0	0
Arrests					
Drug Abuse Violation	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2020</b>	0	0	0	0
Liquor Law Violation	<b>2022</b>	0	0	0	
	<b>2021</b>	0	0	0	0
	<b>2020</b>	0	0	0	0
Weapons Carrying, Possessing, etc..	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2020</b>	0	0	0	0
Disciplinary Action/Referrals					
Drug Abuse Violation	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2020</b>	0	0	0	0
Liquor Law Violation	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0

	<b>2020</b>	0	0	0	0
Weapons Carrying, Possessing, etc..	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2020</b>	0	0	0	0

Unfounded Crimes	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2020</b>	0	0	0	0

**Hate Crimes:** There were no reported hate crimes for the years 2020, 2021 or 2022

\*Pursuant to the of the Violence Against Women Reauthorization Act of 2013, and accompanying regulations (34 CFR 668), beginning for 2014 year, NCWU is required to disclose the number of reported crimes for Rape, Fondling, Incest, and Statutory Rape as individual crime categories.

## Appendix 3- Fire Safety Definitions

**On-Campus Housing Facility:** Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus housing facility.

**Cause of Fire:** The factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature.

**Fire:** Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

**Fire Drill:** A supervised practice of a mandatory evacuation of a building for a fire.

**Fire-related Injury:** Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of the fire. The term person may include students,

faculty, staff, visitors, firefighters or any other individuals.

**Fire-related Death:** Any instance in which a person is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire, or who dies within one year of injuries sustained as a result of the fire.

**Fire Safety System:** Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire, including:

- Sprinkler or other fire extinguishing systems
- Fire detection devices
- Stand-alone smoke alarms
- Devices that alert one to the presence of a fire, such as horns, bells, or strobe lights
- Smoke-control and reduction mechanisms
- Fire doors and walls that reduce the spread of a fire

**Value of Property Damage:** The estimated value of the loss of the

structure and contents, in terms of the cost of replacement in like kind and quantity, including:

- Contents damaged by fire
- Related damages caused by smoke, water, and overhaul
- Does *not* include indirect loss, such as business interruption.

## **Appendix 4 – Description of Student Housing Facilities & Fire Detection & Suppression Devices**

The University has seventeen (16) residence halls that offer a variety of living arrangements. These options include co-ed and single gender halls. Residence halls are supervised by a team of professional staff members (Area Directors (AD)) and undergraduate paraprofessional Resident Advisors (RA) trained in residence life practices. This training is renewed every fall before classes begin. All residence halls are drug and alcohol free.

### **Bradley Hall\***

Pet friendly housing for sophomores, juniors and seniors in all single rooms. The hall has two full kitchens and open lobby areas. Bradley Hall can accommodate a total of 40 residents.

### **Roberson Hall \***

Houses first year female students. Roberson Hall can accommodate 119 residents in a double room setting. This location houses a member of our Professional Life Staff.

### **Roger & Gail Taylor Hall \***

Housing for sophomores, juniors and seniors in all single rooms. The hall has two full kitchens and open lobby areas. Roger & Gail Taylor Hall can accommodate a total of 40 residents

### **Jin Hall \*\***

Housing for sophomores, juniors and seniors in all single rooms. The hall has two full kitchens and open lobby areas. Jin Hall can accommodate a total of 40 residents.

### **Boddie Hall\*\***

Male housing for sophomores, juniors, seniors and students requiring medical accommodations in all single rooms. The hall has two full kitchens and open lobby areas. Boddie Hall can accommodate a total of 40 residents.

**Collins Hall\*\***

Houses male juniors and seniors. Collins Hall can accommodate 122 residents in a double room setting. This location houses a member of our Professional Life Staff.

**Pash Hall\*\***

Houses co-ed freshmen, sophomores, juniors, and seniors with females on the first floor. This hall has a large International student population. Pash Hall can accommodate 121 residents in a double room setting.

**Petteway Hall\*\***

Houses first year male students. Petteway Hall can accommodate 121 residents in a double room setting.

**Villas at Wesleyan Townhome Community\*\*\***

This housing is a series of three-story townhomes consisting of sixteen total units. They are structured as duplex buildings for a total of eight total buildings. Each unit can accommodate five students in four rooms. NCWU entered into a multi-year lease in September of 2018 to use these townhomes as residential housing.

\*This Residence Hall is equipped with fire extinguishers in each wing, smoke detectors in each room and common area and a sprinkler system that covers each room and living area. Emergency pull stations are located in the halls and in the common areas. RA's for this building are trained in evacuation and fire extinguisher use each semester. This building's fire alarm system is tested daily by the monitoring company for communication status through the campus wide Honeywell fire alarm system. This system is monitored 24 hours a day and uses monitoring notification to the Rocky Mount Fire Department upon any alarm activation.

\*\*This Residence Hall is equipped with fire extinguishers in each wing, smoke detectors in each room and common area. Emergency pull stations are located in the halls and in the

common areas. RA's for this building are trained in evacuation and fire extinguisher use each semester. This building's fire alarm system is tested daily by the monitoring company for communication status through the campus wide Honeywell fire alarm system. This system is monitored 24 hours a day and uses monitoring notification dispatch to the Rocky Mount Fire Department upon any alarm activation.

\*\*\* This series of townhomes all have Co2 detectors on each floor as well as smoke detectors in all living areas. These alarms are not monitored by a central monitoring station. These alarms are tied together, as required by NFPA72 (*National Fire Prevention Assoc.*) and upon activation of any single unit alarm, all units will alarm. Each townhome has a third story, twenty-five-foot deployable fire escape ladder in both third-floor bedrooms. Each floor of each unit has a fire extinguisher. The residents of this complex are provided training instructions on fire extinguisher and evacuation ladder use each semester.

## Appendix 5 – Fire Statistics

2022 North Carolina Wesleyan University Fire Statistics						
Rocky Mount Campus						
Residence Hall	Date of Fire	Time of Fire	Cause of Fire	No. of Injuries Requiring Treatment	No. Deaths Related to Fire	Value of Property Damage Caused by Fire
Boddie Hall	N/A	N/A	N/A	0	0	0
Jin Hall	N/A	N/A	N/A	0	0	0
Bradley Hall	N/A	N/A	N/A	0	0	0
Taylor Hall (	N/A	N/A	N/A	0	0	0
Roberson Hall	N/A	N/A	N/A	0	0	0
Pash Hall	N/A	N/A	N/A	0	0	0
Petteway Hall	N/A	N/A	N/A	0	0	0
Collins Hall	N/A	N/A	N/A	0	0	0



Villas at Wesleyan Townhome Community	N/A	N/A	N/A	0	0	0
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2021 North Carolina Wesleyan University Fire Statistics Rocky Mount Campus						
Residence Hall	Date of Fire	Time of Fire	Cause of Fire	No. of Injuries Requiring Treatment	No. Deaths Related to Fire	Value of Property Damage Caused by Fire
Boddie Hall	N/A	N/A	N/A	0	0	0
Jin Hall	N/A	N/A	N/A	0	0	0
Bradley Hall	N/A	N/A	N/A	0	0	0
Taylor Hall	N/A	N/A	N/A	0	0	0
Roberson Hall	N/A	N/A	N/A	0	0	0
Pash Hall	N/A	N/A	N/A	0	0	0
Petteway Hall	N/A	N/A	N/A	0	0	0
Collins Hall	N/A	N/A	N/A	0	0	0
Villas at Wesleyan Townhome Community	N/A	N/A	N/A	0	0	0

2020 North Carolina Wesleyan University Fire Statistics						
Rocky Mount Campus						
Residence Hall	Date of Fire	Time of Fire	Cause of Fire	No. of Injuries Requiring Treatment	No. Deaths Related to Fire	Value of Property Damage Caused by Fire
Boddie Hall	N/A	N/A	N/A	0	0	0
Jin Hall	N/A	N/A	N/A	0	0	0
Bradley Hall	N/A	N/A	N/A	0	0	0
Taylor Hall	N/A	N/A	N/A	0	0	0
Roberson Hall	N/A	N/A	N/A	0	0	0
Pash Hall	N/A	N/A	N/A	0	0	0
Petteway Hall	N/A	N/A	N/A	0	0	0
Collins Hall	N/A	N/A	N/A	0	0	0
Villas at Wesleyan Townhome Community	N/A	N/A	N/A	0	0	0

### 2023 Student Right-to-Know & Campus Security Act / CLERY Policy Statements

*This important and informative part of the Annual Fire and Safety Report specifically addresses how the University trains, responds and addresses many aspects that potentially or directly affect student safety. Some sections in this portion of the overall report may be repeating previously including information. As this section addresses students in particular we feel this allowance for repetitiveness is proper and warranted.*

North Carolina Wesleyan University has a primary concern for the safety and security of all students and employees. This requires a commitment to and from all members of the campus community. To that end, the University has established the policies and procedures listed below. We further recognize that campus safety is a responsibility in which we all

share and not one that is left solely to the University's campus safety officers or to a single administrative unit. A false sense of security and invulnerability can lead to a failure of students to take campus safety seriously. Policies and procedures are developed for the protection of the community and must be appropriately heeded by all members of the community. Thus, students are particularly encouraged to carefully read through this document and, if needed, visit the Student Affairs Office or the Office of the Director of Campus Safety for further information. Students are also required to read all safety related training information, monthly safety tips, "Bishop Alerts", and Blackboard emergency notifications and watch any safety video or video link sent to them by the University.

### **Reporting of Emergencies or Criminal Acts.**

It is the policy of NCWU during each academic year to publish the methods, persons and locations of the appropriate parties to which crime, dangerous situations, incidents or other issues that affect the campus community may be reported.

### **AT ALL NCWU LOCATIONS ALL LIFE-THREATENING EMERGENCIES OR CRIMES IN PROGRESS SHOULD BE REPORTED TO 911 FIRST.**

At Rocky Mount, NC Main Campus

All criminal acts, assaults, safety concerns or incidents should also be immediately reported to the appropriate University official. At the Rocky Mount main campus, including the Wesleyan Inn, and the Villas at Wesleyan Townhome Community, reports should be directed to the Security Office, Resident Life Staff, the Director of Campus Safety or the Student Affairs Office. Students at all non-Rocky Mount Adult Learning sites should report incidents to the director or instructor of that location.

The University has placed eleven (11) 911 call towers throughout the main campus. They are painted Wesleyan Blue with the words "EMERGENCY" located on their side. There is an illuminated blue light on the top of each tower for quick location of these units. All members of the NCWU campus are notified by email each semester of the locations of the towers and the proper use of these for notifying 911 Emergency Operators of any emergency. Emergency and important phone numbers are posted throughout the

University. Security or University Officials will respond immediately to all calls for assistance. Matters requiring a continuing investigation are conducted by the Director of Campus Safety or the Student Affairs Office if related to a potential Student Code of Conduct Issue.

As necessary, the University will call upon local law enforcement for further assistance. All serious misdemeanor crimes and all felony crimes will be reported to Rocky Mount Police Department unless the victim in the matter does not wish that they be notified. In any criminal matter any person may call local authorities as well as the above campus personnel to report any criminal or suspicious activity. Rocky Mount Police may be contacted at 252-972-14111.

All crimes and suspicious activity should be reported to:

Campus Security 24 hours a day	(252) 406-7928	Hardees Building Room 109
J Wayne Sears Director of Campus Safety	(252) 985-5585	Hardees Building Office D
Jason Modlin Dean of Students	(252) 985-5404	Hardees Building Room 111
Mackenzie Stamper Director of Resident Life	(252) 985-5548	Collins Hall First Floor
Monet Summersville Area Coordinator	(252) 985-5356	Robertson Hall First Floor
Jalen Anderson Area Coordinator	(252) 985-5282	Petteway First Floor

### **Sexual Assault Anonymous Reporting**

Survivors of sexual assault may also make anonymous reports of these crimes to any Campus Security Authority (CSA). CSA's include Security Officers, Director of Campus Safety, the Dean of Students, the Provost, all Coaches and Assistant Coaches, Residence Life Staff including Student Activities Director and all Officers of the University. CSAs are required to report any such anonymous crime to the Director of Campus Safety, and the reported crime must be included in the Annual Security Report. Survivors of sexual assault shall be

encouraged to seek medical assistance. North Carolina has laws in place to allow anonymous reporting and medical treatment of survivors of sexual assault. In this area Nash UNC Health Care employs specially trained Sexual Assault Nurse Examiners or SANE Nurses to assist and treat survivors of sexual assault. Educational information about assistance to a survivor of sexual assault that is provided by UNC Nash Health Care Systems and information about anonymous reporting of this crime is sent to the NCWU community each semester.

### **Jurisdiction**

The Rocky Mount campus is patrolled twenty-four hours a day by contract security personnel from Allied Universal Security. These personnel do not possess the powers of arrest. They are, however, authorized to detain a subject under North Carolina State Statutes under certain circumstances.

During periods when traditional students are on campus Rocky Mount Police Officers are hired during the evening hours from approximately 10:00 pm until 2:00 am. These hours are often expanded during special events like Homecoming and school authorized dances. These Officers have the full powers of arrest as granted by the State of North Carolina. Often times our campuses and ASPIRE programs are visited or attended by Sheriffs, State Troopers, Probation and Parole Officers and City Police Officers. In most circumstances each of these individuals maintain the power of arrest through their office even when out of uniform and/or off duty. The NCWU campus are in the territorial jurisdiction of many state and local agencies. Presently NCWU hosts a Rocky Mount Police Officer as a live-in resident. She lives in Collins Hall on the first floor. The Rocky Mount Police Department, headquartered at 300 S. Church Street, Rocky Mount, NC 27802, assumes primary responsibility for NC Wesleyan University. The main campus and the Wesleyan Inn are wholly within the jurisdiction of the Rocky Mount Police Department.

### **Reporting Crime at NCWU Durham**

Contract security for the NCWU location at Durham, NC is TNCG Security Services: 201 W Main St Suite 100, Durham, NC 27701 Phone: (919) 680-3226. They also do not have powers of arrest and are unarmed security personnel with an observer, report and assist role.

Any crime, suspicious circumstance or incident should be reported to the law enforcement authorities with jurisdiction serving the NCWU adult degree sites at Durham and the NCWU designated Campus Security Authority as indicated at the following locations:

**AT ALL NCWU LOCATIONS ALL LIFE-THREATENING EMERGENCIES OR CRIMES IN PROGRESS SHOULD BE REPORTED TO 911 FIRST.**

<b>Durham</b>	<b>Durham NC</b>	<b>NCWU Director Joy Smallwood (252)-525-4236 AND Durham Police Dept. 602 E Main St. Durham 27701 Phone: (919) 560-4427</b>
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**Reporting Crime at NCWU's remote locations within the NC Community College System.**

Please refer to all information available from your Community College location for information on Reporting Crime, as well as Crime Prevention, Title IX, Active Assailant Protocols, Lock Downs, Evacuations and other safety measures at that institution.

Any crime, suspicious circumstance or incident should be reported to the law enforcement authorities serving the local community University AND the NCWU designated Campus Security Authority as indicated at the following locations:

<b>Craven Community College</b>	<b>New Bern, NC</b>	<b>NCWU Admissions Director Christine Clift (252)-772-4044; AND Craven County Sheriff's Office. 1100 Clarks Rd, New Bern, NC 28562 Phone: (252) 636-6620</b>
<b>Pitt Community College</b>	<b>Winterville, NC</b>	<b>NCWU Admissions Director Christine Clift (252)-565-4464; AND Pitt CC Campus Police Bull Dog Run, Pitt CC Winterville, NC. Phone (252)-493-7777</b>
<b>Beaufort Community College</b>	<b>Washington, NC</b>	<b>NCWU Associate Dean Joy Smallwood (252) 955-5791; AND Washington Police Dept. 1385 John Small Ave, Washington, NC 27889</b>

		<b>Phone: (252) 946-1444</b>
<b>Cape Fear Community College North Campus</b>	<b>Castle Hayne, NC</b>	<b>NCWU Associate Dean Katie Farrell (910)-338-3194; AND New Hanover County Sheriff's Office 3750 Juvenile Drive Castle Hayne, NC 28429 Phone (910)-798-4200</b>
<b>Cape Fear Community College</b>	<b>Wilmington, NC</b>	<b>NCWU Associate Dean Katie Farrell (910)-338-3194; AND Wilmington Police Dept. 615 Bees St, Wilmington, NC 28401 Phone (910)-343-3600</b>
<b>Wayne Community College</b>	<b>Goldsboro, NC</b>	<b>NCWU Director Joy Smallwood (252) 955-5791; AND Goldsboro Police dept. 919-580-4239</b>

#### **AT ALL NCWU LOCATIONS**

**All incidents involving Assault, Sexual Assault, Harassment, Dating Violence, Stalking, Threats, Title IX incidents should be reported to the School's Title IX Coordinator.**

<b>Jason Modlin Dean of Students</b>	<b>(252) 985-5404 <a href="mailto:jmodlin@ncwu.edu">jmodlin@ncwu.edu</a></b>	<b>NCWU Main Campus Rocky Mount, NC Hardees Building Room 111</b>
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**All Incident involving and crime because of any Bias, Intimidation, Fire, Arson, Burglary, Kidnapping, Extortion, Fraud, Missing Persons, Drugs, Alcohol misuse or abuse of Campus Property, Weapons, or any other matter that might or does expose the NCWU Family to danger or threats of harm should additionally be reported to:**

<b>NCWU Main Campus Security 24 Hour a Day Number</b>	<b>(252) 406-7928</b>	<b>NCWU Rocky Mount Hardees Building Office 109</b>
<b>J Wayne Sears Director of Campus Safety</b>	<b>(252) 985-5585 <a href="mailto:Wsears@ncwu.edu">Wsears@ncwu.edu</a></b>	<b>NCWU Main Campus Rocky Mount, NC Hardees Building</b>
<b>Jason Modlin Dean of Students</b>	<b>(252) 985-5404 <a href="mailto:jmodlin@ncwu.edu">jmodlin@ncwu.edu</a></b>	<b>NCWU Main Campus Rocky Mount, NC Hardees Building Room 111</b>

**AT ALL NCWU LOCATIONS ALL LIFE-THREATENING EMERGENCIES OR CRIMES IN PROGRESS SHOULD BE REPORTED TO 911 FIRST.**

#### **Timely Warnings**

Timely warnings are an integral requirement of the CLERY act and part of our overall safety plan. It is the policy of NCWU to maintain a communications device to issue such warnings

and to issue these warnings as required. NCWU maintains a contract with “Blackboard Connect,” a respected and widely distributed notification system. It is a requirement that all students must keep their personal contact information updated in an effort to ensure the emergency notification system has the ability to make proper notifications.

ALL members of the NCWU Community are reminded through monthly safety tips, orientation and other crime prevention and security forums to report all crime and suspicious activity to Campus Security or local law enforcement. At the main campus and at the two locations where NCWU maintains a separate campus, we request in writing that local law enforcement notify NCWU main Campus Security of any crime in progress at or adjacent to these campuses so we may determine if crimes or criminal activity adjacent or nearby these campuses are a safety concern for those on campus.

Students and employees are to notify 911 and then Campus Security at 252-406-7928 of any ongoing campus emergencies. Students may report crime and safety issues anonymously. One way this is done is through the NCWU “Bishop Tip Line” which is located on the University Web site under [ncwu.edu/tipline](http://ncwu.edu/tipline).

If we are notified of any crime upon or adjacent to campus that poses any perceived threat to the campus community, the Director of Campus Safety will be notified. In his absence the Dean of Students, Vice President of Administration, the President, or Director of Marketing & Communications shall be contacted in this order until one of these responsible parties is notified of the activity of concern. If the activity poses or presumably poses a threat to the wellbeing of the campus community, an emergency notification will be sent out through the University’s Blackboard Connect system unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

Once the Blackboard Connect system is activated, the emergency message will be sent to all members of the University community including contract employees. This message will be in the form of a voice message over phone, a SMS text message and an email message to



their *MYNCWU* email account.

All members of the NCWU community, except contractors, are assigned an email. This is the account to which all emergency emails are sent. All members of the NCWU community are also asked for their cellular phone number and are asked multiple times during the year through *Bishop Monthly Safety Tips* to keep this number current. This is the number utilized by Blackboard Connect for SMS text messaging and phone voice messaging. Blackboard connect is reloaded with the most current data nightly.

For issues affecting the community at large, the NCWU Marketing & Communications Director will publish such emergency on the ncwu.edu website, the NCWU Facebook, Instagram, and Twitter accounts, as well as activate a media advisory list that is also maintained by them.

For issues that require broad parental notification the NCWU Marketing & Communications Director may publish such emergency to available contact information for parents or responsible parties as listed with the University business office.

More information on emergency notification is located in the Student Handbook at [2023-2024-STUDENT-HANDBOOK](#). The written policy on timely warnings is located in the office of the Director of Campus Safety, Hardees Student Union room D, and is posted on the NCWU website at [ncwu.edu/security](http://ncwu.edu/security).

### **Annual Security Report**

The Clery Act requires the collection and dissemination of crime statistics for certain criminal acts. These statistics are gathered from Campus Security, Local Law Enforcement, Campus Administrators and Campus Security Authorities (CSA) which are University Officials, advisors, coaches or other designated authoritarian figures that students might seek to report a crime. These CASs are advised and reminded of their role yearly and all new faculty are trained on this responsibility during their orientation. Additionally, we request from the local law enforcement agency having jurisdiction, all crime statistics that are CLERY required for the three (3) Wesleyan campuses (NCWU Main Campus, including the

Goldsboro campus and Durham campus). These statistics must be compiled and published for the preceding three years by October 1<sup>st</sup> \* of the present calendar year. This report is announced and published by the University President on or about September 30<sup>th</sup> and is located at: ([Annual-Security-and-Fire-Safety-Report-](#)) . In addition to this report being published to the NCWU community, its availability is made know to all potential students and employees per Clery directives.

### **Registered Sex Offenders**

For information regarding registered sex offenders in North Carolina and in the area of any of the University's locations, please view [sexoffender.ncsbi.gov/disclaimer.aspx](http://sexoffender.ncsbi.gov/disclaimer.aspx). It is the policy of the University to annually request, in writing, that the Nash County Sheriff's Office immediately notify the Director of Campus Safety of any registered sex offender living adjacent to, moving adjacent to or attempting to enroll in the University.

### **Campus Facilities – Access and Security**

Access to non-residential facilities is limited to members of the University community except for those specific events to which the public is invited. All residence halls and most internal stairwells of traditional residence halls (Roberson, Pash, Pettaway and Collins) are accessible by key only. Boddie, Jin, Bradley and Taylor and the Villas at Wesleyan Townhome Community require either a front door, lobby and hall key or electronic access badge to enter. Each individual room is keyed separately and this key is assigned only to the resident student(s). Access to residence halls is limited to the residents of the building and their invited guests. Hours of operation for all buildings are as posted or as stated in University publications. In an effort to ensure these policies are adhered to, student workers are on duty during the evening hours at each residence hall lobby to oversee the signing in and out of all guest by their student host. Access to any building after normal hours of operation is only allowed following written notice and permission from the Dean of Students or Residence Life Director. All guests are subject to the rules and regulations of the University and are to be in the company of their hosts at all times. The visitation policy for resident students is explained in detail in the Student Handbook. The University reserves the right to deny access to University property to any person who violates University regulations or who exhibits behavior which negatively impacts the mission and purpose of the institution,

Campus Security and local law enforcement. North Carolina Wesleyan University will at all times cooperate with local law enforcement. At North Carolina Wesleyan University, the University's Campus Security officers are an extension of the University and are charged with assuring the safety and security of the campus through service, patrol, and the enforcement of University's rules and regulations.

Maintenance and housekeeping personnel are only allowed in residence halls for maintenance and housekeeping issues. Unless there is an emergency, they are required to have Campus Security, a member of Residence Life Staff, the on-duty staff person or at minimum a Residence Assistant or second person present whenever they key into a room of a student of the opposite sex unless they are responding to a student request for maintenance/housekeeping assistance and they are expected. In all situations they are to knock and announce themselves. Maintenance and housekeeping do not address non-emergency issues before 9AM and after 4:30 PM.

### **Notification of Campus Safety Policies and Crime Prevention**

It shall be the policy of North Carolina Wesleyan University to inform the student population as well as NCWU employees of safety and personal security measures, options, strategies and programs from orientation and pre-orientation visits until graduation.

In addition to the Student Handbook, which is published and distributed annually, the University will inform the University community of campus safety policies and procedures through various publications, programs, workshops and seminars that outline specific steps they can take with regard to crime prevention, personal safety, campus security and reporting options. Periodically during the academic year, the Student Affairs Office and the Office of the Director of Campus Safety in cooperation with other University organizations and departments, present and or publish information on:

- Crime Prevention
- Awareness on Sexual Assault (rape and acquaintance rape)
- Domestic Violence, Dating Violence
- Bystander Intervention
- Reporting Crime and Anonymous Reporting of Crime
- Sexual Assault Survivors Emergency Room Assistance
- Date Rape and Rohypnol and other associated date rape substances of abuse
- Room Burglary, Security and Theft Prevention

- Personal Safety including Self Defense
- Residence Hall Security
- Travel Tips for Off Campus Safety

A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own safety and the safety of others.

In addition to the above informational topics, placards are placed in every residence hall room and every residential lobby that address the following:

- Evacuation
- Medical Emergencies
- General Safety Tips
- Fire Emergencies
- Severe Weather Emergencies
- Active Assailants
- Emergency Reference Guides are placed in every class room and at other key locations. They provide general guidelines for the following:
  - Emergency Numbers
  - How to Report a Crime
  - Active Shooter / Weapons / Shots Fired
  - Bomb Threat
  - Evacuation
  - Fire / Smoke
  - Hazardous Materials Spills
  - Mental Health Emergencies
  - Noxious Odors
  - Medical Emergencies / Serious Accident or Injury
  - Shelter in Place
  - Suspicious Package
  - Threatening Individual
  - Tornado / Severe Weather Emergency
  - Power Outage
  - Infectious Spills or Fluids

Crime prevention tips and student safety are recurring themes in the monthly *Bishop Safety Tips* newsletter that is emailed to the entire NC Wesleyan family.

### **Off Campus Student Organization Locations and Housing**

North Carolina Wesleyan University does not recognize any student organization as having sanctioned off campus housing or gathering locations.

## **Policies Regarding Alcohol and Drugs**

North Carolina Wesleyan University prohibits the possession or consumption of alcohol and illegal drugs on University property at any time by any person. Further details, including possible sanction or violation of these policies are explained in the Student Code of Conduct in the Student Handbook. In accordance with the Drug-Free Schools & Communities Act Amendments of 1989 (Public Law 101-226), NC Wesleyan University wants all students to be aware of the following policies and information. Any person with questions is encouraged to see the Dean of Students. A full description of the University's policy on alcohol is located in the Student Handbook. These policies include:

### **Standards of Conduct**

Controlled Substances - Possession/Use – Any possession or use of controlled, prohibited, or illegal substances, or use of (or intent to use) substances for purposes or in manners not as directed or prescribed by a physician. This includes possession/use of controlled substances in one's room, on one's person, in personal belongings, in one's vehicle, or being in the presence of controlled substances. Examples include but are not limited to: possession or use of illegal substances in any quantity, including residue and seeds; possession or use of prescription drugs without a valid/current medical prescription; use of prescribed medication not as directed; huffing, snorting, smoking or otherwise possessing or using legal substances not as intended; smokable hemp and/or other cannabis genus or species due to the presence of tetrahydrocannabinol (THC). (If any student is in medical danger because of drug overdose or other use, seek medical attention immediately. *(Please review the Medical Amnesty policy.)*)

Paraphernalia Possession - In accordance with state law, drug-related devices (paraphernalia) are prohibited on University premises, including possession in one's room, on one's person, in personal belongings, or in one's vehicle. Paraphernalia may include, but is not limited to, marijuana/crack pipes, bongs, homemade devices used as bongs, rolling papers, roach clips, shredded cigars (blunts), smoke masking devices, and any apparatus, including vapes and vape cartridges, containing drug residue.

Distribution/Intent to Distribute – any sale or distribution (including distribution without financial gain) of controlled or illegal substances or any substances prohibited by policy.

This includes sharing of prescription medication. It also includes the aiding and abetting of the possession, sale or use of prohibited, controlled or illegal substances.

Intoxication - Intoxication as exhibited by behavior is prohibited. The influence of alcohol or controlled substances will not be considered a legitimate excuse for violation of other University policies and may result in a more severe sanction for such violation. If any student is in medical danger because of intoxication, seek medical attention immediately. *(Please review the Medical Amnesty policy.) (See NC Statute on the unlawful manufacture, sale or delivery, holding, offering for sale, or possession of any controlled substance)*

Alcoholic Beverages -Possession/Use – The possession, use, consumption, or distribution of alcoholic beverages or concentrates, including powdered alcohol, is prohibited by all students at any time, regardless of age, anywhere on the University premises. This includes possession of alcoholic beverages in one's room, on one's person, in personal belongings, in one's vehicle, or being in the presence of alcoholic beverages. This also includes possession of empty alcohol containers. Since it must be assumed that the alcohol was consumed on campus, empty containers are treated the same as full containers.

Intoxication – Intoxication as exhibited by behavior is prohibited. The influence of alcohol or controlled substances will not be considered a legitimate excuse for violation of other University policies and may result in a more severe sanction for such violation. (If any student is in medical danger because of intoxication, seek medical attention immediately. *Please review the Medical Amnesty policy.)*

## **Health Risks**

The University advises all members of the community to be familiar with the health risks associated with the use of illegal drugs and the misuse of alcohol. Such risks may range from impaired mental functioning to loss of life. Detailed information on all aspects of such health risks is available at no cost to all students at the University Health Services Office.

## **Available Counseling**

Students may seek assistance from the Counseling/Disability Services Director, Campus Chaplain, Health Services and Residence Life staff. Information and short-term counseling is available in addition to referrals for treatment and rehabilitation.

## University Sanctions

The University will impose sanctions upon any student who is found responsible for violations of the above Standards of Conduct. Such sanctions may be up to and including permanent expulsion from the University. The Code of Conduct, including the hearing process for violations, may be found in the Student Handbook. Any University conduct action taken will be separate from any criminal or civil action, even if resulting from the same incident or circumstances. The Director of Campus Safety should be contacted for assistance in locating copies of any applicable local, state or federal laws.

## Policy Statements Regarding Sexual Assault & Sex Offenses

In accordance with the revised requirements of the Student Right-to-Know and Campus Security Act, NC Wesleyan University issues the following guidelines to sexual assault victims when sexual assault is believed to be a violation of Title IX (***Title IX** is a portion of the United States [Education Amendments of 1972](#), Public Law No. 92-318, 86 Stat. 235 (June 23, 1972), codified at 20 U.S.C.*

*§§ 1681–1688. It states (in part) that: No person in the United States shall be subjected to discrimination under any education program or activity receiving Federal financial assistance*). Sexual assault must be reported to the Title IX Coordinator who is Dr. Jason Modlin, Dean of Students. For further details the university's complete Title IX Policy may be reviewed at the following link "[Title IX Policy](#)".

## Procedures to Follow in the Event of a Sex Offense

In the event of a sex offense or sexual assault, victims are strongly encouraged to immediately contact the appropriate University Official. At North Carolina Wesleyan Main Campus– the Campus Safety Director, Campus Safety Officer on duty, Dean of Students or the Rocky Mount Police. In Durham, Goldsboro, New Bern, Research Triangle Park, Washington, Greenville or Wilmington, Manteo or Winston-Salem call the local police and/or the director of that location for assistance and to report the incident. That official will then contact the Dean of Students and the Director of Campus Safety. It is very important that any evidence be preserved. For this reason, the student is cautioned not to bathe or shower, not to clean the room or area, and not to throw anything away until he/she has reported the incident and allowed the University officials or law enforcement

officers to take control of the scene. Any of the following persons may be contacted to report sexual assault.

Rocky Mount Police Department	911 (just occurred or in progress) 972-1411 (non-emergency)	330 S. Church St, Rocky Mount
Dr. Jason Modlin Dean of Students	(252) 985-5404	Hardees Building Office 111
Office of Student Affairs	(252) 985-5178	Hardees Building Office 111
J. Wayne Sears Director of Campus Safety	(252) 985-5585	Hardees Building Room D
Dr. Joe Lane Director of Academic Affairs & Provost	(252) 985-5364	Braswell Building Provost Office
Rev. Edwin Ferguson** Campus Chaplain	(252) 985-5223	Leon Russell Chapel
Fonda Porter ** Director of Counseling & Accessibility Services	(252) 985-5369	Hardees Building, Room 110A
Jessica Brys-Wilson PA** Director of Health Services	(252) 985-5186	Health Center

\*\* Confidential reporting available

### **Notification to Local Law Enforcement**

In accordance with the law, North Carolina Wesleyan University will notify local law enforcement in the event a sexual assault is reported to a University official. It is always the right of the student to notify law enforcement authorities directly or to choose not to speak with the authorities. The University will assist the student in contacting local law enforcement upon request. Reporting to law enforcement does not mean that the victim must pursue criminal charges in the matter.

### **Counseling Services for Victims of Sex Offenses**

Victims of sex offenses are strongly encouraged to seek counseling services and support. These services are available in the local area through support groups, crisis centers, and mental health agencies and practitioners. The Student Health Office and the Counseling and Behavior Services Director will assist and encourage any student in seeking these services.



### **Campus Disciplinary Action**

The victim of an alleged sex offense always has the right and the choice to pursue campus disciplinary action. Detailed procedures of the conduct process are outlined in the Student Handbook. To initiate University disciplinary proceedings, the victim must submit a complaint and meet with the Dean of Students, Dr. Jason Modlin. The incident shall be investigated by the Director of Campus Safety, J. Wayne Sears, the Title IX investigator, as soon as possible after the incident is reported. It is possible that, depending on the student's desire for law enforcement involvement, the University's investigation will run parallel to that of law enforcement, in conjunction with law enforcement or actually take a minor role behind Law Enforcement. This decision shall be based on whether such dual or cooperating investigation can occur without any impediment to a successful criminal investigation/prosecution. All expectations and rights of accusers and accused and the full disciplinary process and the appeals process may be located in the Student Handbook and in the University's [Title IX Policy](#).

### **Disclosures to Alleged Victims of Crimes of Violence or Non-Forcible Sex Offenses**

NC Wesleyan University will disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by the University against a student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, NCWU will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

### **Policy Statement in Regards to Dating Violence, Domestic Violence, Sexual Assault or Stalking**

NCWU will protect the confidentiality of survivors and other necessary parties by ensuring that reports involving alleged dating violence, domestic violence, sexual assault or stalking are maintained and stored in locked file cabinets in the Director of Campus Safety's office and/or the University's Title IX Coordinator. *Clery Act* reporting and disclosures, including Daily Crime Logs, will not contain personally identifying information about the victim.

In addition, NCWU will maintain as confidential any accommodations or protective measures provided to the survivor, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

Reports from Campus Security Authorities (CSA) should include sufficient detail such as dates and locations and, where appropriate, personally identifying information, including name and contact information if available. This is important for law enforcement purposes to ensure that all crimes are counted and to avoid double counting crimes. Any CSA report shall be included in the investigative file which shall be secured as detailed above by the Director of Campus Safety.

NCWU shall protect a survivor's confidentiality while also recognizing that, in some cases, an institution may need to disclose some information about a survivor to a third party to provide necessary accommodations or protective measures. The Title IX Coordinator shall be responsible for determining what information about a survivor should be disclosed and to whom this information will be disclosed under these circumstances. The Title IX Coordinator shall base such decisions with the understanding that we may disclose only information that is necessary to provide the accommodations or protective measures in a timely manner.

The University shall provide written notification to students and employee survivors about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available for survivors, both within the institution and in the community. This statement of available services is updated annually to reflect currently available services.

The University shall provide written notification to survivors about options for available assistance and how to request changes to academic, living, transportation and working situations for protective measures. The institution will make such accommodations or provide such protective measures if the survivor requests them and if they are reasonably available, regardless of whether the survivor chooses to report the crime to campus police or local law enforcement

The Title IX Coordinator shall decide what measures to take. Under this requirement NCWU is allowed flexibility in terms of what is reasonable. Factors that might be

considered during this process include, but are not limited to the following: the specific need expressed by the complainant; the age of the students involved; the severity or pervasiveness of the allegations; any continuing effects on the complainant; whether the complainant and alleged perpetrator share the same residence hall, dining hall, class, transportation or job location; and whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders).

Protective measures should minimize the burden on the survivor. For example, if the complainant and alleged perpetrator share the same class or residence hall, the school should not, as a matter of course, remove the survivor from the class or housing while allowing the alleged perpetrator to remain without carefully considering the facts of the case.

The policy that addresses the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault or stalking is addressed in the Student Handbook.

All investigations for sexual assaults, Title IX, VAWA (Violence Against Women's Act) or crimes or allegations of this nature will be conducted by the Title IX Investigator. In accordance with the Clery Act this person shall receive yearly training on conducting such investigations.

### **Sexual Harassment Policy**

**Policy:** Harassment on the basis of gender in an academic setting is prohibited by the following: Title IX of the Education Amendment of 1972, Title VII of the Civil Right Acts of 1964, and the Federal Sex Discrimination Act of 1984. But on an even higher plane, it is not consistent with the motto of "Wisdom and Courage through Christian Education."

It is the policy of North Carolina Wesleyan University, in keeping with efforts to establish an environment in which the dignity and worth of all members of the institutional community are respected, that sexual harassment of students is unacceptable conduct and may result in sanctions and/or penalties, including expulsion from the University and/or

termination of employment. It is a violation of University policy for anyone to initiate an action as a reprisal against a faculty member, student, or employee for reporting sexual harassment.

It is also the policy of the University that accusations of sexual harassment which are made without good cause shall not be condoned. If a person knowingly files a false statement or tries to use the complaint system in retaliation against an individual, he or she is subject to sanctions up to and including termination or expulsion. However, a complaint that is “not substantiated” does not automatically fall into the “false statement” category.

This policy applies to all University students, faculty, administrators, staff members and employees as well as vendors and guests at all University locations. This includes those members of the University community who are involved in off-campus programs such as internships and cooperative programs. This policy applies to the workplace, recruitment, appointment, and advancement of employees. It also applies to student contact in and out of the classroom and the evaluation of students’ academic performance.

The University recognizes that prevention is the best tool for the elimination of sexual harassment. It is the policy of the University to conduct periodic training on this policy, reporting procedures for all employees and students, training for investigations and disciplinary actions for all managerial and supervisory personnel, and educational seminars for students.

### **Sexual Harassment (Definition)**

Any unwelcome conduct of a sexual nature, to include sexual advances, requests for sexual favors, verbal or physical conduct of a sexual nature, or conduct of a sexual nature based on a person’s gender, gender identity, or sexual orientation, when one or more of the following conditions are present:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s enrollment, employment, academic success, or athletic or other program participation (quid pro quo harassment)
2. The behavior is so severe and pervasive and objectively offensive that it deprives an individual of equal educational access

3. Such conduct has the purpose or effect of substantially interfering with an individual's work or academic performance or creates an intimidating, hostile, or offensive work or educational environment.

Conduct is unwelcome when it is not solicited and it is regarded as offensive by the recipient. In determining whether the conduct is harassment and creates a hostile environment, the University will consider the issue from both an objective (reasonable person) and subjective (complainant's) viewpoint. A single incident of harassment may be severe enough to create a hostile environment on its own. A pattern of similar behavior may not be needed in order to determine that the conduct creates a hostile environment. This threshold will be used to determine whether a hostile environment exists, whether in an on-campus or off-campus educational program and/or activity.

In making this determination, the University will consider a number of factors, including:

- The nature, severity, duration, and context of the conduct;
- The relationship between the respondent and the complainant;
- Whether academic freedoms protect the conduct; and
- Whether the conduct was part of other discriminatory conduct.
- Sexual harassment can include but is not limited to conduct that is:
  - Physical, such as unwelcome touching, unwelcome sexual advances, blocking another's movements, sexual or physical assault.
  - Verbal, such as comments of a sexual nature, derogatory comments about another, crude humor, verbal descriptions of another's body, verbal descriptions of sexual activity with another.
  - Visual, such as the display of sexually-oriented images in public, sexually-oriented gestures toward others.
- Quid pro quo, such as offers for academic or work-related benefits in exchange for sexual favors. Such offers can be explicit or implicit.

First amendment protections are appropriate for educational institutions where students are learning, and employees are teaching. Students, faculty, and others should enjoy free speech and academic freedom protections, even when speech or expression is offensive.

The full NCWU Sexual Harassment policy may be viewed within the [University's Title IX Policy](#).

### **Policy Statement in Regards to Counselors and Confidential Crime Reporting**

All reports of criminal activity will be investigated. If you are the victim of a crime and do not want to pursue action within the University System or the criminal justice system, you may still want to consider making a confidential report. With your permission, the Title IX investigator or a designee can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the University can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

The State of North Carolina does allow for confidential reporting of sexual assaults. Any case of sexual assault reported to the University will be reported to the Rocky Mount Police Department unless the survivor, after being fully informed of their options, decides they do not want local law enforcement involved. You will be encouraged to go to a local area hospital and be seen by a Sexual Assault Nurse Examiner (SANE). The SANE will attend to your personal health needs as a result of any assault. They will also ask that you give them permission to gather any evidence of an assault. Even if you desire confidential reporting, the state has made that possible by allowing you to be registered with a confidential number. Any evidence in your assault will be held by the state for up to a minimum one year so you can decide later if you want to pursue a full investigation into your assault. Information on confidential reporting and on the role of a SANE may be obtained from the Campus Health Office or Nash UNC Health Care Emergency Department located on Curtis Ellis Drive in Rocky Mount or at 252-962-8000.

***Pastoral counselors and professional counselors are encouraged to inform, in writing, the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.***

Campus “Pastoral Counselors” and Campus “Professional Counselors,” when acting as such, are not considered to be a Campus Security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

Clery defines counselors as:

**Pastoral Counselor:** An employee of an institution who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

**Professional Counselor:** An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification.

### **Family Rights & Privacy Act (Buckley Amendment)**

#### **Student Right to Privacy: Family Educational Rights & Privacy Act of 1974 Policies & Procedures at North Carolina Wesleyan University**

In accordance with the Family Educational Rights and Privacy Act, North Carolina Wesleyan University has adopted the following policies and procedures. It is the objective of the University to ensure that legal rights of students, established under the Family Educational Rights and Privacy Act of 1974, be clearly understood and protected by all those affected.

1. All individuals who are attending or have attended North Carolina Wesleyan University have a right to review and inspect their educational records.
2. Requests by students for access to or copies of their educational records must be completed within a reasonable period of time, not to exceed 45 days from the date of request. (Normally, records are out within a week)
3. An educational record is defined as data, in any form, about a student of the

University or a University official except:

- Records solely in the possession of the maker and not revealed in any form to third party.
  - Records related to employment.
  - Records of physicians, psychiatrists, etc., that are maintained in the course of treating a student and used only for that purpose. Students do not have a right of access to those records, but they will be released to a physician or psychiatrist of a student's choice.
4. Requests by students for access to, or copies of, their educational records must be made to the institutional official responsible for maintaining those records.
  5. All requests by students for access to their educational records may be made verbally to the University official responsible for the record, unless the official asks that the request be in writing. Access to educational records will not be permitted to third parties unless the student has given written consent to release the record or the individual or agency requesting information is included under Section 99.31 of the Federal Regulations, which permits release of an educational record, without the student's consent, to the following organizations or individuals:
    - To North Carolina Wesleyan University school officials who have a legitimate educational interest
    - To officials of other school systems in which the student seeks or intends to enroll
    - To certain Federal and State officials for auditing purposes
    - To persons or organizations involved in financial aid matters related to the student
    - To organizations conducting studies for the University
    - To accrediting organizations
    - To parents of a dependent student
    - To comply with a judicial order or subpoena, provided that a reasonable effort to notify the student is made in advance.
    - To appropriate parties in a health or safety emergency
  6. A school official shall be defined as any individual affiliated with the University and carrying out an institutional responsibility. A legitimate educational interest shall



be defined as a need of a University official to know the contents of an educational record in a context that is related to an institutional objective and is not in conflict with State or Federal law or University policy.

7. Information from educational records will not be released to a student's parents without the consent of the student, unless the student is a dependent student. A dependent student is defined as a student who is carried as a dependent for federal income tax purposes (as defined by Internal Revenue Code of 1954, Sec.152). Before release of information, it is the responsibility of the parents and student to file a Certificate of Dependency Form with the Office of the Registrar.

*NOTE: Parents of students under 21 years of age may be notified of any violation of drug or alcohol policy*

### **General Provisions**

With certain exceptions, school officials of North Carolina Wesleyan University will not disclose personal identifiable information from a student's record without prior written consent.

**Directory Information** is information that can be disclosed without the student's prior written consent unless the student has notified the Registrar's Office to restrict release of that information in writing. When a student requests to have any or all directory information restricted, their written request to withhold the information will be attached to the inside of the record. No information should be released regarding that student's record. Directory information is defined as:

- Student name, address (local address and grade/billing address), and telephone listing (local and grade/billing)
- Electronic mail address
- Date and place of birth
- County, state, and/or U.S. territory from which the student originally enrolled (if a student enrolled from a foreign country, this is not directory information)
- Major field of study
- Class ranking (freshman, sophomore, junior, senior)
- Enrollment status (full-time, part-time)
- Participation in officially recognized activities and sports

- Weight and height of members of athletic teams
- Dates of attendance
- Anticipated date of graduation
- Degrees and awards received
- Most recent previous educational agency or institution attended by the student

*Note: Parents' names, address, and telephone number are not considered directory information*

### **Missing Person Policy**

If a North Carolina Wesleyan University residential student is suspected missing from the campus, immediately contact Campus Security at (252-406-7928) or a member of the Residence Life Staff within that student's residential area. All reports of missing persons made to Residence Life and/or Campus Security are followed up with an on-going investigation within 24 hours of notification. If it is determined that a student for whom a missing person report has been filed has been missing for more than 24 hours, then the University will immediately attempt to locate the student to ensure their safety. If unsuccessful within 24 hours of being notified the University shall:

- Notify the individual identified by the student as the missing person contact\*
- In cases where the student has not identified a contact person, the University will notify the parent/legal guardian and/or appropriate law enforcement officials

**\*Missing Person Contact-** *Every student who lives in on-campus student housing, regardless of age, may register one or more individuals to be a contact strictly for notification in the event they go missing. The contact person can be anyone. You have this option even if you have already identified a general emergency contact. A student may identify the same individual for both purposes, but your institution may not assume that a general emergency contact is also the missing person contact.*

*Beginning in the fall of 2021 this information will be gathered as part of the student housing application process.*

## **Emergency Operations Plan**

The NCWU Emergency Operations Plan is a multi-faceted approach developed under the Department of Education's *Guide for Developing High-Quality Emergency Operations Plans for Institutions of Higher Education (IHEs)* manual. The Emergency Operations Plan consists of the following levels:

**Prevention-** this means the capabilities necessary to avoid, deter, or stop an imminent crime, threat or actual mass casualty incident. Prevention is the action IHEs take to prevent a threatened or actual incident from occurring.

**Protection-** this means the capabilities to secure IHEs against acts of terrorism and man-made or natural disasters. Protection focuses on ongoing actions that protect students, teachers, staff, visitors, networks, and property from a threat or hazard.

**Mitigation-** this means the capabilities necessary to eliminate or reduce the loss of life and property damage by lessening the impact of an event or emergency. In this document, mitigation also means reducing the likelihood that threats and hazards will happen.

**Response-** this means the capabilities necessary to stabilize an emergency once it has already happened or is certain to happen in an unpreventable way; establish a safe and secure environment; save lives and property; and facilitate the transition to recovery.

**Recovery-** this means emergency management officials and emergency responders are engaging and are actively restoring the learning environment.

*All NCWU students, employees, guests and contractors are participants in the Emergency Management Plan. It is the policy of the University that as part of the Mitigation Phases' lessening impact directive that we conduct emergency drills every semester, provide monthly safety and security tips, post safety guides in all residence halls and other prominent locations, and post in every residential room evacuation procedure, maps, contact information and information on how to respond in an emergency. In addition, the policy of NCWU is to NOT publish its full Emergency Operations Plan to those outside of the NCWU management level of the plan, as to do so would expose critical points of the plan that could be exploited in a man-made situation.*