



**North Carolina Wesleyan University**

**2024**

**Annual Security & Fire Safety Report**

**(Reporting for Calendar Years 2021, 2022, 2023)**

**September 30, 2024**

## Contents

<b>A Message from the Director of Campus Safety</b> .....	9
<b>Overview of Campus Security</b> .....	10
Rocky Mount Campus .....	10
<b>Public Safety</b> .....	11
<b>General Procedures for Reporting a Crime or Emergency</b> .....	12
<b>North Carolina Wesleyan University</b> .....	14
<b>Title IX Policy</b> .....	14
<b>Campus Reporting</b> .....	58
<b>Protection of Minors and Mandatory Reporting of Suspected Child Abuse</b> .....	60
<b>Bystanders</b> .....	61
<b>Campus Sex Crimes Prevention Act</b> .....	62
<b>Workplace Violence</b> .....	62
<b>Crime Prevention/Educational Programs</b> .....	62
Crime Prevention Recommendations .....	63
Protect your automobile .....	63
Protect yourself at night.....	64
Protect yourself walking and jogging.....	64
Help us protect you.....	64
<b>Monitoring and Recording Criminal Activity</b> .....	65
Off-Campus.....	65
Daily Crime Log.....	65
Fire Log.....	65
Campus Crime Statistics .....	66
Registered Sex Offenders .....	66
<a href="https://www.ncsbi.gov/Services/Sex-Offender-Registry.aspx">https://www.ncsbi.gov/Services/Sex-Offender-Registry.aspx</a> .....	67
Explanation of How Statistics Are Compiled .....	67
<b>Emergency Management</b> .....	68
Critical Incident Emergency Management Plan/Team .....	68
Timely Warnings Procedures .....	68
Emergency Notifications .....	69
Communications .....	70
Imminent and Immediate Safety Risk .....	71
Non-Imminent/Safety Communication.....	71

Building Evacuation Procedures .....	72
Testing Emergency Response and Evacuation Procedures .....	72
Lock Down and Shelter in Place Drills .....	73
<b>Local Police Department .....</b>	<b>74</b>
<b>Access to Campus Facilities .....</b>	<b>74</b>
<b>Campus Facilities – Access and Security .....</b>	<b>74</b>
<b>Educational Programs .....</b>	<b>75</b>
<b>Alcohol and Drug Policies .....</b>	<b>76</b>
<b>Parent Notification for Drug and Alcohol Violations .....</b>	<b>77</b>
<b>Crime Statement and Statistics Reporting .....</b>	<b>78</b>
<b>Crime Statistics for this Report .....</b>	<b>78</b>
<b>Geographical Reporting Area .....</b>	<b>79</b>
<b>Missing Students Statement .....</b>	<b>80</b>
<b>Annual Fire Safety Report .....</b>	<b>81</b>
<b>Fire Safety and Equipment Policy .....</b>	<b>82</b>
<b>Appendix 1-Definitions of Reportable Crimes .....</b>	<b>83</b>
<b>Appendix 2-Crime Statistics .....</b>	<b>87</b>
North Carolina Wesleyan University- Rocky Mount Campus .....	87
North Carolina Wesleyan University- Durham Campus .....	90
<b>Appendix 3- Fire Safety Definitions .....</b>	<b>93</b>
<b>Appendix 4 – Description of Student Housing Facilities &amp; Fire Detection &amp; Suppression Devices .....</b>	<b>95</b>
<b>Appendix 5 – Fire Statistics .....</b>	<b>97</b>
<b>2024 Student Right-to-Know &amp; Campus Security Act / CLERY Policy Statements .....</b>	<b>99</b>
<b>Reporting of Emergencies or Criminal Acts .....</b>	<b>100</b>
<b>AT ALL NCWU LOCATIONS ALL LIFE-THREATENING EMERGENCIES OR CRIMES IN PROGRESS SHOULD BE REPORTED TO 911 FIRST .....</b>	<b>100</b>
<b>Jurisdiction .....</b>	<b>102</b>
<b>Timely Warnings .....</b>	<b>104</b>
<b>Annual Security Report .....</b>	<b>106</b>
<b>Registered Sex Offenders .....</b>	<b>107</b>
<b>Campus Facilities – Access and Security .....</b>	<b>107</b>
<b>Notification of Campus Safety Policies and Crime Prevention .....</b>	<b>108</b>
<b>Off Campus Student Organization Locations and Housing .....</b>	<b>109</b>
<b>Policies Regarding Alcohol and Drugs .....</b>	<b>109</b>

<b>Standards of Conduct</b> .....	110
<b>Health Risks</b> .....	111
<b>Available Counseling</b> .....	111
<b>University Sanctions</b> .....	111
<b>Policy Statements Regarding Sexual Assault &amp; Sex Offenses</b> .....	112
<b>Procedures to Follow in the Event of a Sex Offense</b> .....	112
<b>Notification to Local Law Enforcement</b> .....	113
<b>Counseling Services for Victims of Sex Offenses</b> .....	113
<b>Campus Disciplinary Action</b> .....	113
<b>Disclosures to Alleged Victims of Crimes of Violence or Non-Forcible Sex Offenses</b> .....	114
<b>Policy Statement in Regards to Dating Violence, Domestic Violence, Sexual Assault or Stalking</b> .....	114
<b>Sexual Harassment Policy:</b> .....	116
<b>Sexual Harassment (Definition)</b> .....	118
<b>Policy Statement in Regards to Counselors and Confidential Crime Reporting</b> .....	120
<b>Pastoral Counselor</b> .....	121
<b>Professional Counselor</b> .....	121
<b>Family Rights &amp; Privacy Act (Buckley Amendment)</b> .....	121
<b>Student Right to Privacy: Family Educational Rights &amp; Privacy Act of 1974 Policies &amp; Procedures at North Carolina Wesleyan University</b> .....	121
<b>General Provisions</b> .....	123
<b>Directory Information</b> .....	123
<b>Missing Person Policy</b> .....	124
<b>Emergency Operations Plan</b> .....	125

## **Introduction**

North Carolina Wesleyan University Incorporated, hereafter referred to as "the University" or "NCWU," is pleased to publish the 2024 Annual Security and Fire Safety Report for calendar years 2023, 2022, and 2021. 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 (Higher Education Act of 1965) 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 the Title IX Coordinator, directors, deans, department heads, designated NCWU staff, athletic coaches, assistant coaches, and 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 a separate adult program in Durham, NC. The University also conducts adult enrollment through cooperative agreements at the following locations:

- Pitt Community College, Winterville, NC
- Brunswick Community College, Bolivia, 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
- Forsythe Community College, Winston Salem, NC
- Wake Technical Community College, Raleigh NC and in Wake County 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.

In recent years civil unrest on campuses across our nation have many parents concerned about student safety. I believe that our commitment to resources, practices, and open discussions within our educational framework has led to an environment that fosters positive behavior. This is why our campus has avoided these demonstrations and associated unrest. These practices directly lead to enhanced safety for all on our campus.

We ask all to stay "Wesleyan Wise"!

J. Wayne Sears (2023)

NCWU Director of Campus Safety

MSCJ FBINA 186

## **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 three 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. They are certified by the North Carolina Private Protective Services Bureau. They enhance campus safety by monitoring fire alarms and intrusion detection, providing escorts, searching for safety hazards and offering motor vehicle assistance and other services as needed. They are certified in cardiopulmonary resuscitation and to use an automated external defibrillator and assist in incidents involving illness and injury until further medical care is available. 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.

## **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**

#### **NC Wesleyan University Grievance Procedures for Sex Discrimination Complaints, including Sex-Based Harassment Complaints, for Students and Employees**

Published: August 1, 2024

#### **I. Effective Date and Changes to Procedure Based on Court Rulings and Legal Challenges or Changes in Law or Regulation**

This Grievance Procedure applies to incidents that occur on or after August 1, 2024. Any incidents reported under this Grievance Procedure that occurred on or before July 31, 2024 will be processed through the institution's 2020 Title IX Grievance Policy.

Should any portion of the 2024 Title IX Final Rule (89 Fed. Reg. 33474 (Apr. 29, 2024)), be stayed or held invalid by a court of law, or if the 2024 Title IX Final Rule is withdrawn or modified to not require elements of this Grievance Procedure, the Grievance Procedures in their entirety, or the invalidated elements of this Procedure, they will be deemed revoked as of the publication date of the opinion or order from the Court and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by the date of the opinion or order publication by the Court. If this Procedure is revoked in this manner, any conduct covered under this Procedure shall be investigated and adjudicated under the previous 2020 Title IX Grievance Policy and/or Code of Student Conduct. North Carolina Wesleyan University will update this Grievance Procedure as soon

as practicable to reflect any court rulings or changes that invalidate parts of the Grievance Procedure, if applicable.

## **II. Scope of Procedure**

Sex-Based Harassment is considered discrimination on the basis of sex if it includes harassment due to actual or perceived sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and/or gender identity.

## **III. Jurisdiction of Procedure**

North Carolina Wesleyan University's Title IX Coordinator will determine if this Grievance Procedure applies to a Complaint. This Grievance Procedure will apply when the following elements are met, in the reasonable determination of the Title IX Coordinator:

- The conduct alleged occurred on or after August 1, 2024;
- The conduct alleged occurred in the United States;
- The conduct alleged occurred in North Carolina Wesleyan University's Education Program or Activity; and
- The conduct alleged, if true, would constitute Sex-Based Harassment as defined in this Grievance Procedure.

**NOTE:** North Carolina Wesleyan University has an obligation to address a sex-based Hostile Environment under its Education Program or Activity, even when some conduct alleged to be contributing to the Hostile Environment occurred outside North Carolina Wesleyan University's Education Program or Activity, or outside of the United States. North Carolina Wesleyan University's Title IX Coordinator will work with all Complaints to assess such Complaints that may fall under these criteria, and direct to appropriate University Policies and Procedures that may apply if this Grievance Procedure does not. North Carolina Wesleyan University will communicate all such decisions in writing to the Complainant. Any such dismissals shall be subject to appropriate appeal rights under this Grievance Procedure as outlined in the Dismissals section.

Conduct that occurs under North Carolina Wesleyan University's Education Program or Activity includes but is not limited to conduct that occurs in a building owned or controlled by a Student organization that is officially recognized by North Carolina Wesleyan

University, and conduct that is subject to North Carolina Wesleyan University's disciplinary authority under the Code of Student Conduct.

If all elements of jurisdiction are met, North Carolina Wesleyan University will investigate the allegations according to this Grievance Procedure as appropriate, unless informal resolution is pursued, or unless there are grounds for dismissal of the Complaint.

#### **IV. Notice of Non-discrimination**

North Carolina Wesleyan University does not discriminate on the basis of sex and prohibits sex discrimination in any Education Program or Activity that it operates, as required by Title IX and its regulations, including in admission and employment.

Inquiries about Title IX may be referred to North Carolina Wesleyan University's Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights, or both. North Carolina Wesleyan University's Title IX Coordinator is:

Dr. Jason Modlin, Dean of Students

Hardees Student Union suite 111

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

252-985-5404.

North Carolina Wesleyan University's nondiscrimination policy and grievance procedures can be located at <https://ncwu.edu/campus-policies-and-notices/title-ix/>.

To report information about conduct that may constitute sex discrimination or make a Complaint of sex discrimination under Title IX, please refer to <https://ncwu.edu/campus-policies-and-notices/title-ix/>.

#### **V. Non-Discrimination in Application**

The requirements and protections of this Grievance Procedure apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by applicable federal, state or local law. All requirements and protections are equitably provided to individuals regardless of such protected status(es) or status as a



Complainant, Respondent, or Witness. Individuals who wish to file a Complaint about the institution's policy or process may contact the U.S. Department of Education's Office for Civil Rights using contact information available at <https://ocrcas.ed.gov/contact-ocr>.

## VI. Definitions

1. **Admission** means selection for part-time, full-time, special, associate, transfer, exchange, or any other enrollment, membership, or matriculation in or at an education program or activity operated by North Carolina Wesleyan University.
  
2. **Consent** means a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate Consent. The definition of Consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.
  - 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.
  - Prior consent to a sexual activity does not imply consent to future sexual activities.
  - Consent to one type of sexual activity does not give consent to another type of sexual activity.
  - 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 any 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 activity 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 in the [Code of Student Conduct](#)).*

3. **Complainant** means:

(1) a Student or employee who is alleged to have been subjected to conduct that could constitute Sex-Based Harassment as defined in this Grievance Procedure and who was participating or attempting to participate in North Carolina Wesleyan University's Education Program or Activity; or

(2) a person other than a Student or employee who is alleged to have been subjected to conduct that could constitute Sex-Based Harassment under this Grievance Procedure and who was participating or attempting to participate in North Carolina Wesleyan University's Education Program or Activity at the time of the alleged Sex-Based Harassment.

4. **Complaint** means an oral or written request to North Carolina Wesleyan University that objectively can be understood as a request for North Carolina Wesleyan University to investigate and make a determination about alleged Sex-Based Harassment at the institution.

5. **Confidential Employee** means:
- (1) an employee of North Carolina Wesleyan University whose communications are privileged under Federal or State law. The employee's confidential status is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies;
- (2) an employee of North Carolina Wesleyan University whom the institution has designated as confidential for the purpose of providing services to persons related to Sex-Based Harassment. If the employee also has a duty not associated with providing those services, the employee's confidential status is only with respect to information received about Sex-Based Harassment in connection with providing those services; or
- (3) an employee of North Carolina Wesleyan University who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about Sex-Based Harassment. The employee's confidential status is only with respect to information received while conducting the study.
6. **Disciplinary Sanctions** means consequences imposed on a Respondent following a determination under this Grievance Procedure that the Respondent violated North Carolina Wesleyan University's prohibition on Sex-Based Harassment.
7. **Education Program or Activity** means any academic, extracurricular, research, occupational training or other Education Program or Activity operated by North Carolina Wesleyan University that receives Federal financial assistance.
8. **Party** means Complainant or Respondent.
9. **Peer Retaliation** means Retaliation by a Student against another Student.
10. **Relevant** means related to the allegations of Sex-Based Harassment under investigation as part of this Grievance Procedure. Questions are Relevant when they seek evidence that may aid in showing whether the alleged Sex-Based Harassment

occurred, and evidence is Relevant when it may aid a hearing officer in determining whether the alleged Sex-Based Harassment occurred.

11. **Remedies** means measures provided, as appropriate, to a Complainant or any other person North Carolina Wesleyan University identifies as having had their equal access to North Carolina Wesleyan University's Education Program or Activity limited or denied by Sex-Based Harassment. These measures are provided to restore or preserve that person's access to North Carolina Wesleyan University's Education Program or Activity after North Carolina Wesleyan University determines that Sex-Based Harassment occurred.

12. **Respondent** means a person who is alleged to have violated North Carolina Wesleyan University's prohibition on Sex-Based Harassment.

13. **Retaliation** means intimidation, threats, coercion, or discrimination by any person, by North Carolina Wesleyan University, a Student, or an employee or other person authorized by North Carolina Wesleyan University to provide aid, benefit, or service under North Carolina Wesleyan University's Education Program or Activity, for the purpose of interfering with any right or privileged secured by Title IX, or because the person has reported information, made a Complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Grievance Procedure, including an informal resolution process.

14. **Sex-Based Harassment** means sexual harassment and other harassment on the basis of sex, including harassment because of gender identity, sexual orientation, sex characteristics, sex stereotypes, and/or pregnancy and other conditions, that is:

(1) *Quid pro quo harassment*. An employee, agent or other person authorized by North Carolina Wesleyan University's Education Program or Activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;

(2) *Hostile Environment harassment*. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from North Carolina Wesleyan University's Education Program or Activity (i.e., creates a Hostile Environment). Whether a Hostile Environment has been created is a fact-specific inquiry that includes consideration of the following: (i) the degree to which the conduct affected the Complainant's ability to access North Carolina Wesleyan University's Education Program or Activity; (ii) the type, frequency, and duration of the conduct; (iii) the Parties' ages, roles within North Carolina Wesleyan University's Education Program or Activity, previous interactions and other factors about each Party that may be Relevant to evaluating the effects of the conduct; (iv) the location of the conduct and the context in which the conduct occurred; and (v) other Sex-Based Harassment in North Carolina Wesleyan University's Education Program or Activity;

(3) *Sexual Assault* (as defined in the Clery Act, 20 U.S.C. 1092(f)) means any sexual act directed against another person, without the Consent of the victim, including instances where the victim is incapable of giving Consent;

(4) *Dating Violence* (as defined in the Violence Against Women Act (VAWA) Reauthorization of 2022 and the VAWA Amendments to the Clery Act) means any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) Where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

(5) *Domestic Violence* means any felony or misdemeanor crimes committed by a person who: (A) is a current or former partner of the victim under the family or Domestic Violence laws of North Carolina, or a person similarly situated to a spouse of the victim; (B) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (C) shared a child in common with the victim; or (D) commits acts

against a youth or adult victim who is protected from those acts under the family or Domestic Violence laws of North Carolina; or

(6) *Stalking* means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for the person’s safety or the safety of others; or (B) suffer substantial emotional distress.

*See Addendum B: Code Charges for range of sanctions and protective measures.*

15. **Student** means a person who has gained Admission. This includes a person against whom an allegation of policy violation is made but who withdraw prior to the completion of the Student Conduct Process, who is not officially enrolled for a particular term but who has a continuing relationship with the University, or who has been notified of their acceptance for admission but has not yet matriculated.

16. **Supportive Measures** means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to: (1) restore or preserve that Party’s access to North Carolina Wesleyan University’s Education Program or Activity, including measures that are designed to protect the safety of the Parties or North Carolina Wesleyan University’s educational environment; or (2) provide support during North Carolina Wesleyan University’s Grievance Procedure for Sex-Based Harassment or during the informal resolution process.

## **VII. NOTE: Disability Accommodations**

### *Generally*

This Grievance Procedure does not alter any institutional obligations under applicable federal disability laws, including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973, among others. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the Title IX Grievance Procedure that do not fundamentally alter the Procedure. The Title IX Coordinator will not affirmatively provide disability accommodations that have not

been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

#### *Requests for Reasonable Accommodations During the Title IX Grievance Procedure*

If the Complainant or Respondent discloses a disability, the Title IX Coordinator may consult, as appropriate, with the Accessibility Services Office to provide support to Students with disabilities to determine how to comply with applicable law including, without limitation, Section 504 of the Rehabilitation Act of 1973 in the implementation of any Supportive Measures, or any other reasonable accommodations requested during the Grievance Procedure.

### **VIII. Basic Requirements of the Grievance Procedure**

North Carolina Wesleyan University is required to:

- Treat Complainants and Respondents equitably;
- Ensure that any person designated by North Carolina Wesleyan University as a Title IX Coordinator, investigator, or hearing officer does not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent;
- Establish reasonably prompt timeframes for the major stages of this Grievance Procedure, including a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the Parties that includes the reason for the delay;
- Ensure that reasonable steps to protect the privacy of the Parties and witnesses during the pendency of the Grievance Procedure are taken, provided that the steps do not restrict the abilities of the Parties to obtain and present evidence, including by speaking to witnesses (as long as such does not result in Retaliation), consult with their family members, confidential resources, or advisors, or otherwise prepare for or participate in this Grievance Procedure;
- Ensure an objective evaluation of all evidence that is Relevant and not otherwise impermissible under this procedure, including both inculpatory and exculpatory evidence, and provide that credibility determinations must not be based on a person's status as a Complainant, Respondent or Witness;

- Exclude impermissible evidence from consideration as defined in the Grievance Procedure; and
- Clearly articulate principles for how North Carolina Wesleyan University will determine which policies and procedures apply if not all such Complaints are handled under this institutional Grievance Procedure.

## **IX. Reporting Sex-Based Harassment to the Institution**

### *Non-Confidential Reports*

Any person may report sex discrimination, including Sex-Based Harassment (whether or not the person reporting is the person alleged to be the victim of the conduct that may constitute sex discrimination or Sex-Based Harassment), in person, by mail, by telephone, or by electronic mail, 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.

### ***Contact Information for the Title IX Coordinator at North Carolina Wesleyan University:***

Name: Jason Modlin, Ed.D.  
 Title: Dean of Students  
 Office Address: 3400 N. Wesleyan Blvd.  
 Hardees Student Union, Suite 111  
 Rocky Mount, NC 27804  
 Email Address: jmodlin@ncwu.edu  
 Telephone Number: 1-252-985-5404

### *Confidential Reports*

The following officials at North Carolina Wesleyan University will provide privacy, but not confidentiality, upon receiving a report of conduct prohibited by Title IX:

- Title IX Coordinator or designee(s);
- Officials with Authority to institute corrective measures under Title IX;
- all other employees at North Carolina Wesleyan University that are not designated as confidential resources



The following officials at North Carolina Wesleyan University may provide confidentiality:

- Ms. Marlo Walker, Counselor

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

252-985-5369

- Ms. Jessica Brys-Wilson, Director of Health Services

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

252-985-5186

- Rev. Edwin Ferguson, Chaplain

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

252-985-5223

## **X. Supportive and Interim Measures**

### *Providing Supportive Measures*

Complainants who report allegations of Sex-Based Harassment have the right to receive Supportive Measures from North Carolina Wesleyan University regardless of whether they file a Complaint. Supportive Measures are non-disciplinary and non-punitive. Supportive Measures may vary depending upon what is reasonably available at North Carolina Wesleyan University.

As appropriate, Supportive Measures may include without limitation:

- Counseling services
- Extensions of deadlines or other course-related adjustments
- Modifications of work or class schedules
- Campus escort services, as available
- Restrictions on contact applied to one or more Parties (no contact orders)
- Changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative
- Leaves of absence
- Increased security and monitoring of certain areas of the campus
- Training and education programs related to Sex-Based Harassment

Supportive Measures must not unreasonably burden either Party and must be designed to protect the safety of the Parties or North Carolina Wesleyan University's educational environment, or to provide support during North Carolina Wesleyan University's Sex-Based Harassment grievance procedure under this policy or during informal resolution under this procedure.

North Carolina Wesleyan University may modify or terminate Supportive Measures at the conclusion of the grievance procedure or at the conclusion of the informal resolution process, or may continue them beyond that point within North Carolina Wesleyan University's discretion.

North Carolina Wesleyan University will not disclose information about any Supportive Measures to persons other than the person to whom they apply, including informing one Party of Supportive Measures provided to another Party, unless necessary to provide the supportive measure or restore or preserve a Party's access to North Carolina Wesleyan University's education program or activity, or there is an exception that applies, such as:

- North Carolina Wesleyan University has obtained prior written consent from a person with the legal right to consent to the disclosure;
- When the information is disclosed to an appropriate third Party with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue;
- To carry out the purpose of the policy when it is necessary to address conduct that reasonably may constitute Sex-Based Harassment under Title IX in North Carolina Wesleyan University's education program or activity;
- As required by Federal law, federal regulations, or the terms and conditions of a federal award; or
- To the extent such disclosures are not otherwise in conflict with Title IX, when required by State or local law or when permitted under the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232g, or its implementing regulations, 34 CFR Part 99).

*Process for Review of Supportive Measures*

North Carolina Wesleyan University provides for a Complainant or Respondent to seek modification or reversal of North Carolina Wesleyan University's decision to provide, deny, modify or terminate a Supportive Measure. Grounds for challenge of Supportive Measures include, but are not limited to:

- Whether a Supportive Measure is reasonably burdensome;
- Whether a Supportive Measure is reasonably available;
- Whether a Supportive Measure is being imposed for punitive or disciplinary reasons;
- Whether the Supportive Measure is being imposed without fee or charge; and
- Whether the Supportive Measure is effective in meeting the purposes for which it is intended, including to restore or preserve access to the Education Program or Activity, provide safety, or provide support during the Grievance Procedure.

Request for a modification or reversal of a supportive measure must be timely and should be submitted within 1 business day by email to the Title IX Coordinator. North Carolina Wesleyan University will conduct a fact specific inquiry into timeliness.

This review will be conducted by an impartial employee of North Carolina Wesleyan University, who did not make the challenged decision on the original supportive measure request. The impartial employee of North Carolina Wesleyan University who makes this determination will have the authority to modify or reverse the decision if that impartial employee determines that the decision to provide, deny, modify or terminate the supportive measure was inconsistent with the procedures as outlined above for providing Supportive Measures in accordance with the Title IX regulations.

Parties are only allowed to challenge their own individual Supportive Measures. Challenges by one Party will not be heard to Supportive Measures afforded to the opposite Party, unless that supportive measure directly impacts the Party making such challenge (i.e., two-way no contact orders).

*Emergency Removal*

North Carolina Wesleyan University retains the authority to remove a Respondent from all or part of North Carolina Wesleyan University's education program or activity on an emergency basis, where North Carolina Wesleyan University (1) undertakes an individualized safety and risk analysis, and (2) determines that an imminent and serious threat to the health or safety of a Complainant or any Students, employees, or other persons arising from the allegations of Sex-Based Harassment justifies removal.

North Carolina Wesleyan University will provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal. All challenges to an Emergency Removal will be heard by the University Provost.

The hearing officer who hears a challenge to an emergency removal must not be involved in any decision regarding responsibility or appeal of a determination.

Emergency removals will not be considered Relevant evidence that can be considered in reaching a determination of whether Sex-Based Harassment occurred.

#### *Administrative Leave*

North Carolina Wesleyan University retains the authority to place a non-Student employee Respondent on administrative leave during the Title IX Grievance Procedures, consistent with the Personnel Policy Manual and/or Faculty Handbook.

**Note on Student employees:** when a Complainant or Respondent is both a Student and an employee of North Carolina Wesleyan University, North Carolina Wesleyan University must make a fact-specific inquiry to determine whether these procedures apply to that Student employee. North Carolina Wesleyan University will consider if the Complainant or Respondent's primary relationship with North Carolina Wesleyan University is to receive an education and whether the alleged Sex-Based Harassment occurred while the Party was performing employment-related work.

## **XI. The Title IX Grievance Procedure for Allegations of Sex-Based Harassment**

### **A. Filing a Complaint**

### *Who can make a Complaint?*

- A Complainant (as defined in Section VI (3) of this policy); or
- The Title IX Coordinator.

*Note on Title IX Coordinator initiated Complaints:* In the absence of a Complaint or the withdrawal of any or all of the allegations in a Complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator must determine whether to initiate a Complaint of Sex-Based Harassment. This determination is fact-specific, and the Title IX Coordinator must consider:

- The Complainant's request not to proceed with the initiation of a Complaint;
- The Complainant's reasonable safety concerns regarding initiation of a Complaint;
- The risk that additional acts of Sex-Based Harassment would occur if a Complaint is not initiated;
- The severity of the alleged Sex-Based Harassment, including whether the Sex-Based Harassment, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the Sex-Based Harassment and prevent its recurrence;
- The age and relationship of the Parties, including whether the Respondent is an employee of the recipient;
- The scope of the alleged Sex-Based Harassment, including information suggesting a pattern, ongoing Sex-Based Harassment, or Sex-Based Harassment alleged to have impacted multiple individuals;
- The availability of evidence to assist a hearing officer in determining whether Sex-Based Harassment occurred; and
- Whether North Carolina Wesleyan University could end the alleged Sex-Based Harassment and prevent its recurrence without initiating these grievance procedures.

If after considering these and other Relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct as alleged prevents North Carolina Wesleyan University from ensuring equal access on the basis of sex to its education program or activity, the Title IX Coordinator may initiate a Complaint.

If the Title IX Coordinator does initiate the Complaint after making this determination, the Title IX Coordinator must notify the Complainant prior to doing so and appropriately address reasonable concerns about the Complainant's safety or the safety of others, including by providing Supportive Measures as listed in Section VI of these procedures.

*Is there a particular format that the Complaint needs to be in?*

As defined in IV (4) of these procedures, a Complaint can be an oral or written request to North Carolina Wesleyan University that objectively can be understood as a request for North Carolina Wesleyan University to investigate and make a determination about alleged Sex-Based Harassment at the institution.

*Who can I report a Complaint to?*

Any reports of Sex-Based Harassment may be made directly to the Title IX Coordinator, whose contact information is listed at the beginning of this Grievance Procedure. There are other ways in which a Party may report a Complaint.

North Carolina Wesleyan University requires that any employee who is not a Confidential Employee and who either has authority to institute corrective measures on behalf of North Carolina Wesleyan University or has responsibility for administrative leadership, teaching, or advising in North Carolina Wesleyan University's education program or activity must notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination, including Sex-Based Harassment.

All other employees at North Carolina Wesleyan University who are not Confidential Employees and are not employees as identified above are required to provide the contact information of the Title IX Coordinator and information about how to make a Complaint of sex discrimination, including Sex-Based Harassment, to any person who provides the employee with information about conduct that reasonably may constitute sex discrimination under this Grievance Procedure.

**Note:** If an employee has personally been subject to conduct that reasonably may constitute sex discrimination under Title IX or any institutional policy or this Grievance

Procedure, these requirements do not apply to an employee reporting a personal Complaint.

*What is the timeframe for North Carolina Wesleyan University to evaluate if the Title IX Coordinator is initiating an investigation under this Grievance Procedure?*

The Title IX Coordinator must evaluate whether the Complaint falls under this Grievance Procedure 2 business days after the Complaint is made, and must issue the Notice of Allegations as soon as practicable after the Complaint is evaluated. If there are any delays or extensions, the Title IX Coordinator must appropriately notice the Parties in writing, on a case-by-case basis, with good cause and the rationale for the extension or delay.

*Can I make a Complaint and request initiation of the Grievance Procedure even if I have made a complaint to law enforcement?*

Yes. North Carolina Wesleyan University has an obligation to appropriately evaluate all Complaints, regardless of whether there is a concurrent Complaint before law enforcement. This process is an administrative process that is different from the criminal justice process.

### **B. Multi-Party Situations and Consolidation of Complaints**

North Carolina Wesleyan University may consolidate Complaints alleging Sex-Based Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations of Sex-Based Harassment arise out of the same facts or circumstances.

North Carolina Wesleyan University can consider factors when making this fact-specific determination, which include, but are not limited to:

- The facts and circumstances of the particular Complaints when deciding whether to consolidate, including the toll of separate proceedings on the Parties; and
- Any risks to the fairness of the investigation or outcome.

### **C. Dismissal of a Complaint**

*Grounds for Dismissal*

North Carolina Wesleyan University may dismiss a Complaint of Sex-Based Harassment for any of the following reasons:

- North Carolina Wesleyan University is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in North Carolina Wesleyan University's education program or activity and is not employed by North Carolina Wesleyan University;
- The Complainant voluntarily withdraws any or all of the allegations in the Complaint, the Title IX Coordinator declines to initiate a Complaint through this Grievance Procedure, and North Carolina Wesleyan University determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute Sex-Based Harassment under Title IX or this Grievance Procedure even if proven; or
- North Carolina Wesleyan University determines that the conduct alleged in the Complaint, even if proven, would not constitute Sex-Based Harassment under Title IX or these procedures. Note: North Carolina Wesleyan University must make reasonable efforts to clarify the allegations with the Complainant before dismissing under this basis.

#### *Notice of Dismissal*

If North Carolina Wesleyan University dismisses a Complaint, North Carolina Wesleyan University is required to promptly notify the Complainant of the basis for dismissal.

If the dismissal of the Complaint occurs before a Notice of Allegations is issued to the Respondent, the Title IX Coordinator does not need to notice the Respondent at that time. However, if the Complainant appeals the dismissal, the Respondent will need to be noticed of the Complaint allegations and given an opportunity to respond to the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then North Carolina Wesleyan University must notify the Respondent and Complainant of the dismissal and the basis for the dismissal simultaneously in writing.

Appeal rights must also be outlined in any notification of dismissal of a Complaint, as included below under *Appeal of Dismissals*.



### *Appeals of Dismissals*

North Carolina Wesleyan University must notify the Complainant that a dismissal may be appealed and provide the Complainant with an opportunity appeal the dismissal of a Complaint on the following grounds:

- *Procedural irregularity*: procedural irregularity that affected the outcome of the matter (i.e., a failure to follow North Carolina Wesleyan University's own policy to a degree that had material effect on the outcome of the matter);
- *New evidence*: New evidence that would change the outcome and that was not reasonably available when the determination whether Sex-Based Harassment occurred or dismissal of the Complaint was made; and
- *Bias or Conflict of Interest*: The Title IX Coordinator, investigator(s), or hearing officer(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome of the matter.

If the dismissal occurs after the Respondent has been notified of the allegations, then North Carolina Wesleyan University must also notify the Respondent that the dismissal may be appealed on the grounds set out above.

The submission of appeal stays (or pauses) any sanctions for the pendency of an appeal.

Supportive Measures and remote learning opportunities remain available during the pendency of the appeal.

If a Party appeals, the institution will as soon as practicable notify the other Party in writing of the appeal, however the time for appeal shall be offered equitably to all Parties and shall not be extended for any Party solely because the other Party filed an appeal.

Appeals may be no longer than 2 pages (including attachments). Appeals should be submitted in electronic form using ARIAL or TIMES NEW ROMAN, 12-point font, and single-spaced. Appeals should use footnotes, not endnotes. Appeals that do not meet these standards may be returned to the Party for correction, but the time for appeal will not be

extended unless there is evidence that technical malfunction caused the appeal document not to meet these standards.

Appeals will be decided by the University Provost who will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or hearing officer in the same matter.

Outcome of appeal will be provided in writing simultaneously to both Parties, and include rationale for the decision.

#### **D. Allegations Potentially Falling Under Two Policies**

If the alleged conduct, if true, includes conduct that would constitute covered sexual harassment and conduct that would not constitute covered sexual harassment, the Title IX Grievance Process will be applied in the investigation and adjudication of all of the allegations.

#### **E. Notice of Allegations**

Upon initiating North Carolina Wesleyan University's Grievance Procedure, the Title IX Coordinator shall provide a Notice of Allegations in writing to the Parties whose identities are known. Such notice will occur as soon as practicable after North Carolina Wesleyan University receives a Complaint, if there are no extenuating circumstances. North Carolina Wesleyan University will provide the Notice of Allegations within 2 business days after receiving a Complaint.

*What does the Notice of Allegations Include?*

The written Notice of Allegations must include:

- North Carolina Wesleyan University's Grievance Procedure;
- Sufficient information available at the time of the issuance of the Notice of Allegations to allow the Parties to respond to the allegations, which includes the identities of the Parties involved in the incident(s), the conduct alleged to constitute Sex-Based Harassment under the Grievance Procedure, and the date(s) and location(s) of the alleged incident(s), to the extent that information is available to North Carolina Wesleyan University;

- A statement that the Parties are entitled to:
  - an accurate description of the Relevant and not otherwise impermissible evidence, with an equal opportunity for the Parties to access the underlying Relevant and not otherwise impermissible evidence upon request of any Party;
- A statement that the Respondent is presumed not responsible for the alleged Sex-Based Harassment until a determination is made at the conclusion of North Carolina Wesleyan University's Grievance Procedure and that prior to the determination, the Parties will have an opportunity to present Relevant and not otherwise impermissible evidence to a trained, impartial hearing officer;
- Parties may have an advisor of their choice, and that the advisor may be, but is not required to be, an attorney;
- North Carolina Wesleyan University's Code of Student Conduct prohibits knowingly making false statements or knowingly submitting false information during North Carolina Wesleyan University's Grievance Procedure; and
- If, in the course of an investigation, North Carolina Wesleyan University decides to investigate additional allegations of Sex-Based Harassment by the Respondent toward the Complainant that are not included in the original written Notice of Allegations provided, North Carolina Wesleyan University is required to provide written notice of any additional allegations to the Parties whose identities are known.

*What if North Carolina Wesleyan University decides to investigate additional allegations of Sex-Based Harassment?*

If, in the course of an investigation, North Carolina Wesleyan University decides to investigate additional allegations of Sex-Based Harassment by the Respondent toward the Complainant that are not included in the original issued written Notice of Allegations, or that are included in a Complaint that is consolidated under this Grievance Procedure, North Carolina Wesleyan University shall provide notice of the additional allegations to the Parties whose identities are known.

*What if I have safety concerns about a Notice of Allegations being issued to a Respondent?*

To the extent that North Carolina Wesleyan University has reasonable concerns for the safety of any person as a result of providing a written Notice of Allegations, North Carolina Wesleyan University through the Title IX Coordinator, may reasonably delay providing the written Notice of Allegations in order to address the safety concern appropriately. Reasonable concerns must be based on individualized safety and risk analysis and not on mere speculation or stereotypes.

#### **F. Advisor of Choice and Participation of Advisor of Choice**

A Party's advisor of choice may accompany the Party to any meeting or proceeding, and North Carolina Wesleyan University cannot limit the choice of who that advisor may be or their presence for the Parties in any meeting or proceeding unless such advisor does not follow North Carolina Wesleyan University's established rules of decorum and rules around participation.

Rules of decorum:

Advisors of Choice may accompany a party to any meeting or proceeding under the Grievance Procedures. Advisors may not speak on behalf of the Complainant or Respondent and may not address the host of the meeting or proceeding unless granted permission. Advisors may confer with the Complainant or Respondent, and may request a recess during the meeting or proceeding for this purpose, provided that the requests are not excessive and do not unduly delay the meeting or proceeding.

#### **G. Investigation**

##### *General Rules of Investigations*

The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will perform an investigation of the conduct alleged to constitute Sex-Based Harassment in a reasonably prompt timeframe, after issuing the Notice of Allegations.

North Carolina Wesleyan University, and not the Parties, has the burden to conduct an investigation that gathers sufficient evidence to determine whether Sex-Based Harassment occurred under this Grievance Procedure. This burden does not rest with either Party, and either Party may decide not to share their account of what occurred, or may decide not to

participate in the investigation or hearing. This does not shift the burden of proof away from North Carolina Wesleyan University and does not indicate responsibility.

North Carolina Wesleyan University cannot access, consider, or disclose medical records without a waiver from the Party (or parent, if applicable) to whom the records belong, or of whom the records include information. North Carolina Wesleyan University will provide an equal opportunity for the Parties to present witnesses, including fact and expert witnesses, and other inculpatory or exculpatory evidence, as described below.

#### *Notice of participation*

North Carolina Wesleyan University will provide written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the Party to prepare to participate, if a Party is invited or expected to participate in any such meeting or proceeding.

#### *Advisors of Choice and Participation of Advisors of Choice*

North Carolina Wesleyan University will provide the Parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice and not limit the choice or presence of the advisor for the Complainant or Respondent in any meeting or proceeding. Advisors are required to adhere to the Rules of Decorum (Addendum A).

#### *Additional Support Persons Beyond Advisors of Choice*

Parties may have one (1) person other than the Advisor of the Parties' choice present during any meeting or proceeding. This person will serve as a support person for the party and must adhere to the Rules of Decorum (Addendum A).

#### *Expert Witnesses*

Parties may present expert witnesses as part of an investigation.

Parties are allowed to call "expert witnesses" for direct examination and credibility assessment by the hearing board. North Carolina Wesleyan University does not provide for expert witnesses in other proceedings. Expert witnesses must establish with the Title IX Coordinator their expertise in the matter about which they will testify in advance of the

proceeding. While the expert witness will be allowed to testify, the hearing officer will be instructed to afford lower weight to non-factual testimony of the expert relative to fact witnesses, and any expert testimony that is not directed to the specific facts that occurred in the case will be afforded lower weight relative to fact witnesses regardless of whether all Parties present experts as witnesses.

#### *Access to and Review of the Investigative Report*

The Title IX Coordinator and/or investigator designated by the Title IX Coordinator will provide each Party and their advisors of choice with an equal opportunity to access and review an accurate description of the Relevant evidence collected throughout the investigation that is not otherwise impermissible in the form of an investigative report.

The Parties and their advisors of choice will also have an equal opportunity to access and review the underlying Relevant and not otherwise impermissible evidence summarized in the investigative report upon the request of any Party.

The Title IX Coordinator and/or investigator designated by the Title IX Coordinator will provide each Party and their advisors of choice with a reasonable opportunity to respond to the investigative report. Both Parties will have the opportunity to respond to the investigative report prior to and during the live hearing.

North Carolina Wesleyan University will take reasonable steps to prevent and address the Parties' and their advisors of choice's unauthorized disclosure of information and evidence obtained solely through this Grievance Procedure. Participating individuals who engage in the unauthorized disclosure of information and evidence obtained solely through this Grievance Procedure may be subject to the North Carolina Wesleyan University Code of Student Conduct and other University policies and/or procedures that may apply.

**Note:** Disclosures of information and evidence for purposes of administrative proceedings or litigation related to the Complaint of Sex-Based Harassment are authorized and not considered unauthorized disclosures potentially subject to other disciplinary action.

#### *Review and Access to Relevant and Not Otherwise Impermissible Evidence*

Each Party will have an equal opportunity to present fact witnesses and other inculpatory and exculpatory evidence that are Relevant and not otherwise impermissible, to the Title IX Coordinator and/or an investigator designated by the Title IX Coordinator. The Title IX Coordinator and/or investigator designated by the Title IX Coordinator will review all evidence gathered through the investigation and determine what evidence is Relevant and what evidence is impermissible regardless of relevance, consistent with this Grievance Procedure.

Each Party and their advisors of choice will have an equal opportunity to review and access the evidence that is Relevant to the allegations of Sex-Based Harassment and not otherwise impermissible regardless of relevance prior to the conclusion of the investigation. The Title IX Coordinator and/or investigator designated by the Title IX Coordinator will provide each Party with a reasonable opportunity to respond to the evidence. Both Parties will have the opportunity to respond to the evidence prior to and during the live hearing.

North Carolina Wesleyan University will take reasonable steps to prevent and address the Parties' unauthorized disclosure of information and evidence obtained solely through this Grievance Procedure. Participating individuals who engage in the unauthorized disclosure of information and evidence obtained solely through this Grievance Procedure may be subject to the North Carolina Wesleyan University Code of Student Conduct and other University policies and/or procedures that may apply.

**Note:** Disclosures of information and evidence for purposes of administrative proceedings or litigation related to the Complaint of Sex-Based Harassment are authorized and not considered unauthorized disclosures potentially subject to other disciplinary action.

#### *Relevant Evidence*

Evidence is Relevant when it is related to the allegations of Sex-Based Harassment under investigation as part of this Grievance Procedure.

Questions are Relevant when they seek evidence that may aid in showing whether the alleged Sex-Based Harassment occurred, and evidence is Relevant when it may aid a hearing officer in determining whether the alleged Sex-Based Harassment occurred.

### *Impermissible Evidence*

The following types of evidence, and questions seeking that evidence, are excluded as impermissible (i.e., must not be accessed or considered, except by North Carolina Wesleyan University to determine whether an exception applies, must not be disclosed, and must not otherwise be used) regardless of whether they are Relevant:

- Evidence that is protected under a privilege as recognized by Federal or State law or evidence provided to a Confidential Employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A Party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or witness, unless North Carolina Wesleyan University obtains that Party's or witness's voluntary, written Consent for use in North Carolina Wesleyan University's Grievance Procedure; and
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove Consent to the alleged Sex-Based Harassment. Note: the fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's Consent to the alleged Sex-Based Harassment or preclude determination that Sex-Based Harassment occurred.

### *Timeframes*

An investigation shall take X school/calendar/business days to complete. If there are any delays or extensions, the Title IX Coordinator must appropriately notice the Parties in writing, as detailed below.

### *Extensions and Delays*



North Carolina Wesleyan University allows for the reasonable extension of timeframes on a case-by-case basis for good cause with written notice to the Parties that includes the reason for the extension or delay.

## **H. Live Hearing**

### *General Rules for Live Hearings*

North Carolina Wesleyan University will not issue a finding or Disciplinary Sanction arising from an allegation of Sex-Based Harassment without holding a live hearing unless otherwise resolved through an informal resolution process as outlined in this Grievance Procedure.

The live hearing may be conducted with the Parties physically present in the same geographic location. North Carolina Wesleyan University has the discretion to conduct the live hearing with the Parties physically present in separate locations, with technology enabling the hearing officer and Parties to simultaneously see and hear the Party or the witness while that person is speaking. A Party may also request this option prior to the hearing.

North Carolina Wesleyan University shall create an audio or audiovisual recording or transcript of any live hearing and make it available to the Parties for inspection and review.

### *Participants in the Live Hearing*

Live hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

#### *Complainant and Respondent (The Parties)*

If a Party chooses not to participate in the process or the hearing, the live hearing may still proceed in the absence of a Party, and North Carolina Wesleyan University may reach a determination of responsibility in their absence, including through any evidence gathered and other witness statements. North Carolina Wesleyan University will not threaten, coerce, intimidate or discriminate against any Party in an attempt to secure the Party's participation. The hearing officer cannot draw an inference about the determination

regarding responsibility based solely on a Party's absence from the live hearing, or a refusal to answer questions.

The Parties shall be subject to North Carolina Wesleyan University's rules of decorum (Addendum A).

#### *The Decisionmaker*

The hearing body will consist of a panel of two (2) decisionmakers (hearing officers) with one being designated as the Lead Hearing Officer. No member of the hearing body will have served as the Title IX Coordinator, Title IX investigator, or advisor to any Party in the case, nor may any member of the hearing body serve on the appeals body in the case. No member of the hearing body will have a conflict of interest or bias in favor of or against Complainants or Respondents generally, or in favor of or against the Parties to the particular case. The hearing body will be trained prior to serving during any hearing. The Parties will have an opportunity to raise any objections regarding a hearing officer's actual or perceived conflicts of interest or bias at the commencement of the live hearing.

#### *Advisor of Choice*

The Parties have the right to select an advisor of their choice, who may be, but is not required to be, an attorney. The advisor of choice may accompany the Parties to any meeting or hearing they are permitted to attend, but may not speak for the Party. An advisor of choice is not prohibited from being a witness in the hearing. Advisors of choice are subject to North Carolina Wesleyan University's rules of decorum (Addendum A).

The advisor of choice may accompany the Parties to any meeting or hearing they are permitted to attend, but may not speak for the Party, except for the purpose of cross-examination. In addition to selecting an advisor to conduct cross-examination, the Parties may select an advisor who may accompany the Parties to any meeting or hearing they are permitted to attend, but may not speak for the Party. The Parties are not permitted to conduct cross-examination; it must be conducted by the advisor of choice. As a result, if a Party does not select an advisor to serve in this role for the limited purpose of conducting cross-examination one will be appointed at no fee or charge to the Party. The advisor of choice is not prohibited from having a conflict of interest or bias in favor of or against Complainants or Respondents generally, or in favor or against the Parties to the particular

case. If a Party does not attend the live hearing, the Party's advisor of choice may appear and conduct cross-examination on their behalf.

### Witnesses

Witnesses cannot be compelled to participate in the live hearing and have the right not to participate in the hearing free from Retaliation. Witnesses are subject to North Carolina Wesleyan University's rules of decorum, and may be removed upon violation of those rules (Addendum A).

### *Hearing Procedures*

For all live hearings conducted, the Lead Hearing Officer will open and establish rules and expectations for the hearing. The Parties will each be given an opportunity to provide opening statements. Questioning of the Parties and witnesses will occur according to the procedures below.

### *Questioning Parties and Witnesses*

During a live hearing, each Party's advisor of Choice is allowed to ask Relevant and not otherwise impermissible questions and follow-up questions of the Parties and witnesses. No questioning of another Party or witness will be conducted by a Party personally.

### *Procedures for Hearing officer's Evaluation of Questions and Limitation on Questions*

The hearing officers will determine whether a proposed question is Relevant and not otherwise impermissible as described in this Grievance Procedure, prior to the question being posed, and will explain any decision to exclude a question as not Relevant or otherwise impermissible.

If a hearing officer determines that a Party's question is Relevant and not otherwise impermissible, then the question must be asked unless such question is unclear or harassing of the Party or witness being questioned. The hearing officer must give a Party an opportunity to clarify or revise a question that the hearing officer has determined is unclear or harassing and, if the Party sufficiently clarifies or revises a question so that it is no longer unclear or harassing, the question must be asked.

### *Refusal to Respond to Questions and Inferences Based on Refusal to Respond to Questions*

A hearing officer may choose to place less or no weight upon statements by a Party or witness who refuses to respond to questions deemed Relevant and not impermissible.

The hearing officer must not draw an inference about whether Sex-Based Harassment occurred based solely on a Party's or witness's refusal to respond to such questions.

### *Continuances or Granting Extensions*

North Carolina Wesleyan University may determine that multiple sessions or a continuance (a pause on the continuation of the hearing until a later date or time) is needed to complete a hearing. If so, North Carolina Wesleyan University will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.

### **Newly-discovered Evidence**

As a general rule, no new evidence or witnesses may be submitted during the live hearing. If a Party identifies new evidence or witnesses that were not reasonably available prior to the live hearing and could affect the outcome of the matter, the Party may request that such evidence or witnesses be considered at the live hearing.

The {Decision-maker} will consider this request and make a determination regarding (1) whether such evidence or witness testimony was actually unavailable by reasonable effort prior to the hearing, and (2) whether such evidence or witness testimony could affect the outcome of the matter. The Party offering the newly-discovered evidence or witness has the burden of establishing these questions by the preponderance of the evidence.

If the {Decision-maker} answers in the affirmative to both questions, then the Parties will be granted a reasonable pause in the hearing to review the evidence or prepare for questioning of the witness.

## **I. Determination Regarding Responsibility**

### *Standard of Proof*

North Carolina Wesleyan University uses the ‘clear and convincing’ standard of proof to determine whether or not Sex-Based Harassment occurred. This means that the investigation and hearing determine whether the allegation of a violation of the Grievance Procedure is highly and substantially likely to be true to a neutral hearing officer.

#### *General Considerations for Evaluating Evidence and Testimony*

The hearing officer is required to evaluate Relevant and not otherwise impermissible evidence for its persuasiveness. If the hearing officer is not persuaded under the applicable standard by the evidence that Sex-Based Harassment occurred, whatever the quantity of the evidence is, the hearing officer must not determine that Sex-Based Harassment occurred.

Determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the hearing officer. Hearing officers shall not draw inferences regarding a Party or witness’ credibility based on the Party or witness’ status as a Complainant, Respondent, or witness, nor shall it base its judgments in stereotypes about how a Party or witness would or should act under the circumstances.

Generally, credibility judgments should rest on the demeanor of the Party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence. However, credibility judgments should not rest on whether a Party or witness’ testimony is non-linear or incomplete, or if the Party or witness is displaying stress or anxiety.

Decision makers will afford the highest weight relative to other testimony to first-hand testimony by Parties and witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e. tending to prove and disprove the allegations) evidence will be weighed in equal fashion.

A witness’ testimony regarding third-Party knowledge of the facts at issue will be allowed, but will generally be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred.

#### *Expert Witnesses*

*Parties may present expert witnesses as part of an investigation.*

Parties are allowed to call “expert witnesses” for direct examination and credibility assessment by the hearing board and cross examination. North Carolina Wesleyan University does not provide for expert witnesses in other proceedings. While the expert witness will be allowed to testify, the hearing officer will be instructed to afford lower weight to non-factual testimony of the expert relative to fact witnesses, and any expert testimony that is not directed to the specific facts that occurred in the case will be afforded lower weight relative to fact witnesses regardless of whether all Parties present experts as witnesses.

Where a Party or witness’ conduct or statements demonstrate that the Party or witness is engaging in retaliatory conduct, including without limitation, witness tampering and intimidation, the hearing officer may draw an adverse inference as to that Party or witness’ credibility.

#### *Communication of the Determination in Writing*

All determinations on whether Sex-Based Harassment occurred will be communicated to the Parties in writing, simultaneously.

The written determination will include:

- A description of the alleged Sex-Based Harassment;
- Information about the policies and procedures that North Carolina Wesleyan University used to evaluate the allegations;
- The hearing officer’s evaluation of the Relevant evidence and determination on whether Sex-Based Harassment occurred;
- Any Disciplinary Sanctions North Carolina Wesleyan University will impose on the Respondent, whether Remedies other than the imposition of Disciplinary Sanctions will be provided by North Carolina Wesleyan University to the Complainant, and, to the extent appropriate, other Students identified by North Carolina Wesleyan University to be experiencing the effects of Sex-Based Harassment, if there is a finding that Sex-Based Harassment occurred; and
- North Carolina Wesleyan University’s procedures for Complainant and Respondent to appeal.

### *Timeline of Determination Regarding Responsibility*

If there are no extenuating circumstances, the determination regarding responsibility will be issued by North Carolina Wesleyan University within three (3) business days of the completion of the hearing.

### *Finality of Determination*

The determination regarding responsibility becomes final either on the date that North Carolina Wesleyan University provides the Parties with the written determination of the result of any appeal, or, if no Party appeals, the date on which an appeal would no longer be considered timely.

## **J. Appeals**

Each Party may appeal a determination regarding responsibility. To appeal, a Party must submit their written appeal within two (2) business days of being notified of the decision, indicating the grounds for appeal.

For appeals resulting from dismissal of a Complaint, please see the section on *Dismissal of Complaints*.

### *Grounds for Appeal*

The limited grounds for appeal available are as follows:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination whether Sex-Based Harassment occurred or dismissal was made; and
- The Title IX Coordinator, investigator, or hearing officer had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.

### *Additional Procedures for Appeal Process*

North Carolina Wesleyan University will notify the Parties of any appeal, provide the Parties a reasonable and equal opportunity to make a statement in support of, or

challenging, the outcome, and will notify the Parties of the result of the appeal and the rationale for the result.

The submission of an appeal stays (or pauses) any sanctions for the period during which an appeal determination is being assessed. Supportive Measures and remote learning opportunities remain available while an appeal is being deliberated and before a final decision has been made.

Appeals may be no longer than 1000 words or 2 pages (including attachments). Appeals should be submitted to the Title IX Coordinator via email in electronic form using ARIAL or TIMES NEW ROMAN, 12-point font, and double-spaced. Appeals should use footnotes, not endnotes. Appeals that do not meet these standards may be returned to the Party for correction, but the time for appeal will not be extended unless there is evidence that technical malfunction caused the appeal document not to meet these standards.

Appeals will be decided by the University Provost, who will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or hearing officer in the same matter.

#### **K. INFORMAL RESOLUTION**

##### *Procedures for Entering and Exiting Informal Resolution Process*

At any time prior to determining whether Sex-Based Harassment occurred under this Grievance Procedure, including prior to making a Complaint, Parties may instead seek North Carolina Wesleyan University's assistance to resolve allegations of Sex-Based Harassment, and may elect to enter the informal resolution process.

The Parties may voluntarily elect to enter the North Carolina Wesleyan University's informal resolution process at any time through an informed written Consent. This informed written Consent will include all terms of the elected informal process, including a statement that any agreement reached through the process is binding on the Parties.



No Party may be required to participate in informal resolution, and North Carolina Wesleyan University may never condition enrollment, employment, or enjoyment of any other right or privilege upon agreeing to informal resolution.

The Parties may elect to leave the informal resolution process at any point until the informal resolution process is concluded. If a Party elects to leave the informal resolution process, the Grievance Procedure that the Parties paused will continue. In participating in the informal resolution process, the Parties understand that the timeframes governing the Grievance Procedure will temporarily cease, and only reinstate upon reentry into the Grievance Procedure.

Supportive Measures will be available, or continue to be available if already provided, during an informal resolution process, if elected to proceed. The Title IX Coordinator will also, to the extent necessary, take other appropriate prompt and effective steps to ensure that Sex-Based Harassment does not continue or recur within North Carolina Wesleyan University's Education Program or Activity.

*Notice Prior to Entry Into Informal Resolution Process*

Before the initiation of an informal resolution process, the Title IX Coordinator must provide to the Parties a written notice that explains:

- The allegations;
- The requirements of the informal resolution process;
- That, prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process and to initiate or resume North Carolina Wesleyan University's Grievance Procedure;
- That the Parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the Parties from initiating or resuming North Carolina Wesleyan University's Grievance Procedure arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the Parties; and

- What information North Carolina Wesleyan University will maintain and whether and how North Carolina Wesleyan University could disclose such information for use in its Grievance Procedure if they are initiated or resumed.

#### *Determination to Approve Entry into Informal Resolution Process*

Even where the Parties agree to submit a matter to informal resolution, the Title IX Coordinator must approve the decision to move the matter to the informal resolution process and may determine that informal resolution is not appropriate under the circumstances.

Factors that the Title IX Coordinator may weigh in considering the appropriateness of the informal resolution process include, but are not limited to, the gravity of the allegations, whether there is an ongoing threat of harm or safety to the campus, whether the Respondent is a repeat offender, whether the alleged conduct would present a future risk of harm to others, and whether the Parties are participating in good faith. This determination is not subject to appeal.

At any time after the commencement of the informal resolution process, the Title IX Coordinator may determine that the informal resolution process is not an appropriate method for resolving the matter, and may require that the matter be resolved through the Grievance Procedures. This determination is not subject to appeal.

If informal resolution is approved or denied, North Carolina Wesleyan University will provide the outcome in writing simultaneously to the Parties. If informal resolution is approved, the Title IX Coordinator shall also provide the information of the facilitator in writing to the Parties in a reasonable timeframe once the facilitator is assigned.

#### *Role of the Facilitator*

Informal resolution processes are managed by trained facilitators. All facilitators must not be the same person as the investigator or the/a hearing officer(s) in North Carolina Wesleyan University's Grievance Procedure. Any person designated to facilitate informal resolution must not have a conflict of interest or bias for or against Complainants or

Respondents generally or an individual Complainant or Respondent. The Title IX Coordinator may serve as the facilitator, subject to these restrictions.

All facilitators must have specialized training, required by law and regulation. Such training includes:

- North Carolina Wesleyan University's obligation to address sex discrimination, including Sex-Based Harassment, in its Education Program or Activity;
- The scope of conduct that constitutes sex discrimination, including Sex-Based Harassment, under Title IX, including the definition of Sex-Based Harassment;
- All applicable notification and information requirements related to parental, family, or marital status, including pregnancy and related conditions, and North Carolina Wesleyan University's response to sex discrimination;
- The rules and practices associated with North Carolina Wesleyan University's informal resolution process; and
- How to serve impartially, including by avoiding conflicts of interest and bias.

#### *Contents of Informal Resolution Agreements*

Potential terms that may be included in an informal resolution agreement between the Parties include but are not limited to:

- Restrictions on contact; and
- Restrictions on the Respondent's participation in one or more of North Carolina Wesleyan University's education programs or activities or attendance at specific events, including restrictions North Carolina Wesleyan University could have imposed as Remedies or Disciplinary Sanctions had North Carolina Wesleyan University determined at the conclusion of the Grievance Procedure that Sex-Based Harassment occurred.

#### *Breach of Informal Resolution Agreements*

If a Party breaches the resolution or if North Carolina Wesleyan University has other compelling reasons, such as if it learns of any fraud by a Party in entering into the agreement, North Carolina Wesleyan University may void the agreement and initiate or resume the Grievance Procedure.

### *Confidentiality:*

In entering the informal resolution process, the Parties agree that any testimony and evidence (including admissions of responsibility) they share or receive during the informal resolution process concerning the allegations of the Complaint are confidential while the Parties participate in the informal resolution process. No evidence concerning the allegations obtained within the informal resolution process may be disseminated to any person, provided that any Party to the informal resolution process may generally discuss the allegations under investigation with a parent, friend, advisor, or other source of emotional support, or with an advocacy organization. Should the Parties withdraw from the informal resolution process, information disclosed or obtained for purposes of the informal resolution process may be incorporated into the Grievance Procedure, provided that this information is disclosed and reviewed by the Parties under North Carolina Wesleyan University's Grievance Procedure.

### *Informal Resolution Options*

North Carolina Wesleyan University offers the following informal resolution procedures for addressing Complaints of Sex-Based Harassment described under this Grievance Procedure:

#### Administrative Resolution

Should the Parties mutually determine to enter the informal resolution process, and the Respondent elects to accept responsibility for the allegations of the Complaint at any point during the informal resolution process, the institution may administratively resolve the Complaint.

Where the Respondent admits responsibility, the Parties will receive simultaneous written notification of the acceptance of responsibility, and a hearing panel will convene to determine the Respondent's sanction and other Remedies, as appropriate and consistent with institutional policy. The Parties will be given an opportunity to be heard at the sanctions hearing, including without limitation, the submission of impact statements, and the Parties may be accompanied by their Advisor, but questioning of Parties or witnesses will not be permitted. The Parties will receive simultaneous written notification of the

decision regarding sanctions and Remedies, which may be appealed according to the process described in IX(J).

### Mediation

The purpose of mediation is for the Parties who are in conflict to identify the implications of a Student's actions and, with the assistance of a trained facilitator, identify points of agreement and appropriate Remedies to address them. Either Party can request mediation to seek resolution; mediation will be used only with the Consent of both Parties, who will be asked not to contact one another during the process. The Title IX Coordinator will also review any request for mediation, and may decline to mediate based on the facts and circumstances of the particular case. Either Party has the right to terminate the mediation process and choose or resume another option for resolution at any time.

The mediation process will typically commence within five (5) business days after the Title IX Coordinator receives Consent to mediate from both Parties, and has made its determination to allow informal resolution to go forward. Mediation will continue until concluded or terminated by either Party, the facilitator, or the Title IX Coordinator. During mediation, any potential investigation will halt, and calculations for time frames will be stayed. If the mediation results in a resolution, the disciplinary process will be concluded, and the matter will be closed. If a resolution cannot be reached, the matter will be referred to the Title IX Coordinator to re-evaluate other options for resolution, including investigation or proceeding forward with the Grievance Procedure.

During mediation, a facilitator will guide a discussion between the Parties. In circumstances where the Parties do not wish to meet face to face, either Party can request "caucus" mediation, and the facilitator will conduct separate meetings. Whether or not the Parties agree to meet face to face, each Party will be permitted to bring an advisor of their choice to any meetings who may be, but is not required to be, an attorney.

At the conclusion of the mediation, the facilitator will memorialize the agreement that was reached between the Parties. The Title IX Office will monitor adherence to the proposed solution and close the matter when compliance is satisfactory.

## **XII. Retaliation**

When North Carolina Wesleyan University has information about conduct that reasonably may constitute Retaliation under Title IX or its Grievance Procedure, North Carolina Wesleyan University is obligated to initiate its Grievance Procedure or, as appropriate, North Carolina Wesleyan University's informal resolution process].

North Carolina Wesleyan University will keep the identity of any individual who has made a report or Complaint of sex discrimination confidential, including the identity of any individual who has made a report or filed a Complaint of Sex-Based Harassment or sex discrimination under North Carolina Wesleyan University's Title IX Grievance Procedure, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding under North Carolina Wesleyan University's Title IX Grievance Procedure.

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations.

No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under North Carolina Wesleyan University's Grievance Procedure.

Any intimidation, threats, coercion, or discrimination, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations constitutes Retaliation. This includes any charges filed against an individual for Code of Conduct violations that do not involve sex discrimination or Sex-Based Harassment, but that arise from the same facts or circumstances as a report or Complaint of sex discrimination or a

report or Complaint of Sex-Based Harassment. See *NC Wesleyan's Amnesty Policy in the NCWU Student Handbook*.

Complaints alleging Retaliation may be filed according to the grievance procedure in IX(A).

### **Addendum A: Rules of Decorum**

The Rules of Decorum require that all participants in the grievance process, including parties, Advisors of Choice, support persons, hearing officers, and University staff treat all who are engaged in the process with respect. These Rules of Decorum apply to all participants regardless of their role in the proceeding.

#### *In a meeting:*

1. Arrive on time.
2. Turn off cellular devices.
3. Recordings of any type by the parties or affiliates is prohibited.
4. Refrain from disruptive behavior (loud whispering, talking over others, etc.)
5. Do not leave the room unless permission granted from the host for the purpose of conferring with an Advisor of Choice.

#### *In a Live Hearing:*

1. Arrive on time.
2. Turn off cellular devices.
3. Recordings of any type by the parties or affiliates is prohibited.
4. Refrain from disruptive behavior (loud whispering, talking over others, etc.)
5. Do not leave the room unless permission granted from the host for the purpose of conferring with an Advisor of Choice.
6. Due to security concerns, no party shall bring bags, backpacks, purses, or related items to the hearing. (Documents will be available for both parties to access.)
7. Witnesses for the hearing will be kept in a space separate from the hearing proceeding (except investigators from the responding office).
8. To protect the safety of all participants, the Title IX office may enlist the assistance of NC Wesleyan Security to enforce the rules of decorum and, if necessary, remove individuals unable to comply.

*Decorum by the Parties:*

1. No party may address another party for any reason unless granted express permission by the hearing officer.
2. Parties may only be addressed by the other party's Advisor of Choice during cross-examination and may not directly speak to one another.
3. Parties may not interrupt the proceeding for any reason.
4. Threats of violence made by either party will be reported to the hearing office and will result in referral to appropriate University offices. It will also be a violation of these rules and result in the party's dismissal from the proceeding.

*Decorum by Advisors of Choice:*

1. Parties and Advisors of Choice will address all participants by their name and avoid intentionally mis-naming the person in communications.
2. Advisors of Choice may not act abusively or disrespectfully during the proceeding toward any participant.
3. Questions are to be conveyed in a neutral manner. Questions are to be interrogative to test knowledge and understand facts; they may not include accusations with the text of the question.
4. Although the Advisor of Choice may be an attorney, there is no duty of zealous advocacy inferred in the proceeding.
5. Advisors of Choice may not physically approach parties without the express permission of the hearing officer.
6. The Advisor of Choice may not ask repetitive questions. The hearing officer will rule on whether a question is repetitive.
7. The Advisor of Choice may take no actions, verbal or physical, that a reasonable person would deem intimidating.

*Warning and Removal Process*

The meeting host or hearing officer, as applicable:

-will have sole discretion to determine if the Rules of Decorum have been violated and will notify the offending person of the violation.



-will have sole discretion on whether to remove the offending person or allow them to continue participating in the proceeding.

When a party's Advisor of Choice is removed from a live hearing, that party may not question the other party. Questions from the party whose Advisor of Choice is removed must be presented in writing to the hearing office to be communicated to the other party. The hearing officer will document the decision to remove the Advisor of Choice in the written determination regarding responsibility

### **Further Supportive Contacts**

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:**

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

#### **Victim Assistance and Support**

<b>My Sister's House (Domestic Abuse)</b>	<b>(252) 462-0366</b>
<b>(252) 459-3094</b>	

[mshnc.org](http://mshnc.org)

<b>National Rape Hotline</b>	<b>(800) 656-HOPE (4673)</b>
------------------------------	------------------------------

<b>National Domestic Violence Hotline</b>	<b>(800) 799-SAFE (7233)</b>
---	------------------------------

[thehotline.org](http://thehotline.org)

#### **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

**NCWU Immigration & Visa Assistance** (252) 985-5124

**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

**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.

### **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.

### **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).**

### **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.

### **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.

### **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 seal 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

### **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 maybe 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 two (2) specific areas as Clery reporting locations:

- Rocky Mount, NC – Main Campus and associated locations
- 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
- Forsythe Community College, Winston-Salem, 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.

**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	<b>2023</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
Arson	<b>2023</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
Burglary	<b>2023</b>	4	3	0	0
	<b>2022</b>	12	12	0	0
	<b>2021</b>	2	1	0	0
Dating Violence	<b>2023</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
Domestic Violence	<b>2023</b>	1	0	0	0
	<b>2022</b>	4	1	0	0
	<b>2021</b>	1	0	0	0
Motor Vehicle Theft	<b>2023</b>	2	0	0	0
	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
Murder/Non-negligent Manslaughter	<b>2023</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
Negligent Manslaughter	<b>2023</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
Robbery	<b>2023</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
Fondling	<b>2023</b>	0	0	0	0
	<b>2022</b>	1	0	0	0
	<b>2021</b>	0	0	0	0
Rape	<b>2023</b>	2	2	0	0



	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
Statutory Rape	<b>2023</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
Incest	<b>2023</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
Stalking	<b>2023</b>	7	0	0	0
	<b>2022</b>	1	0	0	0
	<b>2021</b>	0	0	0	0
<b>Arrests</b>					
Drug Abuse Violation	<b>2023</b>	0	0	1	0
	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
Liquor Law Violation	<b>2023</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
Weapons Carrying, Possessing, etc..	<b>2023</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
	<b>2021</b>	4	0	0	0
<b>Disciplinary Action/Referrals</b>					
Drug Abuse Violation	<b>2023</b>	16	11	0	0
	<b>2022</b>	14	11	0	0
	<b>2021</b>	6	3	0	0
Liquor Law Violation	<b>2023</b>	29	29	0	0
	<b>2022</b>	18	18	0	0
	<b>2021</b>	22	5	0	0
Weapons Carrying, Possessing, etc..	<b>2023</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
	<b>2021</b>	1	0	0	0

Unfounded Crimes	<b>2023</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0

**Hate Crimes:** There were no reported hate crimes for the years 2021, 2022 or 2023.

\*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>2023</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
Arson	<b>2023</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
Burglary	<b>2023</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
Dating Violence	<b>2023</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
Domestic Violence	<b>2023</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
Motor Vehicle Theft	<b>2023</b>	0	0	0	0
	<b>2022</b>	0	0	0	0

	<b>2021</b>	0	0	0	0
Murder/Non-negligent Manslaughter	<b>2023</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
Manslaughter	<b>2023</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
Robbery	<b>2023</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
Fondling	<b>2023</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
Rape	<b>2023</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
Statutory Rape	<b>2023</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
Incest	<b>2023</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
Stalking	<b>2023</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
<b>Arrests</b>					
Drug Abuse Violation	<b>2023</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
Liquor Law Violation	<b>2023</b>	0	0	0	
	<b>2022</b>	0	0	0	0

	<b>2021</b>	0	0	0	0
Weapons Carrying, Possessing, etc..	<b>2023</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
<b>Disciplinary Action/Referrals</b>					
Drug Abuse Violation	<b>2023</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
Liquor Law Violation	<b>2023</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
Weapons Carrying, Possessing, etc..	<b>2023</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0

Unfounded Crimes	<b>2023</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
	<b>2021</b>	0	0	0	0

**Hate Crimes:** There were no reported hate crimes for the years 2021, 2022 or 2023.

\*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, and graduate, 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, or Simplex, 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 online training instructions on fire extinguisher and evacuation ladder use each semester.

### Appendix 5 – Fire Statistics

2023 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
---	-----	-----	-----	---	---	---

<b>2022 North Carolina Wesleyan University Fire Statistics</b>						
<b>Rocky Mount Campus</b>						
<b>Residence Hall</b>	<b>Date of Fire</b>	<b>Time of Fire</b>	<b>Cause of Fire</b>	<b>No. of Injuries Requiring Treatment</b>	<b>No. Deaths Related to Fire</b>	<b>Value of Property Damage Caused by Fire</b>
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

## 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
<b>Boddie Hall</b>	N/A	N/A	N/A	0	0	0
<b>Jin Hall</b>	N/A	N/A	N/A	0	0	0
<b>Bradley Hall</b>	N/A	N/A	N/A	0	0	0
<b>Taylor Hall</b>	N/A	N/A	N/A	0	0	0
<b>Roberson Hall</b>	N/A	N/A	N/A	0	0	0
<b>Pash Hall</b>	N/A	N/A	N/A	0	0	0
<b>Petteway Hall</b>	N/A	N/A	N/A	0	0	0
<b>Collins Hall</b>	N/A	N/A	N/A	0	0	0
<b>Villas at Wesleyan Townhome Community</b>	N/A	N/A	N/A	0	0	0

### **2024 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. The exact campus location of each unit is written on a plaque on the front of each unit. This ensures that the user may quickly notify the call receiver their location in case 911 Geo-Tracking fails. 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
Tammy Hilliard-Thompson Director of Resident Life	(252) 985-5548	Collins Hall First Floor
Monet Summersville Area Coordinator	(252) 985-5356	Robertson Hall First Floor
Jalen Perry 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 adult degree 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. He lives in Pash 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**

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>
---------------	------------------	---

**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 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</b>

		<b>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>
--	--	---

**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 *MY.NCWU* 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](http://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 [2024-2025-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 “[NCWU 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, 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)	330 S. Church St, Rocky Mount
-------------------------------	------------------------------------	-------------------------------



	972-1411 (non-emergency)	
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
Marlo Walker ** 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:**

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.

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 [Universities 2024 Title IX Policy](#).

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

***Sex-Based Harassment*** means sexual harassment and other harassment on the basis of sex, including harassment because of gender identity, sexual orientation, sex characteristics, sex stereotypes, and/or pregnancy and other conditions, that is:

(1) ***Quid pro quo harassment.*** An employee, agent or other person authorized by North Carolina Wesleyan University's Education Program or Activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;

(2) ***Hostile Environment harassment.*** Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from North Carolina Wesleyan University's Education Program or Activity (i.e., creates a Hostile Environment). Whether a Hostile Environment has been created is a fact-specific inquiry that includes consideration of the following: (i) the degree to which the conduct affected the Complainant's ability to access North Carolina Wesleyan University's Education Program or Activity; (ii) the type, frequency, and duration of the conduct; (iii) the Parties' ages, roles within North Carolina Wesleyan University's Education Program or Activity, previous interactions and other factors about each Party that may be Relevant to evaluating the effects of the conduct; (iv) the location of the conduct and the context in which the conduct occurred; and (v) other Sex-Based Harassment in North Carolina Wesleyan University's Education Program or Activity;

(3) ***Sexual Assault*** (as defined in the Clery Act, 20 U.S.C. 1092(f)) means any sexual act directed against another person, without the Consent of the victim, including instances where the victim is incapable of giving Consent;

(4) ***Dating Violence*** (as defined in the Violence Against Women Act (VAWA) Reauthorization of 2022 and the VAWA Amendments to the Clery Act) means any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) Where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

(5) **Domestic Violence** means any felony or misdemeanor crimes committed by a person who: (A) is a current or former partner of the victim under the family or Domestic Violence laws of North Carolina, or a person similarly situated to a spouse of the victim; (B) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (C) shared a child in common with the victim; or (D) commits acts against a youth or adult victim who is protected from those acts under the family or Domestic Violence laws of North Carolina; or

(6) **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for the person's safety or the safety of others; or (B) suffer substantial emotional distress.

### **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.*