

UNIVERSITY OF NORTH CAROLINA
SCHOOL OF THE ARTS



Annual Security & Fire Safety Report

SEPTEMBER 2023



Dear Campus Community,

On behalf of the UNCSA Police and Public Safety Department, I welcome you to our campus. The Annual Security and Fire Safety Report is now online.

This report includes crime statistics for the three previous calendar years of reported “Clery” crimes that occurred on campus; on public property within, or immediately adjacent to and accessible from campus; and in certain off-campus buildings or property owned or controlled by UNCSA. The release of this information is required by a federal law known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, or: The Clery Act.

I hope you take the time to fully review the contents of this document as it will provide you critical information about services and policies in place to help ensure a safe and secure environment for our community.

If you would like to receive a paper copy of this report, you may stop by the UNCSA Police and Public Safety Department located on the UNCSA campus (2010 Kenan Drive, Winston-Salem, NC 27127) or you may request that a copy be emailed to you by calling (336) 770-3321.

While we provide opportunities to educate the community about safety and work to prevent crime from happening, incidents do occur. This information is included not to alarm, but to inform you about what has happened here. Please take an active role in community safety by following these steps:

- Lock your residences, offices, and vehicles when you leave them.
- Secure your property, particularly items left in vehicles, keep them out of sight.
- Don't prop doors or otherwise allow strangers through secured doors.
- Don't let people into residence halls or other protected locations unless you know them.
- Be cautious of individuals you have just met.
- Call in suspicious behavior as soon as possible: 336-770-3362 for UNCSA Police and 911 for the city/sheriff.
- At night travel with friends, call for a Safety Escort, or use the Safety App Virtual Escort.
- Be aware of campus blue light call boxes and how to use them.
- Use a "buddy system" when traveling off campus to ensure someone always knows where you are and when you should be expected to return.
- Get to know the UNCSA Police and don't hesitate to reach out with suggestions, questions, or concerns!

Although statistics reflect a low crime rate, it is important to remember that our campus is not immune from criminal activity. It is important to develop a safety mindset that will not only serve you here, but also as you move on into the world.

It is an honor to be your Chief of Police, and I can sincerely state that all our personnel are ready to serve. Please feel free to contact the police department at 336-770-3321 with any questions.

Chief Tommy McMasters

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Policies for Preparing the Annual Security Report

The University prepares this report to comply with The Jean Clery Disclosure of Campus Security Police and Campus Crime Statistics Act (the Clery Act). This report is prepared by the UNCSCA Police Department in collaboration with other UNCSCA campus partners, including the Division of Institutional Integrity, Title IX Office, Student Affairs, Department of Housing and Residence Life, and other University offices.

This report provides statistics for the previous three years concerning reported crimes that occurred on UNCSCA campus and certain off-campus buildings or property owned, leased, or controlled by UNCSCA. This report's crime statistics for property owned or controlled by the institution are gathered from Campus Security Authorities, the UNCSCA Police Department, and other local police departments (including Winston-Salem Police Department and Forsyth County Sheriff's Department).

The University distributes a notice of the availability of this Annual Security and Fire Safety Report by October 1 of each year to every member of the University community.

Anyone, including prospective students and employees, may obtain a copy of this report by contacting the UNCSCA Police at [336-770-3321](tel:336-770-3321) or visit their [website](#).

Reporting Crimes or Other Emergencies

The UNCSCA Police Mission Statement is to contribute to and promote the greater mission of the University of North Carolina School of the Arts by facilitating a safe, secure, and service-oriented environment for all students, faculty, staff, alumni, stakeholders, and general visitors to the UNCSCA campus and off-campus facilities.

Therefore, it is critical that all crimes, serious incidents, and other emergencies that occur on campus be immediately reported to the UNCSCA Police Department at [336-770-3362](tel:336-770-3362). This helps ensure that incidents are properly investigated and that appropriate follow-up actions are taken, such as issuing a timely warning or emergency notification if necessary. If crimes are never reported, little can be done to help other members of the community from becoming victims.

We encourage the University community to report crimes promptly and to participate in and support crime prevention efforts. The University community will be much safer when all community members participate in safety and security initiatives.

The University has a number of ways for community members and visitors to report incidents to the appropriate officials:

Reporting to UNCSCA Police

We encourage all members of the University community to report all crimes and other emergencies to the UNCSCA Police in a timely manner. Though there are many resources available, the UNCSCA Police should be notified of any crime, whether or not an investigation continues, to assure the University can assess any and all security concerns and inform the community if there is a significant or ongoing threat to the campus.

UNCSCA Police may be reached by the following means:

Communications Center (available by phone 24 hours a day, 7 days a week): [336-770-3362](tel:336-770-3362) or dial [55](tel:336-770-3321) from an on-campus phone line (emergency); or [336-770-3321](tel:336-770-3321) (non-emergency).

Online: Submit an [online form](#) (non-emergency).

In Person: Look for an officer on patrol throughout campus or visit 2010 Kenan Drive, near the Chapel Street entrance to campus. Officers are on duty 24 hours a day, 7 days a week.

UNCSA Safety App (RAVE Guardian): UNCSA’s Safety App features instant location sharing and streaming (available in anonymous mode) and a virtual campus safety escort (“Safety Timer”) where, once activated, users can choose friends and family members to watch over during your walk. Campus Safety officials act as virtual guardians and will be alerted if you don’t reach your destination. The app also allows two-way communication via text with UNCSA Police (available in anonymous mode). The app features one-click emergency dialing and a call directory to access contact information, hours of operation, and location of Campus Police, Student Health Services, Student Affairs, and other UNCSA departments, as well as the Winston-Salem Police Department non-emergency number. Download the Rave Guardian mobile app from the [Apple App Store](#) (for iPhone) or [Google Play](#) (for Android).

Blue Light Emergency Call Boxes: There are approximately 35 direct-line call boxes located across campus to make obtaining assistance convenient and easy to find. These “blue-light” fixtures reflect the University’s commitment to a greater level of personal security for all students, employees, and visitors.

Call boxes require only the push of a button to contact Public Safety Officers through a speakerphone. A bright strobe light on the top of the call box is set off when the button is pushed, helping police quickly locate the caller. If the caller is unable to speak or needs to seek safer shelter, there are indicators in place to let police dispatchers know which call box has been activated. Public Safety Officers will quickly respond any time a call box is activated, whether someone speaks into it or not.

A quick button press can make the difference in solving or preventing a crime. In addition, callers should also use them to report simple suspicious activities that may warrant immediate police attention. It is recommended that all members of the campus community should study the locations that are along their regular routes of campus travel so they will know how to find the closest call box in an emergency. Regular maintenance of the campus call boxes is performed.

Voluntary and Mostly Confidential Reporting: If you are a victim or a witness of a crime and do not want to pursue action within the University or criminal justice system, your report will remain mostly confidential. This means that notification will be limited to only those required (i.e., Chief Compliance Officer, Dean of Students, and UNCSA Police).

Victims can remain mostly confidential when reporting to UNCSA Police or other Campus Security Authorities. You can file a report while maintaining your confidentiality by not disclosing your personally identifying information. The purpose of a confidential report is to share information with the University to ensure your safety and the safety of others, while also allowing for accurate records to be compiled on the number and types of incidents occurring on campus, excluding anonymous or third-party reports. Anonymous reports are submitted by an unknown source; third party reports are submitted by someone other than the victim or a witness.

Reports filed voluntarily and confidentially are counted and disclosed in the Annual Security and Fire Safety Report.

Anonymous reports may be made by calling UNCSA Police at 336-770-1414 or by filing a [report online](#) at the department's website.

Reporting to Campus Security Authorities

While it is encouraged that all University community members and visitors promptly report all crimes and other emergencies directly to the UNCSA Police, it is also recognized that some may prefer to report to other University officials or offices.

The Clery Act recognizes certain University officials and offices as "Campus Security Authorities", otherwise known as CSAs. The Clery Act defines these individuals as an "official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution."

CSAs include, among others: Academic Deans and Associate Deans; Headmaster and Dean of High School Academics and Associate Dean of High School Academics; the Vice Provost & Dean of Student Affairs and Associate Dean of Student Affairs; Senior Associate Director of Residence Life Programs & Housing; Resident Advisors (RAs); Student Support Team staff; and the Associate Director for Housing Operations.

While the University has identified several CSAs, we have designated the following offices as places where University community members should report crimes:

- **UNCSA Police Department**: 2010 Kenan Drive
336-770-3362 or 55 (emergency) | 336-770-3321 (non-emergency)
- **Division of Student Affairs**: Hanes Student Commons, 1821 Kenan Drive
336-770-3275
- **Residence Life Programs & Housing**: Hanes Student Commons, 1821 Kenan Drive
336-770-3280
- **Office of Human Resources**: Administration Annex Building, 1655 Ehle Drive
336-414-7529
- **Title IX Office**: Library, Room 3209
336-932-3917
- **Health Services**: Hanes Student Commons, 1821 Kenan Drive
336-770-3288

Pastoral and Professional Counselors: According to the Clery Act, pastoral and professional counselors who are appropriately credentialed and hired by the University to serve in a counseling role are not considered CSAs when they are acting in the counseling role.

UNCSA does not employ pastoral counselors. The University encourages professional counselors to notify those whom they are counseling of the voluntary, confidential reporting options available to them.

The Counseling Center is housed in the Hanes Student Commons Building, located at 1821 Kenan Drive or by phone at [336-770-3288](tel:336-770-3288). To learn more about the Counseling Center, visit their [website](#).

Personal Responsibility: UNCSA is a great place to live, learn, and serve; however, this does not mean that the University community is immune from all of the other unfortunate circumstances that arise in other communities. With that in mind, UNCSA has taken progressive measures to create and maintain a reasonably safe environment on campus. Though the University is progressive with its policies, programs, and education, it is up to each one of us to live with a sense of awareness and use reasonable judgment when living, working or visiting on campus.

Reporting to the Office of Student Conduct

Reports regarding an individual's conduct or concerns about their wellbeing may also be submitted to Student Conduct or Case Management: www.uncsa.edu/concernreport

Reporting to the Title IX Office

Reports regarding sexual misconduct, sex or gender-based discrimination or harassment, dating and domestic violence, stalking, or other related concerns can be reported online:

https://cm.maxient.com/reportingform.php?UNCSchooloftheArts&layout_id=34

Physical Security and Access to University Facilities

UNCSA is committed to campus safety and security. UNCSA Police officers patrol the campus 24 hours-a-day, 7 days-a-week on foot, in a vehicle or on a bicycle. If there is an increased threat in a particular area due to recent crime or suspicious activity, officers may conduct extra directed patrol of that area in addition to their regular patrol with specific instructions on what activity or person(s) to look for while patrolling.

Officers not only patrol outside buildings, but also actively walk inside buildings on campus to physically check on the safety of persons and the security of restricted access areas. The UNCSA campus is generally "open" to students, faculty, staff, and legitimate visitors on a daily basis.

Legitimate visitors include individuals that justifiably visit people who work, study, or perform here; reasonably tour the campus; attend performances or other events open to the public; properly utilize campus facilities and services that are open for public use; attend a non-UNCSA scheduled meeting, class, performance, rehearsal, training session, or other event conducted on campus as a contractual arrangement with UNCSA; walk or drive purposefully across the campus to get directly from one place to another.

Visitors to campus are not allowed into restricted access rooms/buildings (such as classroom buildings, residence halls or practice rooms) except as allowed by authorized UNCSA personnel.

Residence Hall Access

All exterior doors to the residence halls are locked 24 hours a day and operate under a computerized Access Control System that require programmed identification cards. Identification cards are coded so that only students who are residents in a particular hall are allowed electronic access entry to that hall between the hours of 12 midnight until 7am each day. During these times, the system denies entry to all unauthorized persons.

When a door is malfunctioning, personnel are called for repair immediately. Students can report maintenance issues during normal office hours to the Residence Life Programs and Housing Office located in Kenan Life

Student Engagement Suite in the Hanes Student Commons Building at 1821 Kenan Drive or by calling [336-770-3280](tel:336-770-3280). For emergency maintenance issues after 5pm or on weekends, call UNCSA Police for assistance.

All University community members are encouraged to lock all doors and windows when possible. All residence hall and apartment exterior doors are equipped with locks and with crash bars to ensure a quick emergency exit.

Only residents and their invited guests are permitted in the living areas of the residence halls. It is the resident's responsibility to ensure that their guest is aware of the University and Residence Hall policies. Guests are not provided with room keys or door access cards and must be escorted by a resident of the building at all times. It is the responsibility of residents and staff members to report individuals who cannot be identified as residents or guests of residents.

When UNCSA Police receives a report of an unescorted person in a residence hall, a police officer is dispatched to identify that person. UNCSA Police personnel also conduct regular checks of residence hall areas.

Maintenance of Campus Facilities

Exterior lighting and landscaping considerations are a critical part of that UNCSA's commitment to campus security. Representatives from various departments continually conduct security surveys to ensure campus lighting is adequate and the landscape is appropriate. UNCSA Police also conduct routine checks of lighting on campus during regularly assigned patrol duties.

If lights on campus are out or dim, the UNCSA Police will initiate a work order, which is acted upon by a representative of the appropriate maintenance office. We encourage community members to report any deficiency in lighting to UNCSA Facilities Management at [336-770-3323](tel:336-770-3323).

UNCSA Police and representatives from the University Facilities Management Office work together to identify any inoperative locking mechanisms. We encourage community members to promptly report security concerns, including concerns about locking mechanisms, to the Facilities Management Office at [336-770-3323](tel:336-770-3323) or to the UNCSA Police at [336-770-3321](tel:336-770-3321).

Campus Law Enforcement

On July 29, 2023, the UNCSA Police and Public Safety Department was awarded law enforcement accreditation for the first time. Accreditation was granted by the Commission on Accreditation for Law Enforcement Agencies (CALEA).

All UNCSA Police officers are commissioned under the North Carolina General Statutes § 115D-21.1 and § 116-40.5. UNCSA Police officers have the full range of police authorities granted to municipal law enforcement officers and receive the same level of training as county and municipal officers.

As sworn law enforcement officers, members of UNCSA Police are authorized to carry firearms, and under North Carolina law have the power to make arrests and conduct investigations for crimes that occur on the property owned or under the control of the University.

The UNCSA Police Department is comprised of:

- 17 Police Officers
- 6 Telecommunicators
- 1 Emergency Management Coordinator

- 1 Administrative Assistant

Working Relationship with Local, State, and Federal Law Enforcement Agencies

The UNCSA Police Department has a mutual aid agreement with the City of Winston-Salem that extends our jurisdiction throughout the city when responding to a request for assistance from them. UNCSA Police work closely with local, state, and federal agencies and may enter into a joint investigation, as deemed necessary to provide safety and security for the community. There is an agreement that the Winston-Salem and UNCSA Police Departments will work Sexual Assault investigations jointly with the city police taking the lead; all other criminal offenses will be investigated by UNCSA Police.

The UNCSA Police maintains a cooperative relationship with surrounding law enforcement agencies. This includes intraoperative radio capabilities, sharing of police database records, training programs, special events coordination, critical incident response, and investigation of serious incidents.

UNCSA Police participates in cooperative and mutual aid agreement with the Winston Salem Police Department. This agreement authorizes both agencies to request cooperative or mutual aid support for incidents that require additional resources. The agreements also allow for joint training and cooperation on other matters of shared interest.

Crimes Involving Student Organizations at Off-Campus Locations: The University requires all recognized student organizations to comply with federal, state, and local laws, and UNCSA policies. UNCSA may become involved in the off campus conduct of recognized student organizations when such conduct is determined to affect the interests of the University. UNCSA relies on its close working relationships with local law enforcement agencies to receive information about incidents involving students and recognized organizations, on and off campus.

In coordination with local law enforcement agencies, the UNCSA Police will actively investigate certain crimes occurring on or near campus. If the UNCSA Police learns of criminal activity involving students or student organizations, it will coordinate with the appropriate external law enforcement agency to forward information about the situation to the Vice Provost and Dean of Student Affairs and the Office of Student Conduct, as appropriate.

Student misconduct which jeopardizes the University, the integrity of the University, or any member of the University community (equivalent to a Major Infraction) will be subject to the Student Code of Conduct. In addition, misconduct on any officially sponsored University activity will be subject to the Code, regardless of whether there has been any action by external legal authorities. Instances of student misconduct on or off campus may or may not also constitute a violation of state or federal law. A student who is or has been prosecuted in a civil court for a violation of law may be subject to University jurisdiction for the same offense. The Associate Director of Student Conduct or designee shall determine whether an incident off-campus affects University interests and thus falls within the scope of the Code.

With the exception of Major Infractions as noted above, students under the jurisdiction of their parents or off campus while on break are not subject to adjudication under the Code.

Please refer to the [Student Code of Conduct](#) online for more information.

Off Campus Crime and Suspicious Situations: Crimes and suspicious activities that are committed off campus should be reported to the local law enforcement agency for the specific location.

- For emergency situations, call 911.
- For non-emergency reports in Winston Salem, call 336-773-7700.
- For non-emergency reports in other locations, check the local law enforcement’s website or available resources for the best possible contact number.

UNCSA Police can assist in contacting other law enforcement agencies if the situation is not urgent. For crimes or suspicious activities that occur within Winston-Salem, UNCSA Police can contact the Winston-Salem Police Department and request an officer respond to our campus to take the report.

Timely Warning Notifications

UNCSA Police will issue a Crime Alert to members of the UNCSA community when a Clery Act crime or other crime involving serious bodily injury or the threat of serious bodily injury is committed, the suspect is still at-large, and there is a serious risk of harm to community members.

This is an effort to provide timely notice to the campus community should an incident (either on or off campus) constitutes an ongoing or continuing threat to the University community. The decision of whether an incident constitutes an ongoing threat and whether to issue a Crime Alert is made by the Chief of Police or designee.

A Crime Alert will be issued by UNCSA Police through the University emergency notification system (UNCSA ALERT) to students, faculty, and staff. The UNCSA Alert system distributes notifications through phone messages (including recorded voice/text-to-speech messages), emails, text messages, and messages to UNCSA’s social media accounts.

If available, the Crime Alert will provide details of the crime, a description of the suspect, and information that will aid in the prevention of similar incidents, including safety information and protective steps. The Crime Alert may be updated when new or more accurate information becomes available.

UNCSA Police may omit some information from the timely warning if providing it could identify the victim or compromise law enforcement efforts to respond. Victims can remain “mostly confidential” when reporting. Mostly confidential means that notification will be limited to only those required (i.e. Title IX Coordinator, Dean of Students, and UNCSA Police). Victims can remain mostly confidential when reporting to UNCSA Police or other Campus Security Authorities.

Crime Alerts will be issued when the pertinent information is available and the following criteria are met:

- One or more Clery Act crime is reported, including (but not limited to): criminal homicide (including murder and manslaughter), sex offences (including rape, fondling, incest, and statutory rape), aggravated assault, burglary, robbery, motor vehicle theft, and major incidents of arson;
- The crime is reported by the victim to a CSA or local/state/federal law enforcement agency that forwards the information to the UNCSA Police for evaluation and dissemination;
- The crime occurs within the University’s Clery Geography;
- The perpetrator has not been apprehended;
- The University determines that the incident represents an ongoing threat to the campus community;
- There is a substantial risk to the physical safety of other members of the campus community because of the crime; or
- The crime represents a pattern that has occurred two or more times within a specific area or period of time.

Depending on the particular circumstances of the crime, especially in all situations that could pose an immediate and/or continuing threat to the community, the UNCSA Police may issue an emergency notification in lieu of a timely warning. Emergency notifications are covered in a separate policy that addresses a broader range of incidents and requires a greater urgency than timely warnings.

All available information known at the time will be taken into consideration when evaluating the need for a timely warning. Those considerations include, but are not limited to:

- The nature and seriousness of the crime;
- When and where the incident occurred;
- When it was reported;
- The duration of time between the occurrence and the report;
- The relationship between the victim and perpetrator;
- The patterns or trends of other incidents;
- The continuing danger to the campus community; and
- The risk of compromising law enforcement efforts or identifying the victim.

Although each case will be evaluated on an individual basis, timely warnings will not be issued when:

- A report is filed more than 7 days after the date of the alleged incident;
- A report is filed anonymously or by a third party;
- The pertinent information has not been acquired;
- The suspect has been apprehended;
- The report is not made in good faith;
- There is a possible risk of compromising law enforcement efforts; or
- The report does not pose an ongoing threat to the campus.

If, in the professional judgment of the UNCSA Police, issuing a timely warning would compromise efforts to address the crime, the notification may be delayed or information may be limited. In those cases, UNCSA Police Communications or the highest-ranking officer on duty will notify the UNCSA Chief of Police. Once the potentially compromising situation has been addressed, the timely warning will be issued immediately if the serious or continuing threat still exists.

Anyone with information warranting a timely warning or any criminal conduct should report the circumstances to the UNCSA Police by phone at 336-770-3362 or in person at the UNCSA Police Department located at 2010 Kenan Drive.

Emergency Response and Notification Procedures

The Emergency Management Coordinator is responsible for the Emergency Operation Plan (EOP), Emergency Operations Center, and the Emergency Notification System. The EOP is designed to be an all-hazards document that provides a framework and guidance for coordinated response to minor emergencies, major emergencies, and disasters. The EOP complies with FEMA guidelines for Higher Education that includes planning, mitigation, response, and recovery actions. The EOP includes incident teams, incident priorities and performance expectations, shelter-in-place and evacuation guidelines.

Our priorities are:

- Life safety, infrastructure integrity, and environmental protection during an emergency;
- Coordination with university departments to write, maintain, test, and exercise the EOP; and

- Cooperation, Integration, and Mutual Aid with local, state, and federal public safety agencies and their EOPs.

The University will activate the designated Emergency Operations Center (EOC) in a major emergency. The EOC will serve as the central location for those designated to work on public information, logistics, operations, planning, finance, and administrative issues related to the on- going emergency.

The University has emergency response guidelines addressing emergency situations such as active shooters, evacuation areas, fire safety, bomb threats, severe weather, medical emergencies, and more. A summary of these guidelines can be [accessed online](#).

Emergency Notification

UNCSA is committed to ensuring the University community receives timely, accurate, and useful information in the event of a significant emergency or dangerous situation on campus or in the local area that poses an immediate threat to the health and safety of University community members.

UNCSA Alerts are issued immediately to notify the University campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of University community members. In these instances, the University will, without delay, and taking into account the safety of the community, determine the content of the notification and activate the UNCSA Alert notification system. However, if in the professional judgment of responsible authorities, issuing an emergency notification would compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency, the notification may be delayed. In those cases, the UNCSA Chief of Police, or designee, will be notified, and once the potentially compromising situation has been addressed the emergency notification will be issued immediately.

UNCSA Alerts are issued by the UNCSA Police through the University's emergency notification system that provides phone (recorded voice/text-to-speech) messages, emails, text messages, and messages to UNCSA social media accounts. UNCSA Police will also update the [UNCSA Alert page](#) on the UNCSA website. In addition, UNCSA Police may activate the loudspeaker system on the Emergency Call Boxes located throughout the campus, when necessary. Given that test messages and loudspeaker messages need to be brief, the e-mail and website alerts will be used for longer messages and more detailed follow-up information about a complex or extended emergency.

An audible alert system enables UNCSA Police to trigger an audible tone and then broadcast an emergency notification message through over thirty emergency outside speaker locations across campus, and through indoor speaker locations in the high school academics, performance venues and other areas. The system has the capability to broadcast pre-recorded messages or to allow a live broadcast from the desk microphone. The system is also able to broadcast to all speakers or can broadcast to specific speakers if needed, depending on the circumstances surrounding the emergency notification.

All emergency notification messages will include the following information:

- **What is happening?** A brief description of the significant event that is occurring.
- **Where is it happening?** Depending on the circumstances, you may receive detailed information (e.g. Student Commons, in Eisenberg Hall), or a general location (e.g. in the area of the Student Commons).
- **What to do?** Guidance of what to do to keep yourself and others around you safe while the significant emergency is ongoing. Examples may include shelter in place and stay out of the area.

Emergency notifications may be updated when new or more accurate information becomes available. As soon as the situation is assessed that the danger has passed, the UNCSA Police Department will send an “all clear” message.

UNCSA Alert Sign-Up Procedures: Faculty, staff, and students can sign-up for UNCSA ALERT with your E-Z Arts ID number and UNCSA email or phone number. Follow the step-by-step instructions to register for [UNCSA ALERT](#).

Click here to [Register for UNCSA ALERT](#).

Confirming the Existence of a Significant Emergency or Dangerous Situation: The UNCSA Police as first responders may become aware of a critical incident or other emergency situation that potentially affects the health and/or safety of the campus community. Generally, campus first responders become aware of these situations when they are reported to the UNCSA Police or upon discovery during regular patrols and other assignments. Prior to an emergency notification being disseminated, the UNCSA Police must confirm that there is an ongoing threat to the campus community.

Determining the Appropriate Segment or Segments of the Campus Community to Receive the Emergency Notification: UNCSA Police and/or local first responders on the scene of a critical incident or dangerous situation will assist in preparing the emergency notification with determining what segment or segments of the campus community should receive the notification.

Generally, the entire campus community will be notified of the dangerous situation and will receive the emergency notification. In addition to the emergency notification that may be issued via the University’s mass notification system, UNCSA Police will also post applicable messages about the dangerous condition on the UNCSA website homepage to assist in promoting awareness of the situation and the steps they should take to maintain personal and campus safety.

Determining the Contents of the Emergency Notification: UNCSA Police will (in collaboration with the University and local first responders) determine the contents of the notification. UNCSA Police has developed a wide range of template messages addressing several different emergency situations and will select the template message most appropriate to the on-going situation and modify it to address the specifics of the present incident.

In cases where there is no predetermined template message in the system, UNCSA Police will develop the most succinct message to convey the appropriate information to the community. The goal is to ensure individuals are aware of the situation and that they know the steps to take to safeguard their personal and community safety.

Safety Notices

Safety Notices are communications to the campus community for crimes and or activities that can, but do not always occur in UNCSA’s Clery geography but are determined to require the awareness of campus for safety purposes, or for situations that are not deemed an emergency or dangerous situation, but are determined to require the awareness of campus for notification reasons.

Safety Notices are distributed when non-emergency information could help the campus community, or subsets of the community, either on or off campus, make safe choices regarding a health or safety issue. Distribution of a Safety Notice is generally by campus-wide e-mail by UNCSA Police and Public Safety. Generally, there is no timeliness requirement for Safety Notices.

Testing Emergency Response and Evacuation Procedures

UNCSA conducts an emergency management exercise to test emergency procedures at a minimum of once annually to ensure that the University's Emergency Operation Plan remains current and actionable. The scenarios for these exercises change each year and include several departments from across the campus. These exercises may include tabletop exercises, drills, or full-scale emergency response exercises. These exercises are designed to assess and evaluate the emergency plans and capabilities of the institution. Drills, exercises, and tests may be announced or unannounced.

The University conducts after-action reviews of all emergency management exercises. All after-action reviews will include, but are not limited to, a description of the exercise, the date, time, and whether it was announced or unannounced. In conjunction with at least one emergency management exercise each year, the University will notify the community of the exercise and remind the community of the information included in the University's emergency response procedures.

Exercises for 2022 are listed below:

- Active Assailant Response Full Scale Exercise

Emergency Notification System (UNCSA Alert) & Audible Broadcast System Tests: The University conducts monthly UNCSA Alert tests to ensure that equipment and procedures are maintained in a constant state of readiness and that messages are reaching the University campus community in a timely manner. Distribution of test messages are through email, text and social media to the entire campus. In addition, the audible siren is tested once every other month and telecommunicators conduct internal weekly testing to ensure login information is up to date.

UNCSA maintains a contract with a professional vendor to test the emergency audible broadcast system once a year. Any maintenance, repair or replacement needs will be reported to the Emergency Management Coordinator to be addressed. This is in addition to other emergency preparedness activities, drills, and exercises conducted throughout the year. The campus continues to evaluate its Emergency Notification Protocols as part of an ongoing evaluation of best practices and the use of new technologies.

Daily Crime Log

The UNCSA Police Department is committed to facilitating a strong partnership with the campus community to solve problems, prevent crime, foster personal safety, and protect UNCSA and individual property. Safety and security are shared responsibilities with all students, faculty, and staff. It is only through a mutual partnership with members of the community that we can all be successful in crime prevention and safety.

The UNCSA Police maintains separate Daily Crime and Fire Logs of all crime and fire incidents reported to the department. The [Clery Crime and Fire Log is available](#) online or you may request a physical copy in person at the UNCSA Police Communications Center, located at 2010 Kenan Drive.

The UNCSA Police also maintains a log of all reported criminal incidents, including non-Clery crimes, and retains those records within regulations set forth by the NC Department of Natural and Cultural Resources. Crimes are recorded on the crime log by the date they are reported. These logs identify the type, location, date and time, and status of each criminal incident or fire reported to the UNCSA Police.

The most current 60 days of information will be immediately available at the UNCSA Police Department located at 2010 Kenan Drive.

Security Awareness and Crime Prevention Programs

UNCSA offers a number of programs designed to inform students and employees about campus safety, security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others. Programs and services are offered at various frequencies, with many programs provided at least once a semester and others ongoing, available upon a specified request. Some programs have been adapted to an online platform or postponed until pandemic related restrictions are removed.

Below are some of the programs and services offered in an effort to bring awareness to campus security and prevent crime on campus:

- **A.L.I.C.E. Training:** A.L.I.C.E (Alert, Lockdown, Inform, Counter, Evacuate) training is a set of proactive strategies that moves beyond lockdown and increases the chance of survival during a violent intruder event. During A.L.I.C.E trainings, participants work through practical scenarios that utilize each of the principles learned during the lecture so they can understand the benefits of each strategy. Participants are taught the value of teamwork in overcoming a potential attacker. *This training is offered throughout the academic year and available to the campus community upon request.*
- **Community Policing Liaison:** Each Residence Hall is assigned a UNCSA Police officer who will hold sessions for police safety programs throughout the academic year. *This program is available upon request from any Residence Life staff.* Each Art School is also assigned a police officer to work with and assist the individual programs with safety and security concerns.
- **Housing Resident Advisor Training:** The UNCSA Police partners with Housing and Residence Life to provide training sessions to ensure RAs know the role of UNCSA Police on campus and how it can assist with safety, educational programs, and proper reporting procedures. *Training sessions are given periodically throughout the year to Residence Life staff and Residence Advisors.*
- **Operation ID:** The UNCSA Police sponsors this initiative to prevent larcenies and assist law enforcement officials with the identification of property. *This program is offered during the beginning of the fall semester and is available upon request.*
- **Safety Escorts (through Rave Guardian):** Students, faculty, and staff members can use the UNCSA Safety App, Rave Guardian, which offers a virtual safety escort feature, Safety Timer. Activate the Safety Timer and choose friends and/or family members to watch over you during your walk. Campus safety officials act as your virtual guardians and will be alerted if you don't reach your destination.
- **Safety Talks:** An opportunity to gather with students, staff, or faculty to discuss general safety precautions and concerns. Commonly sponsored by campus departments or residence halls with questions about safety. *This program is ongoing throughout the academic year and is available upon request.*
- **Sexual Assault Awareness Month (April):** Campus Police, in collaboration with the Title IX Office and the Department of Residence Life, organizes campus wide events to bring awareness to sexual violence and the resources that are available to assist students experiencing any type of sexual violence. The events include Take Back the Night, the red flag campaign, the night walk across campus, and information tables set up with resources for students.

- **Domestic and Dating Violence Awareness Month (October):** Campus Police, the Title IX Office, and the UNCSA Wellness Center organize tabling events and outreach to students throughout the month to bring awareness to issues around interpersonal relationships.
- **Meet & Greet:** Informational table about all of the programs the UNCSA Police offer to the UNCSA community. *This program is offered during the beginning of the fall semester and is available upon request.*
- **Police Ride-Along Program:** The UNCSA Police Department offers a police ride-along program to educate our community about the UNCSA Police Department and the crime on and around campus and is designed to inform students and employees about crime prevention strategies. *This program is available upon request.*
- **Sexual Assault Awareness & Prevention:** The Title IX Office offers a program to learn about the definitions of sexual assault, dating violence, domestic violence, and stalking; information on risk reduction, and how and who to report incidents on and off campus. *This program is available upon request.*
- **Title IX, Free Speech, Hazing, and Bullying:** Mandatory annual training for students on the intersections of free speech and conduct that may be prohibited under one or more policies.
- **Emergency Response Training:** The training provides employees with a basic understanding on how to stay safe on campus and what procedures to take in the event of an emergency. Examples include Active Shooter incidents, how and when to “Lockdown or Shelter-in-Place,” weather emergencies, emergency notifications, and what to do when you observe suspicious packages and/or people. *This training is ongoing throughout the academic year.*
- **Student Support Team:** The UNCSA Student Support Team promotes the health, safety, and well-being of the University campus community by cultivating best practices centered around prevention, intervention, and education. They provide a confidential, collaborative, and coordinated approach to situations involving student concerns, including but not limited to distress, disruptive actions, and/or engaging in harmful behavior. The team is composed of members of UNCSA Police, Residence Life, Student Conduct, Learning Resources (disability), Student Health Services, Case Manager, and High School Academics.

Policies Governing Alcohol and Other Illegal Drugs

Federal law requires UNCSA to annually notify all faculty, staff, and students that the University prohibits the unlawful possession, use, manufacture or distribution of alcohol or controlled substances by students, faculty, staff, and guests in buildings or facilities and on grounds or property controlled by the University or used as part of University activities. For students, this includes prohibiting the possession and consumption of any beverage containing alcohol under the age of twenty-one (21). In addition, the smoking of any material is prohibited in all UNCSA facilities.

Alcohol Policy

The sale, service, possession, and consumption of alcoholic beverages are regulated by relevant North Carolina General Statutes, Winston-Salem City Ordinances, and UNCSA Policy. In compliance with state law, no person under the age of twenty-one (21) can possess or consume alcoholic beverage and no person can sell, give, or

provide alcoholic beverages to an underage person or aid or assist an underage person in the purchase, attempted purchase, possession, or consumption of alcoholic beverages.

Campus-Wide Alcohol Policies: The University’s College Handbook and High School Handbook establish rules on student alcohol use and possession, support programs offered, and University consequences for violations of those rules in [Appendix A: Programs and Policies Addressing Alcohol and Other Drugs](#). Regarding North Carolina alcohol laws, the policy states that “it is against the law for any person under twenty-one (21) to purchase or possess any alcoholic beverage” and further that “it is against the law for any person to sell or give any alcoholic beverage to a person under twenty-one (21) or to aid or abet such person in selling, purchasing, or possessing any alcoholic beverage.” The policy also contains medical amnesty and broader amnesty provisions.

Areas Open to the Public: UNCOSA prohibits the possession and use of alcoholic beverages in areas open to the public including areas of buildings open to the public. However, the use of alcoholic beverages, subject to the laws of the state and may be permitted at University-sponsored activities in areas designated by, and with the prior approval of the University.

Private or Closed Areas: The possession and use of alcoholic beverages are prohibited in conference rooms, offices, office reception rooms, closed buildings, and areas of buildings not open to the public or from which the public has been excluded, except: the use of alcoholic beverages, subject to the laws of the state, may be permitted in specific private or closed areas designated by, and with the prior approval of the appropriate person responsible for the area of request.

Housing Alcohol Policies: All alcohol and alcoholic containers (including large storage containers, i.e. kegs) are not permitted anywhere in High School housing facilities. See the [UNCOSA High School Handbook](#) for more information.

College residents who are twenty-one (21) or older may consume alcoholic beverages in accordance with the established alcohol policies. The policy on alcohol found in the [UNCOSA College Housing Handbook](#) is summarized in the following points:

- Residents under the age of twenty-one (21) are prohibited from being in the presence of, possessing, and/or consuming alcohol.
- Alcoholic beverages are permitted for persons twenty-one (21) years of age and over in their own living space or living space where they are invited guests of residents twenty-one (21) years of age or older.
- Students who are twenty-one (21) years of age or older may not consume alcohol in a living space with guests under twenty-one (21) years of age present, unless the individual is the student's roommate. It is the responsibility of the student twenty-one (21) years of age or over not to put underage students at the risk of violating the alcohol policy.
- It must be clear that the beverage is the possession of the student that is twenty-one (21) years of age or over. Alcohol in a mixed age room/suite should be kept in the private refrigerator or storage space of the overage room/suite mate, not in a shared storage space or refrigerator.
- No alcohol (open or closed containers of alcohol) is permitted in the common and public areas (i.e. hallways, stairways, bathrooms, balconies, etc.) of the residence halls.
- No kegs or other forms of bulk alcohol are allowed in the residence halls.

The policy on consumption of alcoholic beverages to faculty, staff, visitors, and other University community members is found within the [University Alcohol Policy #102](#). This policy provides guidance on serving alcohol

at events on campus and restricts the service of alcohol in accordance with North Carolina law, including the prohibition of serving alcoholic beverages to those under twenty-one (21) years of age.

Drug Policy

Students, faculty members, and staff are responsible for knowing about and complying with the provisions of North Carolina law that make it a crime to possess, sell, deliver, or manufacture those drugs designated collectively as “controlled substances” in Chapter 90 of the North Carolina General Statutes. Students, faculty members, and staff are responsible for knowing about and complying with the applicable provisions of federal law located in Chapter 21 of the US Code.

Possession, use or sale of illegal drugs/paraphernalia by any member of the University community is prohibited. The misuse of any lawfully available chemical substances, compound or combination, when used for any other purpose than its intended use is also prohibited. Federal and State drug laws will be enforced when violated on campus. For more information on the Policy on illegal drugs, please visit the [University Policy Manual Policy #702](#).

The Drug-Free Schools and Communities Act and The Drug-Free Workplace Act: As a precondition for receiving any federally funded grants or contracts, UNCSCA is required to certify that it is providing a drug-free campus and workplace. Any employee reporting to work under the influence of alcohol or illegal drugs or using alcohol or illegal drugs on the job is subject to appropriate disciplinary action. In addition to the UNCSCA’s Illegal Drugs Policy, the University is required to adhere to all federal policies.

The University also annually notifies the University community of resources and information to reduce alcohol and drug misuse and promote the health and safety of all students and employees. It is extremely important that you are aware of the policies on illegal drugs and alcohol, which has been implemented by the federal government and the University’s governing bodies. The University has scheduled several events over the course of orientation and the academic year to bring awareness to the University alcohol and drug policies, as well as Federal and State policies prohibiting illegal behavior.

As a condition of employment, any faculty, staff, or student must notify the University of any criminal drug conviction for a violation occurring in the workplace no later than five (5) days after such a conviction. If a student is charged with a crime equivalent to a Major Infraction of the Student Code of Conduct or convicted of any crime or misdemeanor (prior to or after matriculation at UNCSCA), the student is required to self-report such action to the Vice Provost and Dean of Student Affairs.

For more information on prevention programs and policies, please review the [UNCSCA Drug Abuse and Alcohol Prevention Programs Report \(DAAPP\)](#).

Enforcement of Federal and State Underage Drinking & Alcohol Laws

In accordance with North Carolina laws, if you are underage and convicted of drinking alcohol, you could face the following penalties:

- Drinking by a person under age nineteen (19) is a Class 1 Misdemeanor, and punishment can include a fine, community service hours, and other court costs.
- Drinking by a person age nineteen (19) or twenty (20) is a Class 3 Misdemeanor in which punishment can include a fine, community service hours, and other court costs.
- Attorney’s fees.

According to North Carolina General Statute § 15A-505, the local police department and UNCSA Police are required to notify parents or guardians for all violations committed by persons under the age of eighteen (18).

The State of North Carolina has a zero-tolerance policy associated with students consuming alcoholic beverages under the age of twenty-one (21). Not only is this against the State law, it also violates the UNCSA Student Code of Conduct.

Any student, staff, faculty member, or other University campus community member in violation of UNCSA's alcohol policies or North Carolina law may be subject to disciplinary measures by the University as outlined in the policies discussed above. Disciplinary sanctions for students who are found responsible may range from disciplinary warning, disciplinary probation, suspension, or expulsion from the University. Students residing in University housing may also lose the privilege of living on campus for violating University rules and regulations or conditions of the housing contract. In most cases, developmental and educational interventions will be assigned to the student, designed to promote greater awareness and improved decision-making for the student and further deter future misconduct.

False Identification: It is illegal for anyone under the age of twenty-one (21) to: possess an identification card falsely identifying that person by name, age, date of birth, or photograph as being 21 or older in an attempt to obtain alcohol; use the identification card of another; or use an identification card that has not been lawfully issued to or in the name of the person who presents the card. A violation constitutes a Class 2 misdemeanor and subjects the offender to court costs and fines.

Alcohol Testing: If two UNCSA staff members believe an underage student has consumed alcohol, or if a student over twenty-one (21) is noticeably impaired on campus or at a UNCSA sponsored event, a UNCSA staff member will test the student's alcohol level. The following procedures will be followed:

- If the alcohol test is above 0.0, the student will be referred to Student Conduct for appropriate adjudication.
 - If the result is above 0.08 and below 0.12, the student will be monitored by the Residence Life Programs & Housing Staff until their test is 0.08 or below.
 - If the level is 0.12 or above, or if the student's behaviors create concern, the student will be sent to the emergency room by ambulance or other emergency transport. Costs for this are the responsibility of the student.
- If the alcohol level test is 0.0, the student will be medically evaluated by either UNCSA Health Services or a local hospital emergency room in response to the behaviors exhibited that prompted the alcohol level test. All costs are the responsibility of the student.
 - Note: A test resulting in an alcohol level of 0.0 does not absolve a student who also possesses alcohol.
- A refusal or inability to be tested will be documented and taken into consideration during adjudication and may be treated as an admission of guilt.

Public Intoxication: It is illegal to appear in any public place under the influence of alcohol to the degree that you: block or otherwise interfere with traffic; block or otherwise prevent access to or passage across a sidewalk or entrance to a building; grab, shove, push or fight with others or challenge others to fight; curse, shout at or otherwise rudely insult others; or beg for money or other property.

Being intoxicated and disruptive in public also leads to other behaviors and important health concerns. Oftentimes public drunkenness contributes to criminal mischief and disorderly conduct on campus. Persons

must be responsible for their own actions and know their limits and tolerance levels before consuming alcohol. A violation constitutes a Class 3 misdemeanor and subjects the offender to court costs and fines.

Students of any age (including those over twenty-one) found under the influence of alcohol will be assessed for their BAC (Blood Alcohol Concentration). Those with a BAC at .08 and below .12 will be placed under observation by Residence Life staff until their BAC is below .08. Those with a BAC level at .12 or above and any students displaying behaviors of concern due to another substance or factor generally will be sent to the hospital emergency room by ambulance.

Driving While Impaired (DWI) & Refusing a Chemical Test: In North Carolina, a person commits the offense of Driving While Impaired if they drive a vehicle upon any highway, street, or public vehicular area:

- While under the influence of an impairing substance;
- After having consumed sufficient alcohol that they have, at any relevant time after driving, an alcohol concentration of 0.08 or more; or
- With any amount of a Schedule I controlled substance or its metabolites in their blood or urine.

The punishment for the offense is a misdemeanor to which the structured sentencing laws do not apply. It has five different levels of punishment; the level depends on the presence of and weight assigned to certain specified aggravating and mitigating factors found by the court.

It is illegal for anyone under 21 years of age to drive a vehicle with a blood alcohol concentration of .01 or higher. Any person who drives a motor vehicle automatically gives consent to one or more chemical analysis (e.g. breath, blood, or urine.). This implied consent means that a person doesn't have a right to an attorney before testing, except to view the testing procedures. Under the implied consent law, you can refuse any test, but your driver's license will be revoked for one year and could be revoked for a longer period of time under certain circumstances, and an officer can compel you to be tested under other laws. Your driving privileges will be revoked immediately for at least 30 days if you refuse any test or the test results is 0.08, 0.04 or more if you were driving a commercial vehicle, or 0.01 or more if you are under the age of 21.

Open Container Law: North Carolina does not have a general statute prohibiting open containers of alcohol in public. However, the City of Winston-Salem has a local ordinance prohibiting open containers of alcohol in public.

Enforcement of Federal and State Drug Laws

The unlawful manufacture, distribution, disposition, possession, and/or use of a controlled substance or alcohol is regulated by a number of federal, state, and local laws. These laws impose legal sanctions for both misdemeanor and felony convictions. Criminal penalties for convictions can range from fines and probation to denial or revocation of federal benefits (such as financial aid) to imprisonment and forfeiture of personal and real property.

Policies Specific to Students: Any student who violates this policy is subject to disciplinary action including sanctions as outlined in the Student Code of Conduct in addition to any penalties resulting from violating local, state and or federal law. Disciplinary sanctions for students who are found responsible may range from disciplinary warning, disciplinary probation, suspension, or expulsion from the University. Students residing in University housing may also lose the privilege of living on campus for violating University rules and regulations or conditions of the housing contract. In most cases developmental and educational interventions will be assigned to the student, designed to promote greater awareness and improved decision-making for the

student and further deter future misconduct. A full explanation of the [disciplinary procedure](#) can be accessed online.

Policies Specific to Faculty and Staff: As a condition of university employment, every employee shall abide by the terms of this policy. Any employee who violates this policy is subject to University sanctions, including dismissal, as well as criminal sanctions provided by federal, state or local law. An employee may be required to participate in a drug abuse or drug rehabilitation program. Please consult the [Policy on Illegal Drugs](#).

North Carolina Drug and Alcohol Laws and Penalties

A summary of North Carolina alcohol and drug laws is available below. The information provided below is not an exhaustive or definitive statement of all applicable laws and is intended to illustrate the types of conduct that are against the law and range of legal sanctions that may be imposed. More detailed and current information can be obtained by contacting UNCSEA Police and consulting the North Carolina General Statutes.

NORTH CAROLINA DRUG LAWS			
Types of Drugs	Possession	Trafficking	Statute
Schedule I: Heroin, LSD, Peyote, Mescaline, Psilocybin (Shrooms), other Hallucinogens, Methaqualone (Quaaludes), Phencyclidine (PCP), and MDA	Maximum Penalty: Five (5) years in prison and/or fine (felony)	Maximum Penalty: Ten (10) years in prison and/or fine (felony)	§90-89
Schedule II: Morphine, Demerol, Codeine, Percodan, Percocet, Fentanyl, Dilaudid, Secondal, Nembutal, Cocaine, Amphetamines and other opium and opium extracts and narcotics	Maximum Penalty: Two (2) years in prison and/or \$2,000 fine (misdemeanor)—UNLESS- 1. Exceeds 4 tablets, capsules, other dosage units or equivalent quantity of Hydromorphone. 2. Exceeds 100 tablets, capsules, other dosage units or equivalent quantity. 3. One gram or more of Cocaine Maximum Penalty: Five (5) years in prison and/or fine (felony)	Maximum Penalty: Ten (10) years in prison and/or fine (felony)	§90-90
Schedule III: Certain barbiturates such as amobarbitol and codeine containing medicine such as Fiorinal#3, Doriden, Tylenol #3, Empirin#3, and codeine-based cough suppressants such as Tussionex and Hycomine, and all anabolic steroids	Maximum Penalty: Possession of less than 100 tablets, capsules, other dosage units or equivalent quantity: Two (2) years in prison and/or fine (misdemeanor) To possess more than 100 tablets, capsules, other dosage units or equivalent quantity: Five (5) years in prison and/or fine (felony)	Maximum Penalty: Five (5) years in prison and/or fine (felony)	§90-91
Schedule IV: Barbiturates, narcotics, and stimulants including Valium, Talwin, Librium, Equanil, Darvon, Darvocet, Placidyl, Tranzene, Serax, Ionamin (yellow jackets)	Maximum Penalty: Same as Schedule III	Maximum Penalty: Five (5) years in prison and/or fine (felony)	§90-92
Schedule V: Compounds that contain very limited amounts of codeine, dihydrocodeine, ethylmorphine, opium, and atropine, such as Terpene Hydrate with codeine, Robitussin AC	Maximum Penalty: Six (6) months in prison and/or fine (misdemeanor)	Maximum Penalty: Five (5) years in prison and/or fine (felony)	§90-93

Schedule VI: Marijuana, THC, Hashish, Has Oil, Tetrahydrocannabinol	Maximum Penalty: Possession of less than ½ ounce of Marijuana or 1/20 ounce Hashish: Thirty (30) days in prison and/or \$100 fine (misdemeanor) Possession of more than ½ ounce of Marijuana or 1/20 ounce Hashish: Two (2) years in prison and/or fine (misdemeanor) Possession of more than 1½ ounce of Marijuana or 3/20 ounce of Hashish or consists of any quantity of synthetic Tetrahydrocannabinols or Tetrahydrocannabinols isolated from the resin of marijuana: Five (5) years in prison and/or fine (felony)	Maximum Penalty: Five (5) years in prison and/or fine (felony)	§90-94
Drug Paraphernalia (§90-113.22- §90-113.24)	Maximum Penalty: One hundred twenty (120) days in prison and/or fine. (misdemeanor)	Maximum Penalty: One hundred twenty (120) days in prison and/or fine. (misdemeanor) However, delivery of drug paraphernalia by a person over 18 years of age to someone under 18 years of age who is at least three years younger.	§90-113.22- §90-113.24

NORTH CAROLINA ALCOHOL LAWS		
STATE LAW	PENALTY	STATUTE
To possess, attempt to purchase or purchase, sell or give beer, wine, liquor, or mixed beverages to anyone under the age of 21.	Maximum Penalty: Imprisonment for a term up to 120 days and/or community service and fines up to \$1,000 (Class 1 misdemeanor)	§18B-302-18B302.1
A person under 21 years of age who aids and abets to purchase or to attempt to purchase, purchase or to possess; sell or give, alcohol to a person who is under 21 years of age	Maximum Penalty: Imprisonment for a term up to 60 days and/or community service and fines (Class 2 misdemeanor)	§18B-302 -18B-302.1
A person over 21 years of age who aids and abets to purchase or to attempt to purchase, purchase or to possess; sell or give, alcohol to a person who is under 21 years of age	Maximum Penalty: Imprisonment for a term up to 120 days and/or community service and fines up to \$1,000 (Class 1 misdemeanor)	§18B-302-18B302.1
Operating a motor vehicle upon any highway, any street, or any public vehicular area within this State: while under the influence of an impairing substance; after having consumed sufficient alcohol that he has, at any relevant time after the driving, an alcohol concentration of 0.08 or more; or with any amount of a Schedule I controlled substance.	1st Offense: Jail - 24 hours; Fine - \$200; License Suspension – 60 days to 1 year; 2d Offense: Jail – 4 days; Fine – varies; License Suspension – 1 to 4 years; 3d Offense: Jail – 14 days to 2 years; Fine – varies; License Suspension – 1 year to permanent	§20-138.1

<p>Operating a motor vehicle on a highway or public vehicular area by a person less than 21 years old while consuming alcohol or at any time while he has remaining in his body any alcohol or controlled substance previously consumed.</p>	<p>Maximum of 20 days in jail and \$200. If driving while impaired offense is also charged then:</p> <p>1st Offense: Jail - 24 hours; Fine - \$200; License Suspension – 60 days to 1 year; 2d Offense: Jail – 4 days; Fine – varies; License Suspension – 1 to 4 years; 3d Offense: Jail – 14 days to 2 years; Fine – varies; License Suspension – 1 year to permanent.</p>	<p>§20-138.1 & 20-138.3</p>
<p>Possessing an alcoholic beverage other than in the unopened manufacturer's original container, or consume an alcoholic beverage, in the passenger area of a motor vehicle while the motor vehicle is on a highway or the right-of-way of a highway.</p>	<p>Maximum Penalty: Imprisonment for a term up to 60 days and/or community service and fines up to \$1,000 (Class 2 or 3 misdemeanor based on number of offenses).</p>	<p>§18B-301; §18B-401; §20-138.7</p>

Drug and Alcohol Abuse Education and Prevention Programs

UNCSA runs numerous interactive and passive programming offered through various departments within the Division of Student Affairs including Health Services, Counseling Center, Health and Wellness, Residence Life and Housing. Additionally, throughout the academic year, UNCSA posts flyers and bulletin boards to promote low-risk choices during high-risk campus events. Monthly community meetings are also held specifically for high school students to introduce them to policies and protocols on alcohol and other drug abuse prevention. Some programs have been adapted to an online platform or postponed until pandemic related restrictions are removed

Completion of **Vector Solutions** online educational courses addressing alcohol, other drugs, and consent is mandatory for all new undergraduate students matriculating in August 2023. The **Safe-U** orientation session is mandated at the beginning of the year for all students and includes information related to Alcohol and Other Drug policies, protocols, and helping resources. In addition, the Office of Student Affairs sponsored several mandated panel discussions during orientation for new and returning students addressing the following topics: Alcohol and Other Drug policies and procedures, campus and community safety, Title IX regulations and concerns, helping resources.

Other programs include:

- **Alcohol and Other Drug (AOD) Training:** Training by UNCSA Police for student leaders (both high school and college) and Residence Life professional staff, and training by Residence Life professional staff to Resident Advisors. Training addresses each individual’s role in managing situations with drugs and alcohol.
- **Hazing Awareness Week:** Interactive tabling events to highlight the effects of alcohol and other drugs on health as well as prevention/intervention strategies.
- **UNCSA Police/MADD:** Tabling events focused on the negative effects of driving under the influence of substances.

- **Curriculum Infusion:** required health class for high school students and partnerships with various professors in the college environment.
- **Residence Life and Housing Sponsored Events:** monthly community meetings with high school students where discussion of policies, protocols, Title IX and harassment were included; Town Hall Meetings; college/all campus meetings where policies/procedures were discussed.

Drug or Alcohol Resource Team (DART): The Drug or Alcohol Resource Team (DART) is a resource for students who voluntarily request help with a substance abuse problem(s). Any student who thinks they have a problem with alcohol, tobacco, or any drug may request assistance to refrain from further use of these substances. Parents, fellow students, and faculty or staff members who are aware of students with substance abuse issues are encouraged to refer students to the program. The DART program is entirely voluntary and participation is completely confidential, within the limits of the law.

The goal of the program is to remove barriers for those students seeking assistance. Students in the DART program are evaluated, drug tested, and referred to appropriate treatment, which may include a combination of counseling, therapy, and outpatient or inpatient care. The program includes supporting counseling, referrals to appropriate resources, and unscheduled drug testing at no cost to the student. Results of the drug testing in the DART program are confidential. A student may refer themselves into the program by contacting the Wellness Center.

Only the Medical Director of Health Services and the involved student will know the results of drug testing. DART records will be released only with explicit written permission from the student. *Parents of students in the DART Program will not be notified of the student's participation or drug test results.*

UNCSA does not condone or tolerate alcohol and/or drug abuse. In no way should the DART Program be seen as a venue for excusing substance abuse or as a way for the UNCSA students to escape consequences for their behaviors. If a student in the DART Program is charged for conduct involving illegal drugs, alcohol, or tobacco, they will not be immune from student conduct proceedings by virtue of participation in DART.

Counseling Services: Counselors and the Wellness Center offers substance use evaluation and referrals to other resources as necessary. Student Health Services offers assistance in treatment through the DART program. Professional confidentiality applies to all clients.

Weekdays, students can visit the Wellness Center on the upper level of the Hanes Student Commons or can call [336-770-3288](tel:336-770-3288) between the hours of 8am-5pm for counseling or health services.

After-hours and weekend counseling support, ProtoCall Services [855-726-1497](tel:855-726-1497).

Please Note: Students under 18 may not call this number alone. Contact your RHC or a Residence Life staff for support in making this call.

After-hours non-emergency medical support, UNC Nurse Connect (formerly Healthlink) [1-888-267-3675](tel:1-888-267-3675)
Students may also contact UNCSA Police or the local chapters of [Alcoholics Anonymous](#) or (800) 524-5344), or [Narcotics Anonymous](#) or (800) 365-1036) for additional support and assistance.

We have engaged a new partner called “Uwill,” a leading mental health and wellness online platform that will significantly expand our existing counseling capacity for students.

With Uwill, any UNCSA student will have free, immediate access to teletherapy online, as well as a mental health crisis line. Licensed clinical therapists are available for virtual appointments 24 hours a day, 7 days a week, 365 days of the year, including extended holiday and summer breaks.

Uwill can provide appointments via text message, phone or video chat, allowing students to choose from a diverse range of qualified mental health therapists, based on student preferences for availability, focus area/issue, gender, language and ethnicity. Students will be able to choose a time that fits their schedule, whether it is day, night or weekend. Uwill is private, secure and confidential. Uwill is designed to supplement and complement our existing university resources and [in-house counselors](#), in order to serve more students in need and help reduce wait times for counseling.

Access to Uwill is quick and easy. Students can register and book their first session in just minutes by visiting [Uwill online](#) or accessing the platform through their UNCSA Campus app.

Students: If you are experiencing a mental health crisis, call [833-646-1526](tel:833-646-1526) for help 24/7/365. (If you are experiencing a medical emergency, call 911.)

UNCSA Wellness

- Alcohol and Other Drug Educational Health and Wellness Sessions
- Alcohol Use and Decision Making (low-risk choices)
- Drug and Alcohol High-Risk Behaviors concerning use/misuse
- Online Drug and Alcohol Intervention Course

UNCSA Police

- Fatal Vision Program
- Lazarus Resuscitation Kits

Alcoholics Anonymous (Family Group)

- Group meetings for family members of substance abusers held various times and locations weekly. Automated Information Line for meeting information/volunteer services: (336) 723-1452.
- [Drug and Alcohol Treatment and Prevention Network](#).

To find Mental Health and Substance Abuse resources, including providers:

- UNCSA Counseling Center (offers Substance Use Evaluations and Referrals): (336) 770-3288
- Healthlink (an on-call, after hours, weekend and holiday nurse advice line): (888) 267-3675
- ProtoCall Services provides students telephonic access to crisis assessment and intervention support, 24 hours a day, seven days a week, 365 days a year. ProtoCall Services will answer if the UNCSA Counseling Center is closed.
- Access to Uwill is quick and easy. Students can register and book their first session in just minutes by visiting [Uwill online](#) or accessing the platform through their UNCSA Campus app. If you are experiencing a mental health crisis, call [833-646-1526](tel:833-646-1526) for help 24/7/365. (If you are experiencing a medical emergency, call 911.)
- [Alcoholics Anonymous International](#): or (800) 524-5344)
- [Narcotics Anonymous](#): or (800) 365-1036

Resources for Faculty and Staff: UNCSA Employees are encouraged to use the Employee Assistance Program offered by the University at no cost. These professional counseling services are available as needed through [ComPsych](#) at 888-311-4327, Web ID: UNCSA.

Drug and Alcohol Abuse Online Resources: For more information regarding drug abuse, please visit these online resources:

- [National Institute on Drug Abuse](#)
- [Substance Abuse and Mental Health Services Administration](#)
- [Insight NC](#)
- [Stop Alcohol Abuse](#)
- [National Institute on Alcohol Abuse and Alcoholism](#)
- [College Drinking Prevention](#)

Missing Student Notification Policy and Procedures

Effective August 14, 2008, the Higher Education Opportunity Act of 2008 requires any institution participating in a Title IV Federal Student Financial Aid Program that maintains on-campus housing facilities to establish a Missing Student Notification Policy and related procedures. When it is determined that a student is missing from UNCSA, staff will be guided by the Missing Student Notification Policy and related procedures.

At the beginning of the year Residence Life collects missing student information through a separate form given directly to the students on move in day. The form requires the student to provide campus with a point of contact if the student should go missing. This information is then shared with UNCSA Police and the Residence Life teams.

Appendix G: Missing Student Policy¹

Introduction

This regulation establishes the procedures for the UNC School of the Arts (UNCSA) community regarding the reporting, investigation and required emergency notification when a student residing in on-campus housing is determined to be missing. A student shall be deemed missing when he or she is reported absent from the University for more than 24 hours without any known reason.

Identifying a Contact Person

All students residing in on-campus housing, including the high school, must register a contact person to be notified by UNCSA if UNCSA determines that the student is missing for more than 24 hours. This contact information will be registered confidentially and will not be disclosed except to authorized University officials and law enforcement personnel in furtherance of a missing person investigation. If a student is under 18 years of age and not an emancipated minor, UNCSA is required to notify a custodial parent or guardian, in addition to notifying any additional contact person designated by the student.

Procedure for Identifying a Missing Student

3.1 Any person who believes that a student who resides in on-campus housing is missing should immediately report this information to University Housing at 336-770-3281 (for high school staff) or 336-770-3282 (for college staff) or to University Police at 336-770-3362 or 55. Any missing student report received by University Housing will be immediately referred to the University Police. In the event another University officer or employee other than a member of University Housing, or University Police receives a report of a missing student, that person shall immediately notify University Police of the report received.

¹ The University's Missing Student Policy is available online in the [College Handbook](#) and [High School Handbook](#).

3.2 Upon the report of a possible missing student, the University Police will immediately initiate a missing person investigation in accordance with North Carolina law and with their standard operating procedures (Missing Persons). If University Police determines that a student is missing, University Police will take the following actions:

3.2.1 University Police will notify the student's contact person within 24 hours of the determination that the student is missing;

3.2.2 If the student is under 18 years of age and is not an emancipated minor, University Police will notify the student's custodial parent or guardian and any other designated contact person within 24 hours of the determination that the student is missing;

3.2.3 University Police will inform any other appropriate law enforcement agencies within 24 hours of the determination that the student is missing;

3.2.4 University Police and any other appropriate law enforcement agencies will continue to investigate the missing person report.

3.3 Nothing in this regulation prevents UNCOSA from making notifications earlier than noted above if deemed appropriate under the circumstances. Nothing in this regulation shall restrict UNCOSA from contacting other individuals if deemed necessary to prevent harm to a student or others, necessary to the investigation, or otherwise appropriate under the circumstances.

HEOA Victim Notification

The University will, upon written request, disclose to the alleged victim of a crime of violence or non-forcible sex offense the results of disciplinary proceedings conducted by the University against a student who is the alleged perpetrator of such crime or offense. If the crime resulted in the victim's death, the University will disclose the results, upon written request, to the victim's next of kin.

Sexual Misconduct Response Programs

The Clery Act, as amended by the Violence Against Women Reauthorization Act (VAWA), requires colleges and universities to address domestic violence, dating violence, sexual assault, and stalking through programs, awareness campaigns, policies, and procedures. Title IX is an important civil rights law that protects individuals from discrimination based upon sex in federally funded education programs or activities. Sexual harassment of students, which includes acts of sexual violence or sexual assault, is a form of discrimination based on sex that is prohibited by Title IX. Regulations on Title IX require grievance procedures that provide for the prompt and equitable resolution of sex discrimination complaints and guidance on Title IX recommends prevention, awareness, resource, and responsible employee training programs for individuals with reporting responsibilities.

UNCOSA is committed to providing a safe learning and working environment, and in compliance with federal laws has adopted policies and procedures and will continue to take necessary steps to address and respond to these types of conduct, including sexual violence, sexual assault (rape, fondling, incest, and statutory rape), sexual battery, sexual coercion, domestic violence, dating violence, and stalking as further defined in the Clery Act and Title IX. Acts of sex or gender-based discrimination, harassment, and aforementioned sexual violence and misconduct will not be tolerated. These guidelines apply to all students, faculty, staff, independent contractors, and visitors.

Education Programs

UNCSA is committed to increasing the awareness and prevention of violence. All incoming students and new employees are provided with programming and strategies intended to prevent dating violence, domestic violence, sexual assault, and stalking before it occurs. This includes an understanding of how important it is that we change social norms in a way that dictates that these behaviors are unacceptable. All awareness and education programming include a clear statement that UNCSA prohibits such acts, relevant definitions (including the definition of consent), options for bystander intervention, information about risk reduction, and policies and procedures for responding to these incidents. Some programs have been adapted to an online platform or postponed until pandemic related restrictions are removed

Ongoing prevention and awareness campaigns are also offered throughout the year. These programs include:

- **Student Orientation “Safe U”:** UNCSA’s orientation program for all undergraduate students and their families. This is an interactive program for incoming students and families to meet with an advisor, learn about campus resources, and experience the UNCSA environment.
- **3rd Millennium:** An online program for new undergraduate students to complete prior to coming to campus addressing consent, sexual assault, and alcohol and other drugs was mandatory for all new undergraduate students matriculating in 2019.
- **New Hire Orientation (NHO):** New Hire Orientation is a mandatory information/benefits enrollment session conducted for all new employees. It is vital for new employees to attend orientation prior to or on their start date.
- **Sexual Assault Awareness & Prevention:** UNCSA Police and UNCSA Title IX Office offers multiple programs discussing the definitions of sexual assault, dating violence, domestic violence, and stalking. The program includes information on risk reduction and how/who to report incidents to, both on and off campus.
- **Office of Residence Life Programs:** Residence Hall floor programs in the living area are designed to educate and socialize residents. Educational programming on campus safety, sexual assault awareness and personal safety tips for off campus are done primarily through passive programming efforts such as bulletin boards and newsletters.
- **Sexual Assault Awareness Month (April):** Programming including distributing materials and interactive tabling with exercises to promote awareness of sexual assault. Collaboration with community partners for larger awareness events.
- **Domestic/Dating Violence Awareness Month (October):** Programming including distributing materials and interactive tabling with exercises to promote awareness of dating/domestic violence. Collaboration with community partners for larger awareness events.
- **Red Flag Campaign:** The Red Flag Campaign uses a bystander intervention strategy to address and prevent sexual assault, dating violence, and stalking on college campuses. The campaign encourages friends and other campus community members to say something when they see warning signs (“red flags”) for sexual assault, dating violence, or stalking in a friend’s relationship.

Sexual Misconduct Advocacy and Response Team (SMART)

UNCSA's Sexual Misconduct Advocacy and Response Team ("SMART") is responsible for coordinating training on the University's response to sexual violence, implementing continuing education on prevention of sexual misconduct, and providing appropriate support resources to members on campus. The team is comprised of high-ranking officials on campus, including the Title IX Coordinator, Vice Provost & Dean of Student Affairs, Clinical Director, Director of the Wellness Center, UNCSA Police Chief, and others. In addition, the team has representatives from our campus community partners: Family Services Forsyth and Forsyth County District Attorney's Office.

Other activities from the SMART team include the creation of a Community Coordinated Response Policy, which clearly outlines the policy, protocol, and related procedures for prevention awareness, identification, and response to sexual misconduct or relationship violence on campus. Additionally, SMART will devise a prevention programming schedule for the campus community, as well as a training schedule and curriculum for all campus personnel. The coordinated effort from this team strengthens our ability to provide the best possible response to our campus community in relation to any sexual misconduct on campus.

Defining Sexual Assault, Domestic Violence, Stalking, and Consent in North Carolina

N.C. Gen. Stat. § 50B-1 defines Domestic Violence as:

[T]he commission of one or more of the following acts upon an aggrieved party or upon a minor child residing with or in the custody of the aggrieved party by a person with whom the aggrieved party has or has had a personal relationship, but does not include acts of self-defense:

1. Attempting to cause bodily injury, or intentionally causing bodily injury; or
2. Placing the aggrieved party or a member of the aggrieved party's family or household in fear of imminent serious bodily injury or continued harassment, as defined in G.S. 14-277.3A, that rises to such a level as to inflict substantial emotional distress; or
3. Committing any act defined in G.S. 14-27.21 through G.S. 14-27.33. (b) *[other sex-based offenses]*.

Sexual Assault: means an offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. A sex offense is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- *N.C. Gen. Stat. § 14-27.21(a) defines First-Degree Forcible Rape as:*
A person is guilty of first-degree forcible rape if the person engages in vaginal intercourse with another person by force and against the will of the other person, and does any of the following:
 1. Uses, threatens to use, or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon.
 2. Inflicts serious personal injury upon the victim or another person.
- *N.C. Gen. Stat. § 14-27.22(a) defines Second-Degree Forcible Rape as:*
A person is guilty of second-degree forcible rape if the person engages in vaginal intercourse with another person:
 1. By force and against the will of the other person; or
 2. Who has a mental disability or who is mentally incapacitated or physically helpless, and the person performing the act knows or should reasonably know the other person has a mental disability or is mentally incapacitated or physically helpless.
- *N.C. Gen. Stat § 14-27.26(a) defines First-Degree Forcible Sex Offense as:*

A person is guilty of a first degree forcible sexual offense if the person engages in a sexual act with another person by force and against the will of the other person, and does any of the following:

1. Uses, threatens to use, or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon.
2. Inflicts serious personal injury upon the victim or another person.
3. The person commits the offense aided and abetted by one or more other persons.

- *N.C. Gen. Stat. § 14-27.27 defines **Second-Degree Forcible Sex Offense** as:*

A person is guilty of second degree forcible sexual offense if the person engages in a sexual act with another person:

1. By force and against the will of the other person; or
2. Who has a mental disability or who is mentally incapacitated or physically helpless, and the person performing the act knows or should reasonably know that the other person has a mental disability or is mentally incapacitated or physically helpless.

- ***Fondling** is included in the crime of “sexual battery” under N.C. Gen. Stat. § 14-27.33(a), defined as:*

A person is guilty of sexual battery if the person, for the purpose of sexual arousal, sexual gratification, or sexual abuse, engages in sexual contact with another person:

1. By force and against the will of the other person; or
2. Who is has a mental disability, or who is mentally incapacitated or physically helpless, and the person performing the act knows or should reasonably know that the other person has a mental disability or is mentally incapacitated or physically helpless.

- I. *N.C. Gen. Stat. § 14-178(a) defines **Incest** as:*

A person commits the offense of incest if the person engages in carnal intercourse with the person's (i) grandparent or grandchild, (ii) parent or child or stepchild or legally adopted child, (iii) brother or sister of the half or whole blood, or (iv) uncle, aunt, nephew, or niece.

- *N.C. Gen. Stat. § 14-27.30(a) defines **Statutory Rape** as:*

[Where] the defendant engages in vaginal intercourse with another person who is 15 years of age or younger and the defendant is at least 12 years old and at least six years older than the person, except when the defendant is lawfully married to the person.

- N.C. Gen. Stat. § 14-277.3A(a) defines **Stalking** as:*

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

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

The State of North Carolina does not have a statute defining “dating violence” or “consent” in reference to sexual activity. North Carolina criminal law prohibits sexual acts that are by force and against the will of the other person or acts that are against people who are mentally disabled, mentally incapacitated, or physically helpless. In determining whether a person gave consent, or was capable of giving consent, the facts of the particular situation will be assessed. Physical resistance is not necessary to prove the lack of consent, nor is actual force. In North Carolina, consent is not submission due to fear, fright, coercion, or the realization that in the particular situation resistance is futile.

Sexual Misconduct Regulations, Policies, and Procedures

Title IX Regulations and Procedures

Title IX of the Education Amendments of 1972 was the first comprehensive federal law to prohibit sex discrimination against students and employees of educational institutions. It is one of several federal and state anti-discrimination laws that define and ensure equality in education. The regulations implementing Title IX, published in 1975, prohibit discrimination, exclusion, denial, limitation, or separation based on gender.

The University of North Carolina School of the Arts has a policy regarding Equal Opportunity and Non-Discrimination, which includes a prohibition of sex discrimination, sexual harassment, and retaliation within the University.

Investigations are conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault and stalking and on how to conduct an investigation and hearing process that protects the safety of the victims and promotes accountability.

Interim Title IX Regulation²

The University of North Carolina School of the Arts (“University”) does not tolerate sexual misconduct, including sexual harassment. Such conduct is harmful to the well-being of our community members, our learning and working environments, and the collegial relationships among students, faculty, and staff. All forms of prohibited conduct under this regulation are regarded as serious University offenses, and violations may result in discipline, including the possibility of separation from the University. State and federal laws may also address conduct that meet the University’s definitions of prohibited conduct, and criminal prosecution may take place independently of any disciplinary action instituted by the University.

This Interim Title IX Regulation (“Title IX Regulation”) is based on definitions set forth in regulations promulgated by the U.S. Department of Education under Title IX of the Education Amendments Act of 1972, and updated most recently on May 6, 2020. As a result of the updated regulatory guidance, this regulation limits the scope of sexual misconduct covered by this Title IX Regulation to, among other things, conduct that occurs within the United States and conduct that occurs within the University’s education program or activity (a concept further defined and discussed below).

In order to address incidents of sexual misconduct that do not fall within the definition of Title IX Regulation, the University has two regulations that address sexual misconduct: (1) this regulation and (2) the Prohibited Discrimination, Harassment, and Related Misconduct Regulation (“Prohibited Discrimination Regulation”). These regulations are interrelated and alleged behavior will be evaluated by the Title IX Coordinator to determine the relevant regulation to apply to any allegations involving sexual harassment. If the allegations forming the basis of a formal complaint (defined below), if substantiated, would constitute prohibited conduct under both regulations, then the grievance process set forth in this Title IX Regulation will be applied in the investigation and adjudication of the allegations.

² This Regulation can be found online at: <https://www.uncsa.edu/mya/integrity/title-ix/docs/interim-title-ix-regulation.pdf>. The Regulation is replicated in this report in full.

The Prohibited Discrimination Regulation applies only to certain conduct, as defined under that regulation. Specifically, the Prohibited Discrimination Regulation applies to forms of sexual misconduct that do not fall under the scope of the Title IX Regulation. The Prohibited Discrimination Regulation also applies to certain conduct that would otherwise be prohibited under the Title IX Regulation (e.g., Sexual Assault, Domestic Violence, Dating Violence, and Stalking under the Title IX Regulation), but which must be dismissed under the Title IX Regulation because they do not meet the jurisdictional requirements.

The University will respond to reports or formal complaints of conduct prohibited under this regulation with measures designed to stop the prohibited conduct, prevent its recurrence, and remediate any adverse effects of such conduct on campus or in University-related programs or activities. The University will not deprive an individual of rights guaranteed under federal and state law (or federal and state anti-discrimination provisions; or federal and state law prohibiting discrimination on the basis of sex) when responding to any claim under the Title IX Regulation.

I. The Title IX Coordinator

The Title IX Coordinator oversees the University's compliance with Title IX and all University conduct regulations related to sexual misconduct.

The Title IX Coordinator will be informed of all reports or formal complaints of violations of this regulation, and oversees the University's centralized response to ensure compliance with Title IX and the 2013 Amendments to the Violence Against Women Act (VAWA). The Title IX Coordinator's responsibilities include (but are not limited to):

- Communicating with all members of the University community regarding Title IX and VAWA, and providing information about how individuals may access their rights;
- Reviewing applicable University regulations to ensure institutional compliance with Title IX and VAWA;
- Monitoring the University's administration of its own applicable regulations, including this regulation and the Prohibited Discrimination Regulation and all related record keeping, timeframes, and other procedural requirements;
- Conducting training regarding Title IX, VAWA, and prohibited conduct defined in this regulation and related regulations; and
- Responding to any report or formal complaint regarding conduct that violates this regulation. For any report of which the University has actual knowledge (and any formal complaint), the Title IX Coordinator shall oversee and implement the explanation and provision of any supportive measures. For any formal complaint, the Title IX Coordinator oversees the investigation and resolution of such alleged misconduct, directs the provision of any additional supportive measures, and monitors the administration of any related appeal.

The Title IX Coordinator may delegate certain responsibilities under this regulation to designated staff and administrators, who will be appropriately trained.

The Title IX Coordinator's contact information is as follows:

Valerie Thelen
Chief Compliance Officer and Title IX Coordinator
UNCSA Library Room 3209
Winston-Salem, North Carolina, 27127
thelenv@unca.edu
336-932-3917

The University provides the contact information of the Title IX Coordinator to students, faculty, staff, applicants for admission, applicants for employment, and or professional organizations agreements with the University.

II. Definitions

The following definitions clarify key terminology in this regulation.

Complainant refers to the individual(s) who is alleged to be the victim of conduct that could constitute prohibited conduct under the Title IX Regulation

Formal complaint refers to a document filed by a complainant (meaning a document or electronic submission (such as by electronic mail) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the individual filing the formal complaint) alleging a violation of the Title IX Regulation against a respondent and requesting that the University investigate the allegation of the violation. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the University. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information provided in this regulation, and by any additional method identified in this regulation. A **formal complaint** may also refer to a document signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a respondent. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party.

Party or parties refer to the complainant(s) and the respondent(s).

Report refers to information brought to the attention of a member of staff or faculty alleging conduct prohibited under this regulation; a report is not considered to be a formal complaint. A party may bring a report and then subsequently file a formal complaint.

Respondent refers to the individual(s) who has been alleged to be the perpetrator of conduct that could constitute a violation of the Title IX Regulation.

Third party refers to any individual who is not a University student, member of faculty or staff, (e.g., vendors, alumni/ae, or local residents).

Witness refers to any individual who shares information relating to an allegation of prohibited conduct under this regulation.

III. Prohibited Conduct

This regulation encompasses all of the prohibited conduct described below that occurs on the basis of sex and meet all of the following requirements:

- Occurs within the United States; and

- Occurs within the University’s education program or activity, meaning a) locations, events, or circumstances over which the University exercises substantial control over both the respondent and the context in which the violation of the Title IX Regulation occurs, and b) any building owned or controlled by a student organization that is officially recognized by the University; and
- At the time of filing a formal complaint, a complainant is participating in or attempting to participate in the education program or activity at the University.

Allegations of sexual misconduct that do not fall under this regulation because they do not constitute prohibited conduct as defined in this section may constitute violations of the Prohibited Discrimination Regulation or Student Code of Conduct.

In determining whether alleged conduct violates this regulation, the University will consider the totality of the facts and circumstances involved in the incident, including the nature of the alleged conduct and the context in which it occurred. Any of the prohibited conduct defined in this regulation can be committed by individuals of any gender identity or sexual orientation, and it can occur between individuals of the same or different gender identity or orientation. It can occur between strangers or acquaintances, as well as people involved in intimate or sexual relationships.

The prohibited behaviors listed below are serious offenses and will result in University discipline. Prohibited conduct involving force, duress, or inducement of incapacitation, or where the perpetrator has deliberately taken advantage of another individual’s state of incapacitation, will be deemed especially egregious and may result in expulsion or termination of employment. The respondent’s consumption of alcohol or the use of illegal substances does not constitute a mitigating circumstance when it contributes to a violation under this regulation.

Prohibited behaviors are:

- **Quid Pro Quo Sexual Harassment:** An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct;
- **Title IX Sexual Harassment:** Unwelcome sexual conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies an individual equal access to the University’s education program or activity;
- **Sexual Assault:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. This includes the following:
 - **Rape:** Sexual intercourse involving penetration without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
 - **Sexual Assault with an Object:** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
 - **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable

of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;

- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.
- **Domestic Violence:** A felony or misdemeanor crime of violence committed: (a) by a current or former spouse or intimate partner of the victim; (b) by an individual with whom the victim shares a child in common; (c) by an individual who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (d) by an individual similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the felony or misdemeanor crime of violence occurred; (e) by any other individual against an adult or youth victim who is protected from that individual's acts under the domestic or family violence laws of the jurisdiction in which the felony or misdemeanor crime of violence occurred. For purposes of this regulation, an intimate partner is defined as an individual with whom one has or had a short- or long-term relationship that provides romantic and/or physical intimacy or emotional dependence. Intimate relationships can occur between individuals of the same gender or different genders and may include (but are not limited to) marriages, civil unions, dating relationships, "hook-up" relationships, relationships in which partners are characterized as "girlfriends" or "boyfriends," and relationships between individuals with a child in common.
- **Dating Violence:** Violence committed by an individual who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting individual's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the individuals involved in the relationship. This includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.
- **Stalking:** Engaging in a course of conduct directed at a specific individual that would cause a reasonable person to: (a) fear for the individual's safety or the safety of others; or (b) suffer substantial emotional distress. For the purposes of the Stalking definition: *Course of conduct* means two or more acts, including acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about an individual, or interferes with an individual's property. *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim. *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- **Retaliation under this regulation:** No individual may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by this regulation or because an individual has made a report or formal complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this regulation.

The University retains the right to charge an individual for making a materially false statement in bad faith during the course of an investigation, proceeding, or hearing under this regulation, but will not conclude that any individual has made a materially false statement in bad faith solely based on the determination regarding responsibility.

Complaints alleging retaliation under this Title IX regulation, including for the exercise of rights under this regulation, must be filed in accordance with this regulation and will be addressed promptly and equitably. Where the individual allegedly retaliating is not affiliated with the University and not otherwise subject to its regulations, the University will process the complaint and take appropriate measures.

Notwithstanding the above, the exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this regulation; and charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this regulation does not constitute retaliation; provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

For purposes of this regulation, consent is defined as follows:

- **Consent and Incapacitation.**

An affirmative decision to engage in mutually acceptable sexual activity freely given by clear actions and/or words. Consent may not be inferred from silence, passivity, or lack of active resistance alone.

- A current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- An individual is unable to freely give consent when the individual is incapacitated (arising, for example, from the use of alcohol or other drugs or when the individual is passed out, asleep, unconscious, or mentally or physically impaired).
- The perspective of a reasonable person will be the basis for determining whether a respondent knew, or reasonably should have known, whether a complainant was able to freely give consent and whether consent was given. Additionally, being intoxicated or incapacitated does not diminish one's responsibility to obtain consent and will not be an excuse for sexual misconduct.
- Consent cannot be obtained by coercion or force. Coercion or force includes conduct, intimidation, and express or implied threats of physical or emotional harm, that would reasonably place an individual in fear of immediate or future harm and that is employed to persuade or compel someone to engage in Sexual Contact. Examples of coercion or force include causing the deliberate incapacitation of another person; conditioning an academic benefit or employment advantage on submission to the sexual contact; threatening to harm oneself if the other party does not engage in sexual contact; or threatening to disclose an individual's sexual orientation, gender identity, gender expression, or other personal sensitive information if the other party does not engage in the sexual contact.

Important points regarding consent include:

- Consent to one act does not constitute consent to another act.
- Consent on a prior occasion does not constitute consent on a subsequent occasion.
- The existence of a prior or current relationship does not, in itself, constitute consent.
- Consent can be withdrawn or modified at any time.

- Consent is not implicit in an individual's manner of dress.
- Accepting a meal, a gift, or an invitation for a date does not imply or constitute consent.
- Silence, passivity, or lack of resistance does not necessarily constitute consent.
- Initiation by someone who a reasonable person knows or should have known to be deemed incapacitated is not consent.

For purposes of this regulation, **incapacitation** (or incapacity) is the state in which an individual's perception or judgment is so impaired that the individual lacks the cognitive capacity to make or act on conscious decisions. The use of drugs or alcohol can cause incapacitation. An individual who is incapacitated is unable to consent to a sexual activity. Engaging in sexual activity with an individual who is incapacitated (and therefore unable to consent), where an individual knows or ought reasonably to have understood that the individual is incapacitated, constitutes a violation of this regulation

IV. Assessment and Dismissal of Formal Complaints

When the Title IX Coordinator receives a report that involves allegations that could be a violation of the Title IX Regulation, they will first respond to any immediate health or safety concerns raised. The Title IX Coordinator will then conduct an initial assessment for the sole purpose of determining whether the alleged conduct, if substantiated, would constitute prohibited conduct under this regulation. The University will seek to complete this initial assessment within ten (10) business days of receipt of the formal complaint. Following the initial assessment, the Title IX Coordinator may take any of the following actions:

- If the allegations forming the basis of the formal complaint would, if substantiated, constitute prohibited conduct as defined in this regulation, the Title IX Coordinator shall implement appropriate supportive measures. In addition, the Title IX Coordinator shall initiate an investigation of the allegations under this regulation in a formal complaint, as described in section IV. However, if the Title IX Coordinator deems the formal complaint appropriate for the informal resolution process, upon the consent of both parties, the Title IX Coordinator may instead refer the matter to the informal resolution process, as described in section IV.
- If the allegations forming the basis of the formal complaint would not, if substantiated, constitute prohibited conduct as defined in this regulation, the Title IX Coordinator shall dismiss the formal complaint from the Title IX Regulation grievance process (and either party may appeal this dismissal, as discussed below). However, if appropriate, the Title IX Coordinator may refer the matter to the Prohibited Discrimination Regulation process or to another office for review; or, if the Title IX Coordinator deems the formal complaint appropriate for the informal resolution process, upon the consent of both parties, the Title IX Coordinator may instead refer the matter to the informal resolution process.

In addition, at any time prior to the hearing, the University may dismiss a formal complaint if:

- The complainant notifies the Title IX Coordinator in writing that the complainant wishes to withdraw the formal complaint or any allegations therein;
- The respondent is no longer enrolled or employed by the University; or
- Specific circumstances prevent the University from gathering sufficient evidence to reach a determination as to the formal complaint or the allegations therein.

- Upon dismissal, the University shall promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties via electronic format. Both parties will have equal right to appeal the dismissal through the appeal process.

The determination regarding dismissal becomes final either on the date that the parties are provided with the written determination of the result of an appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. Once final, a complainant cannot file a formal complaint under this regulation concerning the same alleged conduct.

V. Confidentiality, Privacy, and Related Responsibilities

Issues of privacy and confidentiality play important roles in this regulation, and may affect individuals differently. Privacy and confidentiality are related but distinct terms that are defined below.

In some circumstances, the reporting responsibilities of University faculty or staff, or the University's responsibility to investigate, may conflict with the preferences of the complainant and/or respondent with regard to privacy and confidentiality. Individuals are encouraged to familiarize themselves with their options and responsibilities, and make use of Confidential Resources, if applicable, in determining their preferred course of action.

Requests for confidentiality or use of anonymous reporting may limit the University's ability to conduct an investigation.

1. Confidentiality and Confidential Resources

The term "confidentiality" refers to the circumstances under which information will or will not be disclosed to others.

Several campus professionals are designated confidential resources, who are not obligated to report information that is provided to them. This allows individuals to explore their options in a non-pressured environment while they make informed decisions. There may be exceptions in cases involving child abuse, imminent risk of serious harm, emergent hospitalization, or a court order. In addition, non-identifying information about violations of the Title IX Regulation may be submitted to the University Police Department for purposes of the anonymous statistical reporting under the Clery Act.

An individual who is not prepared to make a report or formal complaint, or who may be unsure how to label what happened, but still seeks information and support, is strongly encouraged to contact a confidential resource.

Confidential Resources:

Student Support Resources

The University's Counseling Services [336-770-3288](tel:336-770-3288) are available to provide confidential assistance to students.

Counseling Services: [336-770-3288](tel:336-770-3288) (After hours number Healthlink) [1-888-267-3675](tel:1-888-267-3675).

Location: UNCOSA Student Health Services in the Wellness Center is located in the upper level of [Hanes Student Commons](#).

[Uwill online](#) or accessing the platform through their UNCOSA Campus app. If you are experiencing a mental health crisis, call [833-646-1526](tel:833-646-1526) for help 24/7/365. (If you are experiencing a medical emergency, call 911.)

Employee Support Resources

The University's Ombuds is available to provide confidential assistance to faculty and staff. This year there is a pilot program to offer Ombuds services to UNCSCA graduate students.

Jill Lane
Ombuds

Campus email address: ombuds@uncsa.edu

The following contact methods are private and confidential:

- Gmail address: saombuds@gmail.com
- Phone: [336-972-9182](tel:336-972-9182)

The Ombuds Office is located in the 3rd floor of the library in room 3209.

Employees may also seek help through the Employee Assistance Program (EAP). You can access the EAP program online or via telephone:

Call: [888-311-4327](tel:888-311-4327) or TDD: 800-697-0353

Go online: guidanceresources.com

Your UNCSCA Web ID: UNCSCA

In light of the University's obligation to respond promptly and effectively to individuals alleged to be victimized by a violation of the Title IX Regulation, all University faculty and staff who are not designated confidential resources are required to notify the Title IX Coordinator of suspected violations of this regulation, and cannot guarantee the confidentiality of a report under this regulation.

2. Confidentiality Rights of Complainants and Respondents

While complainants, respondents, and witnesses involved in the grievance process under this regulation are strongly encouraged to exercise discretion in sharing information in order to safeguard the integrity of the process and to avoid the appearance of retaliation, complainants and respondents are not restricted from discussing the allegations under investigation.

Medical, psychological, and similar treatment records are privileged and confidential documents that cannot be accessed or used for a grievance process under this regulation without the relevant party's voluntary, written consent.

3. Privacy

The term "privacy" refers to the discretion that will be exercised by the University in the course of any investigation or grievance processes under this regulation.

In all proceedings under this regulation, the University will take into consideration the privacy of the parties to the extent possible.

In cases involving students, the Title IX Coordinator may notify University staff or faculty on a need-to-know basis of the existence of the report and/or formal complaint for the purpose of overseeing compliance with this regulation and addressing any concerns related to educational and residential life. While not bound by confidentiality, these individuals will be discreet and will respect the privacy of those involved in the process.

In accordance with federal regulations, the University will keep confidential the identity of any individual who has made a report or formal complaint under this regulation, including any complainant, any individual who has been reported to be the perpetrator, any respondent, and any witness, except as may be permitted by Family Educational Rights and Privacy Act (FERPA), or as required by law, or to carry out the purposes of conducting any investigation or hearing under this regulation.

Any additional disclosure by the University of information related to the report or formal complaint may be made if consistent with FERPA or the Title IX requirements. In addition, governmental agencies, may mandate certain reporting related to prohibited conduct under this regulation involving University employees or students.

4. Release of Information

If the University Police Department becomes aware of a serious and continuing threat to the campus community, they may issue a timely warning in accordance with federal regulation to protect the health or safety of the community. The University Police Department may also publish a reported incident in the daily crime log or annual security report. In addition, the University may also share non-identifying information, including data about outcomes and sanctions, in aggregate form. The University will not disclose the name or other personally identifiable information of the complainant unless it has received the express consent of the complainant or unless the release of such information is consistent with legal requirements or mandated by law.

VI. Options for Complainants, Respondents, and Other Reporting Individuals

A complainant, respondent, or witness has many options, including counseling and support services. Information regarding contact information for local law enforcement as well as contact information for confidential resources that are available to provide support to parties and witnesses are listed below.

After consulting a confidential resource as appropriate, a complainant may:

- Request supportive measures from the Title IX Coordinator;
- File a formal complaint with the Title IX Coordinator, thereby invoking the University's internal grievance process;
- Contact the University Police Department or local law enforcement to file a criminal complaint and preserve physical evidence; the University Police Department can assist a complainant who decides to pursue a criminal process if local law enforcement if the incident does not fall under University Police Department's jurisdiction.

An individual may pursue some or all of these steps at the same time. When initiating any of the above, an individual does not need to know whether they wish to request any particular course of action, nor how to label what happened. Before or during this decision-making process, complainants and other reporting individuals are encouraged to consult a confidential resource.

1. Employees' Responsibility to Report

In emergency situations, if there is a suspected crime in progress or imminent or serious threats to the safety of anyone, employees must immediately contact the Department of Public Safety by dialing 911.

In non-emergency situations, employees (other than those formally designated as confidential resources under this regulation) must promptly report suspected violations of this regulation to the Title IX Coordinator. Some students with special responsibilities, including Residential Assistants, must promptly report alleged violations of this regulation to their supervisors in Housing and Residence Life, who will then consult with the Title IX Coordinator.

Students are encouraged to report any suspected violation of this regulation.

2. Anonymous Reporting

If a reporting individual makes an anonymous report, Title IX Coordinator will consider how to proceed, taking into account the individual's articulated concerns; the best interests of the University community; fair treatment of all individuals involved; and the University's obligations under Title IX.

A complainant cannot file a formal complaint anonymously.

Any individual may make an anonymous report concerning a violation of this regulation through the online reporting form. Anonymous reporting does not satisfy employees' reporting obligation. However, if the reporter provides limited information, the University may be limited in its ability to take action.

3. Timeliness of Report

Complainants and other reporting individuals are encouraged to report any violation of this regulation as soon as possible in order to maximize the University's ability to respond promptly and effectively. Reports and formal complaints may be made at any time without regard to how much time has elapsed since the incident(s) in question. If the respondent is no longer a student or employee at the time of the report or formal complaint, the University may not be in a position to gather evidence sufficient to reach a determination as to the formal complaint and/or the University may not be able to take disciplinary action against the respondent. However, the University will still seek to provide support for the complainant and seek to take steps to end the prohibited behavior, prevent its recurrence, and address its effects.

4. Amnesty

In order to encourage reports of conduct that is prohibited under this regulation, the University may offer leniency with respect to other violations which may come to light as a result of such reports, depending on the circumstances involved.

VII. Supportive Measures for Complainants and Respondents

Upon receipt of a report or formal complaint of a violation of this regulation, the University, through the Title IX Coordinator, will promptly contact the complainant 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, and explain to the complainant the process for filing a formal complaint. The University will also consider supportive measures, as appropriate and reasonably available, for the respondent.

These supportive measures are designed to restore or preserve equal access to the University's educational and working programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties and the broader University community, or deter sexual harassment. While a supportive measure may impose some restrictions on a party, it will not unreasonably burden them. The University may provide supportive measures to the complainant or respondent, as appropriate, as reasonably available, and will do so without fee or charge, regardless of whether the complainant seeks formal disciplinary action. Once supportive measures are approved, the parties or affected individuals will be notified in writing of the supportive measures. The University will maintain any supportive measures provided to the complainant or respondent as confidential to the extent possible.

Supportive measures may include:

- counseling;
- extensions of deadlines or other course-related adjustments;
- modifications of work or class schedules;
- campus escort services;
- mutual no-contact directives between the parties;
- changes in work or housing locations;
- leaves of absence;
- increased security and monitoring of certain areas of the campus; and/or
- any other measure that can be used to achieve the goals of this regulation.

Requests for supportive measures may be made by or on behalf of the complainant or respondent to any University official, including the Title IX Coordinator. The Title IX Coordinator is responsible for ensuring the implementation of supportive measures and coordinating the University's response with the appropriate offices on campus.

All individuals are encouraged to report concerns about the failure of another to abide by any restrictions imposed by a supportive measure. The University will take immediate action to enforce a previously implemented measure and disciplinary sanctions can be imposed for failing to abide by a University-imposed measure.

VIII. Emergency Removal

In connection with this regulation, whether or not a grievance process is underway, the University may summarily remove an individual from an education program or activity on an emergency basis, after undertaking an individualized safety and risk analysis, and upon the determination that the individual poses an immediate threat to the physical health or safety of any student or other individual (including themselves, the respondent, the complainant, or any other individual). In these situations, the University will provide the individual with notice and an opportunity to challenge the decision immediately following the removal.

IX. Informal Resolution Process

Subject to the consent of the parties and the approval of the Title IX Coordinator, the University permits informal resolution processes in cases in which a formal complaint has been filed with the Title IX Coordinator. Subject to approval by the Title IX Coordinator, the informal resolution process is available in matters involving a student complainant and a student respondent as well as in matters involving a faculty/staff complainant and a faculty/staff respondent; the informal resolution process is not available in matters involving a student complainant and a faculty/staff respondent.

The informal resolution process is a voluntary, remedies-based process designed to provide parties with an option to resolve disputes with other students in a forum that is separate and distinct from the University's formal grievance processes under this regulation. The purpose of the informal resolution process is to address the conduct which has been reported by the complainant, and place the parties in a position to pursue their academic and non-academic interests in a safe, respectful, and productive educational and working environment. Under this process, there will be no disciplinary action taken against a respondent, and the resolution will not appear on the respondent's disciplinary record.

The University may facilitate the informal resolution process prior to conducting a hearing. Before the informal resolution process is used, both parties must provide voluntary, written consent to the informal resolution process and must receive written notice disclosing: the allegations, the requirements of the informal resolution process (including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations), and any outcomes resulting from participating in the informal resolution process (including the records that will be maintained or could be shared). At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the Title IX Regulation grievance process with respect to the formal complaint.

The University will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints under the Title IX Regulation. Similarly, the University will not require, encourage, or discourage the parties from participating in the informal resolution process.

X. Grievance Procedures for Title IX Complaints, In General

The University is committed to providing a prompt and impartial investigation and adjudication of all formal complaints alleging violations of this regulation. During the grievance process, both parties (complainant and respondent) have equal rights to participate.

1. Conflict of Interest

All individuals who have responsibilities in administering the grievance process under this regulation must be free of any conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent and will be trained as provided by federal regulations. Parties will be notified at the appropriate junctures of the identities of the individuals serving as investigators and others in the adjudication or appeal process. A party who has concerns that one or more of the individuals in the process has conflicting interest or is biased must report those concerns to the Title IX Coordinator within 48 hours of being notified of their identities and include a brief explanation of the basis for the conflict or bias concern. The Title IX Coordinator will assess the allegations of conflict or bias to determine whether or not the identified individual(s) can fulfill

their duties in an impartial way. If the Title IX Coordinator concludes that the facts and circumstances support the claim of conflict or bias, the pertinent individual(s) will not participate in the case.

2. Responsibility to Review Reports and Formal Complaints

In order to protect the safety of the campus community, the Title IX Coordinator may review reports of violations of this regulation even absent the filing of a formal complaint, or under certain circumstances, even if a formal complaint has been withdrawn. In limited circumstances, the Title IX Coordinator may need to themselves file a formal complaint and proceed with an investigation even if a complainant specifically requests that the matter not be pursued. In such a circumstance, the Title IX Coordinator will take into account the complainant's articulated concerns, the best interests of the University community, fair treatment of all individuals involved, and the University's obligations under Title IX.

Under this regulation, an investigation and adjudication may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. Neither a decision by law enforcement regarding prosecution nor the outcome of any criminal proceeding will be considered determinative of whether a violation of this regulation has occurred.

3. Presumption of Good Faith Reporting

The University presumes that reports of prohibited conduct are made in good faith. A finding that the alleged behavior does not constitute a violation of this regulation or that there is insufficient evidence to establish that the alleged conduct occurred as reported does not mean that the report was made in bad faith.

4. Presumption of Non-Responsibility

The respondent is presumed to be not responsible for the alleged conduct unless and until a determination regarding responsibility is made at the conclusion of the grievance process.

5. Honesty and Cooperation during Grievance Process

The University expects all members of the University community to be honest and cooperative in their official dealings with the University under this regulation. In this regard, individuals are expected to acknowledge requests from University officials for information in a timely fashion and to make themselves available for meetings with University officials or any officials acting on behalf of the University; any student or member of the faculty or staff who fails to do so may be subject to discipline. However, parties and witnesses may choose not to attend the hearing or may choose not to participate in cross examination at the hearing.

6. Advisers

Throughout the grievance process, each party may have an adviser of their choice; parties may change their adviser at any time during the grievance process. An adviser is an individual chosen by a complainant or a respondent to provide guidance during the grievance process. An adviser may be a member or non-member of the University community, and may be an attorney. The adviser may attend the hearing and may conduct cross-examination of the other party and any witnesses at the hearing; otherwise, the adviser may not actively participate in the hearing.

If a party does not have an adviser present at the hearing to conduct cross examination, the University will provide without fee or charge to that party an adviser selected by the University to conduct cross-examination of the other party and/or any witnesses.

Any individual who serves as an adviser is expected to make themselves available for meetings and interviews throughout the investigation process, as well as the hearing, as scheduled by the University. The University (including any official acting on behalf of the University such as an investigator or a hearing panelist) has the right at all times to determine what constitutes appropriate behavior on the part of an adviser and to take appropriate steps to ensure compliance with this regulation.

7. Prior Sexual Behavior

The complainant's prior sexual behavior are not relevant and will not be used during the grievance process, unless offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

8. Consolidation

The Title IX Coordinator has the discretion to consolidate multiple formal complaints as to allegations of Title IX Regulation violations 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 Title IX Regulation violations arise out of the same facts or circumstances.

9. Investigation of Allegations of Violations of Other University Regulations

a. Allegations under the Prohibited Discrimination Regulation

When an initial assessment or investigation under this regulation identifies additional related possible violations of the Prohibited Discrimination Regulation by the same party(ies), the grievance process set forth in the Title IX Regulation and procedures will apply to all allegations. Under such circumstances, the parties will be provided with written notice containing the following information: (a) the alleged prohibited conduct, and (b) the regulation(ies) under which alleged prohibited conduct falls.

b. Allegations under Other University Regulations

When an initial assessment or investigation under this regulation identifies additional related possible violations of University regulations (other than the Prohibited Discrimination Regulation, as described above) by the same party(ies) that would normally be handled by another responsible office, the Title IX Coordinator, with the approval of that responsible office, may direct investigators under this regulation to investigate such other possible violations at the same time that they investigate the allegations covered by this regulation. Under such circumstances, the records from the investigation of the non-Title IX Regulation matter shall be provided to the office responsible for adjudicating that non-Title IX Regulation matter in accordance with applicable University regulations and procedures.

10. Procedures Where One Party Is a Member of the University Community and the Other Party Is a Non-Member of the University Community

When a third party, (i.e., a non-member of our University community, which could include, for example, alumni) is a party under this regulation, the University will use disciplinary procedures that are generally consistent with the disciplinary procedures described in this regulation, appropriately modified based on the particular circumstances of the case and taking into account privacy requirements and the like. In no case will a member of

our community (i.e., current student, faculty member, or staff member) be afforded lesser rights or lesser opportunities to participate in the disciplinary proceeding than the non-member of the University community.

XI. Investigation and Adjudication in Student Respondent Cases

1. Timing

The University will seek to complete the investigation and adjudication within ninety (90) business days after the investigators' first interview of the complainant. Investigations will proceed according to the aforementioned timeframe during the summer and at other times when the University is not in session. Timeframes for all phases of the grievance process, including the investigation, the hearing, and any related appeal, apply equally to both parties.

There may be circumstances that require the extension of time frames for good cause. Time frames may be extended to ensure the integrity and completeness of the investigation or adjudication, comply with a request by external law enforcement, accommodate the absence of a party, adviser, or witness, or for other legitimate reasons, including the complexity of the investigation and the severity and extent of the alleged misconduct. The University will notify the parties in writing of any extension of the time frames for good cause, and the reason for the extension.

In accordance with University regulation, the University will review requests for language assistance and accommodation of disabilities throughout the investigation and adjudication process.

Although cooperation with law enforcement may require the University to temporarily suspend the fact-finding aspect of an investigation, under such circumstances, the University will promptly resume its investigation as soon as it is notified by the law enforcement agency that the agency has completed the evidence gathering process. The University will not, however, wait for the conclusion of a criminal proceeding to begin its own investigation and, if needed, will take immediate steps to provide supportive measures for the complainant or respondent. Neither a decision by law enforcement regarding prosecution nor the outcome of any criminal proceeding will be considered determinative of whether a violation of this regulation has occurred.

2. Investigation

If the Title IX Coordinator has determined, following an initial assessment, that an investigation is appropriate, the Title IX Coordinator or a designee will act as the investigator.

a. Notice of Investigation

Following the receipt and review of the formal complaint by the Title IX Coordinator, and it being determined that the matter properly falls under this Title IX Regulation, the parties will be informed in writing of the initiation of the investigation. The written information shall include:

- The identities of the parties, if known.
- A concise summary of the alleged conduct at issue (including when and where it occurred, if known).
- Notice of the allegations potentially constituting Title IX Regulation violations.
- A statement that the respondent is presumed not responsible and that a determination regarding responsibility is made at the conclusion of the grievance process.

- A statement informing the parties that they may have an adviser of their choice, who may be, but is not required to be, an attorney.
- A statement informing the parties that they may request to inspect and review evidence.
- A statement informing the parties that knowingly making false statements or knowingly submitting false information during the grievance process may constitute a violation of University regulation.
- Information regarding the applicable grievance procedures, including the informal resolution process.

If, during the investigation, additional information is disclosed that may also constitute prohibited conduct under this regulation, the respondent and complainant will be informed in writing that such additional information will be included in the grievance process.

b. Collection of Evidence

The investigators will collect information from each party. While the complainant and the respondent are not restricted from gathering and presenting relevant evidence, the investigators are responsible for gathering relevant evidence to the extent reasonably possible. However, each party will be given an equal opportunity to suggest witnesses; provide other relevant information, such as documents, communications, photographs, and other evidence; and suggest questions to be posed to the other party or witnesses. Parties and witnesses are expected to provide all available relevant evidence to the investigators during the investigation. If a party or witness fails to provide available relevant evidence during the investigation, such evidence may, at the discretion of the Director of Student Conduct or designee, be excluded from consideration at the hearing. While parties are not restricted from presenting information attesting to the parties' character, such evidence generally is not considered relevant.

The investigators will provide to a party written notice of the date, time, location, participants, and purpose of all investigative interviews to which they are invited or expected, with sufficient time (generally no less than three (3) business days, absent exigent circumstances) for the party to prepare to participate.

Parties will be interviewed separately. The investigator will interview witnesses as necessary.

In general, a party's medical and counseling records are confidential. The investigators will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the investigators obtain that party's voluntary, written consent to do so.

The investigators will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege (e.g., attorney-client, doctor-patient), unless the individual holding such privilege has waived the privilege.

c. Case File

After each party has been interviewed and had the opportunity to identify witnesses and other potentially relevant information and evidence, and the investigators have completed any witness interviews and any gathering of evidence, the investigators will prepare a case file. The case file will include all collected evidence that is directly related to the allegations raised in the formal complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and any inculpatory or exculpatory evidence, whether obtained from a party or other source as part of the investigation. The case file may include, as

applicable, transcripts or summaries of party and witness interviews and other collected documents and evidence. The investigators will provide the case file, redacted of personally identifiable information in accordance with privacy regulations, to each party and their adviser in electronic form or hard copy. In all cases, any information relied on in adjudicating the matter will be provided to the parties and their advisers. The investigators will also provide an updated Notice of the Allegations, as appropriate.

d. Investigative Report

Following their review of the parties' responses (if any) to the case file, the investigators will create a written investigative report that summarizes all relevant evidence. The investigator will not make a finding of responsibility.

Within ten (10) business days of receiving the investigative report, each party may respond in writing, which may include a request that the investigators collect additional evidence. If the investigators believe that further information is needed following receipt of any responses from the parties, the investigators will pursue any additional investigative steps as needed. The parties and their advisers will be provided with each party's written responses to the case file, if any, as well as any additional information collected by the investigators, in electronic format or hard copy.

At least ten (10) business days prior to the hearing, the investigative report will be provided to the parties and their advisers via electronic format.

The parties may choose to provide a written response to the investigative report, which must be submitted at least five (5) business days prior to the start of the hearing. At least 48 hours prior to the hearing, the parties and their advisers will be provided with the other party's written response to the investigative report, if any, in electronic format.

3. Hearing

A panel of three individuals will make up the hearing panel and will hear every case. One of the individuals on the hearing panel will be the Director of Student Conduct or a designee and shall serve as the hearing officer and two of the individuals on the Hearing panel may be members of the University community or designees appointed by the hearing officer.

The hearing officer will have absolute discretion with respect to administering the hearing. The hearing officer will decide whether evidence and witnesses are relevant or irrelevant, with the understanding that the introduction of relevant evidence and witnesses will always be permitted. The hearing officer will be responsible for maintaining an orderly, fair, and respectful hearing and will have broad authority to respond to disruptive or harassing behaviors, including adjourning the hearing or excluding the offending individual, including a party, witness, or adviser.

Prior to the hearing, the hearing panel will be provided with the case file, investigative report, and any responses to the investigative report. All members of the hearing panel shall review the case file (including the parties' responses), ask questions during the hearing as they deem appropriate, and participate in the deliberations leading to the adjudication of responsibility.

At least five (5) business days prior to the hearing, the parties and their advisers will be notified of the hearing date, time, and location (or relevant electronic information, if the hearing will be conducted remotely).

In advance of the hearing, parties will be required to identify witnesses to be called at the hearing, as well as to provide a brief written explanation of the information each witness would be asked to provide, such that the hearing officer can determine their relevance. The hearing officer has the discretion to exclude from the hearing evidence/witnesses/questions deemed irrelevant.

At the hearing officer's discretion, pre-hearing meetings may be scheduled with each of the parties and their advisers to explain the hearing protocol.

a. Standard of Proof

The standard of proof under this regulation is preponderance of the evidence. A finding of responsibility by a preponderance of the evidence means that it is more likely than not, based on all the relevant evidence and reasonable inferences from the evidence, that the respondent violated this regulation.

b. Expectation regarding the Complainant, the Respondent, and the Witnesses regarding the Hearing

In all proceedings under this regulation, including at the hearing, the complainant, the respondent, and the witnesses and other individuals sharing information are expected to provide truthful information.

If the complainant, the respondent, or a witness informs the University that they will not attend the hearing (or will refuse to be cross-examined), the hearing may proceed, as determined by the Title IX Coordinator. The hearing panel may not, however: (a) rely on any statement or information provided by that non-participating individual in reaching a determination regarding responsibility; or (b) draw any adverse inference in reaching a determination regarding responsibility based solely on the individual's absence from the hearing (or their refusal to be cross-examined).

Each party may make requests related to the format or the nature of their participation in the hearing. The hearing officer will accommodate requests by either party for the hearing to occur with the parties located in separate locations with technology enabling the hearing panel and the parties to simultaneously see and hear the party answering questions. As appropriate and/or at the discretion of the hearing officer, hearings may be conducted in person or by video conference or any other means of communications by which all individuals participating are able to see and hear each other.

c. Case Presentation

While the hearing is not intended to be a repeat of the investigation, the parties will be provided with an equal opportunity for their advisers to conduct cross examination of the other party and/or of relevant witnesses. A typical hearing may include brief opening remarks by the hearing officer; questions posed by the hearing panel to one or both of the parties; questions posed by the hearing panel to any relevant witnesses; and cross-examination by either party's adviser of the other party and relevant witnesses.

The parties' advisers will have the opportunity to cross examine the other party (and witnesses, if any). Such cross examination must be conducted directly, orally, and in real time by the party's adviser and never by a party personally. Only relevant cross examination questions may be asked of a party or witness. Before a party or witness answers a cross-examination question that has been posed by a party's adviser, the hearing officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

Other University administrators may attend the hearing at the request of or with the prior approval of the hearing officer.

d. Record of Hearing

The University shall create an official record in the form of all written materials used in the hearing including the investigation report, attachments, etc.

e. Written Determination

Following the hearing, the hearing panel will consider all of the relevant evidence and deliberate regarding responsibility. The hearing panelist shall make a determination, by a preponderance of the evidence, whether the respondent has violated the regulation. The hearing panelist shall write a written determination, which will contain: (1) the allegations potentially constituting the Title IX Regulation violation; (2) a description of the procedural steps taken from the receipt of the formal complaint through the determination (including any notifications to the parties, interviews with parties and witnesses, site visits (if any), methods used to gather other information, and the hearing); (3) findings of fact supporting the determination; (4) conclusions regarding the application of this regulation to the facts; (5) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility (i.e., whether a regulation violation occurred), any disciplinary sanctions imposed by the Director of Student Conduct or designee if there has been a finding of responsibility, and whether any remedies designed to restore or preserve equal access to the University's education program or activity or working environment will be implemented; and (6) relevant appeal information for the parties. Disciplinary sanctions and remedies will be determined in accordance with the procedures listed below, and the information will be provided to the Hearing panelist for inclusion in the written determination.

The parties and their advisers will simultaneously be provided with the written determination via electronic format.

4. Disciplinary Sanctions and Remedies (to be included in the Written Determination)

If a party is found to have violated this regulation, before finalizing the written determination, the hearing officer will refer the matter to the appropriate University official(s) to determine sanctions and remedies. Sanctions being imposed will be included in the written determination.

Sanctions will take into account the seriousness of the misconduct as compared to like cases in the past, the respondent's previous disciplinary history (if any), and institutional principles. Remedies, which may include supportive measures, will be designed to restore or preserve equal access to the University's education program or activity. Specifically, sanctions will be set by the following Director of Student Conduct or designee:

- If a **high school, undergraduate or graduate student** is found responsible for violating the regulation, the case record (consisting of the case file and responses, investigative report and responses, and written determination relating to the finding of responsibility) will be provided to the Director of Student Conduct or designee. The Director or Student Conduct or designee will determine sanctions and remedies in consultation with appropriate University administrators. Any sanctions and remedies will be included in the hearing panelist's written determination, and sanctions will be subject to appeal under this regulation.

XII. Appeal of Student Respondent Cases

Appeals under this regulation will be heard by the Dean of Students or designee.

Both parties have equal rights to an impartial appeal at the following junctures:

- A. Upon the dismissal of a formal complaint or any allegations therein.
- B. Upon receiving the hearing officer's written determination regarding responsibility and, when applicable, sanction and remedies.

Appeals may be submitted on the following bases: (1) procedural irregularity that affected the outcome of the matter; (2) new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made which could affect the outcome of the matter; and/or (3) the Title IX Coordinator or their staff, investigator(s), any member of the hearing panel or Director of Student Conduct or designee had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

To appeal, a party must electronically submit a written appeal statement to the Dean of Students of the University within five (5) business days of receipt of the written determination or dismissal. The Dean of Students may deem a late submission reasonable only under extenuating circumstances, and may decide in their sole discretion what constitutes valid extenuating circumstances. The appeal shall consist of a written statement not to exceed 2500 words, outlining the basis for appeal and the relevant information to substantiate the appeal. The non-appealing party will be provided with a copy of the appealing party's written statement and may submit a written response, not to exceed 2500 words, to the Dean of Students within five (5) business days of receipt of the appealing party's written statement. The non-appealing party's statement will be provided to the appealing party. No further appeal submissions from the parties shall be permitted.

An appeal is limited in scope. The purpose of an appeal is not to initiate a review of substantive issues of fact or a new determination of whether a violation of University rules has occurred.

In deciding an appeal, the Dean of Students may consider the case file and any responses, investigative report and any responses, the hearing record, the written determination, and any written appeal(s) or statements by the parties. The Dean of Students also may consider any other materials the University deems relevant and that have been shared with the parties.

The parties and their advisers will simultaneously be provided (via electronic format) with the written decision describing the result of the appeal and the rationale for the result.

- If the Dean of Students finds that the earlier decision should stand, the parties will be so informed and the Title IX process is concluded.
- If the Dean of Students finds that there was procedural irregularity that affected the outcome of the matter, the matter will be remanded to the Director of Student Conduct or designee to determine appropriate further action.
- If the Dean of Students finds that new evidence is available which was not reasonably available at the time of the determination regarding responsibility or dismissal, and such evidence could alter the outcome of the matter, the matter will be remanded to the hearing officer for appropriate further action.
- If the Dean of Students finds that the Title IX Coordinator or their staff, investigator(s), or member of the hearing panel, had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter, the Dean of Students will take appropriate measures to address and remediate the impact of the bias or conflict consistent with the general procedures of this regulation.

- If the Dean of Students finds that the sanctions (or recommended sanctions) are not commensurate with the violation, the matter will be remanded to the Director of Student Conduct or designee for reconsideration.

The Dean of Students will seek to complete the appeal review within twenty (20) business days of receipt of the appealing party's written statement.

Unless further proceedings are necessary the determination regarding responsibility becomes final either on the date that the parties are provided with the written determination of the result of an appeal if an appeal is filed (at which point the Title IX Regulation grievance process is concluded), or if an appeal is not filed, the date on which an appeal would no longer be considered timely (at which point the Title IX Regulation grievance process is concluded).

XIII. Investigation and Adjudication of Faculty or Staff Respondent Cases

1. Timing

The University will seek to complete the investigation and adjudication within ninety (90) business days after the investigators' first interview of the complainant. Investigations will proceed according to the aforementioned timeframe during the summer and at other times when the University is not in session. Timeframes for all phases of the grievance process, including the investigation, the hearing, and any related appeal, apply equally to both parties.

There may be circumstances that require the extension of time frames for good cause. Time frames may be extended to ensure the integrity and completeness of the investigation or adjudication, comply with a request by external law enforcement, accommodate the absence of a party, adviser, or witness, or for other legitimate reasons, including the complexity of the investigation and the severity and extent of the alleged misconduct. The University will notify the parties in writing of any extension of the time frames for good cause, and the reason for the extension.

In accordance with University regulation, the University will review requests for language assistance and accommodation of disabilities throughout the investigation and adjudication process.

Although cooperation with law enforcement may require the University to temporarily suspend the fact-finding aspect of an investigation, under such circumstances, the University will promptly resume its investigation as soon as it is notified by the law enforcement agency that the agency has completed the evidence gathering process. The University will not, however, wait for the conclusion of a criminal proceeding to begin its own investigation and, if needed, will take immediate steps to provide supportive measures for the complainant or respondent. Neither a decision by law enforcement regarding prosecution nor the outcome of any criminal proceeding will be considered determinative of whether a violation of this regulation has occurred.

2. Investigation

If the Title IX Coordinator has determined, following an initial assessment, that an investigation is appropriate, the Title IX Coordinator or a designee will act as the investigator.

a. Notice of Investigation

Following the receipt and review of the formal complaint by the Title IX Coordinator, and it being determined that the matter properly falls under this Title IX Regulation, the parties will be informed in writing of the initiation of the investigation. The written information shall include:

- The identities of the parties, if known.
- A concise summary of the alleged conduct at issue (including when and where it occurred, if known).
- Notice of the allegations potentially constituting Title IX Regulation violations.
- A statement that the respondent is presumed not responsible and that a determination regarding responsibility is made at the conclusion of the grievance process.
- A statement informing the parties that they may have an adviser of their choice, who may be, but is not required to be, an attorney.
- A statement informing the parties that they may request to inspect and review evidence.
- A statement informing the parties that knowingly making false statements or knowingly submitting false information during the grievance process may constitute a violation of University regulation.
- Information regarding the applicable grievance procedures, including the informal resolution process.

If, during the investigation, additional information is disclosed that may also constitute prohibited conduct under this regulation, the respondent and complainant will be informed in writing that such additional information will be included in the grievance process.

b. Collection of Evidence

The investigators will collect information from each party. While the complainant and the respondent are not restricted from gathering and presenting relevant evidence, the investigators are responsible for gathering relevant evidence to the extent reasonably possible. However, each party will be given an equal opportunity to suggest witnesses; provide other relevant information, such as documents, communications, photographs, and other evidence; and suggest questions to be posed to the other party or witnesses. Parties and witnesses are expected to provide all available relevant evidence to the investigators during the investigation. If a party or witness fails to provide available relevant evidence during the investigation, such evidence may, at the discretion of the Director of Student Conduct or designee, be excluded from consideration at the hearing. While parties are not restricted from presenting information attesting to the parties' character, such evidence generally is not considered relevant.

The investigators will provide to a party written notice of the date, time, location, participants, and purpose of all investigative interviews to which they are invited or expected, with sufficient time (generally no less than three (3) business days, absent exigent circumstances) for the party to prepare to participate.

Parties will be interviewed separately. The investigator will interview witnesses as necessary.

In general, a party's medical and counseling records are confidential. The investigators will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the investigators obtain that party's voluntary, written consent to do so.

The investigators will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege (e.g., attorney-client, doctor-patient), unless the individual holding such privilege has waived the privilege.

c. Case File

After each party has been interviewed and had the opportunity to identify witnesses and other potentially relevant information and evidence, and the investigators have completed any witness interviews and any gathering of evidence, the investigators will prepare a case file. The case file will include all collected evidence that is directly related to the allegations raised in the formal complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and any inculpatory or exculpatory evidence, whether obtained from a party or other source as part of the investigation. The case file may include, as applicable, transcripts or summaries of party and witness interviews and other collected documents and evidence. The investigators will provide the case file, redacted of personally identifiable information in accordance with privacy regulations, to each party and their adviser in electronic form or hard copy. In all cases, any information relied on in adjudicating the matter will be provided to the parties and their advisers. The investigators will also provide an updated Notice of the Allegations, as appropriate.

d. Investigative Report

Following their review of the parties' responses (if any) to the case file, the investigators will create a written investigative report that summarizes all relevant evidence. The investigator will not make a finding of responsibility.

Within ten (10) business days of receiving the investigative report, each party may respond in writing, which may include a request that the investigators collect additional evidence. If the investigators believe that further information is needed following receipt of any responses from the parties, the investigators will pursue any additional investigative steps as needed. The parties and their advisers will be provided with each party's written responses to the case file, if any, as well as any additional information collected by the investigators, in electronic format or hard copy.

At least ten (10) business days prior to the hearing, the investigative report will be provided to the parties and their advisers via electronic format.

The parties may choose to provide a written response to the investigative report, which must be submitted at least five (5) business days prior to the start of the hearing. At least 48 hours prior to the hearing, the parties and their advisers will be provided with the other party's written response to the investigative report, if any, in electronic format.

3. Hearing

A panel of three individuals will make up the hearing panel and will hear every case. One of the individuals on the hearing panel will be the Director of Human Resources, Vice Provost, or a designee and shall serve as the hearing officer and two of the individuals on the hearing panel may be members of the University community or designees appointed by the hearing officer.

The hearing officer will have absolute discretion with respect to administering the hearing. The hearing officer will decide whether evidence and witnesses are relevant or irrelevant, with the understanding that the introduction of relevant evidence and witnesses will always be permitted. The hearing officer will be responsible for

maintaining an orderly, fair, and respectful hearing and will have broad authority to respond to disruptive or harassing behaviors, including adjourning the hearing or excluding the offending individual, including a party, witness, or adviser.

Prior to the hearing, the hearing panel will be provided with the case file, investigative report, and any responses to the investigative report. All members of the hearing panel shall review the case file (including the parties' responses), ask questions during the hearing as they deem appropriate, and participate in the deliberations leading to the adjudication of responsibility.

At least five (5) business days prior to the hearing, the parties and their advisers will be notified of the hearing date, time, and location (or relevant electronic information, if the hearing will be conducted remotely).

In advance of the hearing, parties will be required to identify witnesses to be called at the hearing, as well as to provide a brief written explanation of the information each witness would be asked to provide, such that the hearing officer can determine their relevance. The hearing officer has the discretion to exclude from the hearing evidence/witnesses/questions deemed irrelevant.

At the hearing officer's discretion, pre-hearing meetings may be scheduled with each of the parties and their advisers to explain the hearing protocol.

a. Standard of Proof

The standard of proof under this regulation is preponderance of the evidence. A finding of responsibility by a preponderance of the evidence means that it is more likely than not, based on all the relevant evidence and reasonable inferences from the evidence, that the respondent violated this regulation.

b. Expectation regarding the Complainant, the Respondent, and the Witnesses regarding the Hearing

In all proceedings under this regulation, including at the hearing, the complainant, the respondent, and the witnesses and other individuals sharing information are expected to provide truthful information.

If the complainant, the respondent, or a witness informs the University that they will not attend the hearing (or will refuse to be cross-examined), the hearing may proceed, as determined by the Title IX Coordinator. The hearing panel may not, however: (a) rely on any statement or information provided by that non-participating individual in reaching a determination regarding responsibility; or (b) draw any adverse inference in reaching a determination regarding responsibility based solely on the individual's absence from the hearing (or their refusal to be cross-examined).

Each party may make requests related to the format or the nature of their participation in the hearing. The hearing officer will accommodate requests by either party for the hearing to occur with the parties located in separate locations with technology enabling the hearing panel and the parties to simultaneously see and hear the party answering questions. As appropriate and/or at the discretion of the hearing officer, hearings may be conducted in person or by video conference or any other means of communications by which all individuals participating are able to see and hear each other.

c. Case Presentation

While the hearing is not intended to be a repeat of the investigation, the parties will be provided with an equal opportunity for their advisers to conduct cross examination of the other party and/or of relevant witnesses. A typical hearing may include brief opening remarks by the hearing officer; questions posed by the hearing panel

to one or both of the parties; questions posed by the hearing panel to any relevant witnesses; and cross-examination by either party's adviser of the other party and relevant witnesses.

The parties' advisers will have the opportunity to cross examine the other party (and witnesses, if any). Such cross examination must be conducted directly, orally, and in real time by the party's adviser and never by a party personally. Only relevant cross examination questions may be asked of a party or witness. Before a party or witness answers a cross-examination question that has been posed by a party's adviser, the hearing officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

Other University administrators may attend the hearing at the request of or with the prior approval of the hearing officer.

d. Record of Hearing

The University shall create an official record in the form of all written materials used in the hearing including the investigation report, attachments, etc.

e. Written Determination

Following the hearing, the hearing panel will consider all of the relevant evidence and deliberate regarding responsibility. The hearing panelist shall make a determination, by a preponderance of the evidence, whether the respondent has violated the regulation. The hearing panelist shall write a written determination, which will contain: (1) the allegations potentially constituting the Title IX Regulation violation; (2) a description of the procedural steps taken from the receipt of the formal complaint through the determination (including any notifications to the parties, interviews with parties and witnesses, site visits (if any), methods used to gather other information, and the hearing); (3) findings of fact supporting the determination; (4) conclusions regarding the application of this regulation to the facts; (5) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility (i.e., whether a regulation violation occurred), any disciplinary sanctions imposed by the Director of Human Resources, Vice Provost or designee if there has been a finding of responsibility, and whether any remedies designed to restore or preserve equal access to the University's education program or activity or working environment will be implemented; and (6) relevant appeal information for the parties. Disciplinary sanctions and remedies will be determined in accordance with the procedures listed below, and the information will be provided to the Hearing panelist for inclusion in the written determination.

The parties and their advisers will simultaneously be provided with the written determination via electronic format.

4. Disciplinary Sanctions and Remedies (to be included in the Written Determination)

If a party is found to have violated this regulation, before finalizing the written determination, the hearing officer will refer the matter to the appropriate University official(s) to determine sanctions and remedies. Sanctions being imposed will be included in the written determination.

Sanctions will take into account the seriousness of the misconduct as compared to like cases in the past, the respondent's previous disciplinary history (if any), and institutional principles. Remedies, which may include supportive measures, will be designed to restore or preserve equal access to the University's education program or activity. Specifically, sanctions will be set by the following Director of Human Resources, Vice Provost or designee:

- If a **faculty member or other individual** is found responsible, the case record (consisting of the case file and responses, investigative report and responses, hearing recording, and written determination relating to the finding of responsibility) will be forwarded to the Provost or designee, who will determine sanctions and remedies in consultation with appropriate University administrators. Any sanctions (and/or recommendation of sanctions) and remedies will be included in the hearing panelist's written determination, and sanctions (and/or recommended sanctions) will be subject to appeal under this regulation.
- If a **staff member** is found responsible, the case record (consisting of the case file and responses, investigative report and responses, and written determination relating to the finding of responsibility) will be forwarded to the Director of Human Resources or designee, who will determine sanctions and remedies in consultation with appropriate University administrators. Any sanctions and remedies will be included in the hearing panelist's written determination, and sanctions will be subject to appeal under this regulation.

XIV. Appeal for Faculty or Staff Respondents

Appeals for faculty or staff will follow the applicable grievance process under Regulation 614, Regulation 615 for staff, or section 7.5 of the Faculty Handbook for faculty.

XV. Range of Sanctions under this Regulation

Members of the University community may be subject to disciplinary sanctions for violating this regulation.

Sanctions Applicable to Students

The sanctions for students are listed below.

1. **Disciplinary Probation.** A more serious admonition assigned for a definite amount of time. It implies that any future violation, of whatever kind, during that time, may be grounds for suspension, suspension with conditions, or in especially serious cases, expulsion from the University. Disciplinary probation will be taken into account in judging the seriousness of any subsequent infraction even if the probationary period has expired. Disciplinary probation appears on a student's permanent record at the University (but not on the transcript) and may be disclosed by the Office of the Dean of Students in response to requests for which the student has given permission or as otherwise legally required.
2. **Withholding of Degree.** In cases involving seniors or graduate students in their final semester, the University may withhold a student's degree for a specified period of time. This sanction is imposed instead of suspension at the end of a student's senior year or final year of graduate study when all other degree requirements have been met. A withheld degree is recorded on a student's transcript. Relevant information remains on the student's permanent record at the University and may be disclosed by the Office of the Dean of Students in response to requests for which the student has given permission or as otherwise legally required.
3. **Suspension.** Removal from membership in the University for a specified period of time. A suspension is recorded on a student's transcript. Relevant information remains on the student's permanent record at the

University and may be disclosed by the Office of the Dean of Students in response to requests for which the student has given permission or as otherwise legally required. A suspension may continue until certain conditions, stipulated by the appropriate body applying this sanction, have been fulfilled. These conditions may include, but are not limited to, restitution of damages, formal apology, or counseling. Relevant information remains on the student's permanent record at the University and may be disclosed by the Office of the Dean of Students or the Office response to requests for which the student has given permission or as otherwise legally required.

4. **Expulsion.** Permanent removal from membership in the University, without any opportunity for readmission to the community. Expulsion is recorded on a student's transcript. Relevant information remains on the student's permanent record at the University and may be disclosed by the Office of the Dean of Students in response to requests for which the student has given permission or as otherwise legally required. An expulsion precludes admission to any other institution within the University of North Carolina System University.

The following may accompany the preceding sanctions, as appropriate:

Campus Service. Campus service up to 10 hours per week may be added to a reprimand or disciplinary probation. This sanction may be particularly appropriate in cases involving vandalism, disorderly conduct, and alcohol-related infractions.

University Housing. When appropriate to the infraction, particularly in instances involving antisocial behavior having a serious impact on the residential community, removal from University housing or relocation within University housing may be added to any of the other sanctions listed above, except warning and reprimand. Relocation within residential colleges will be imposed only after consultation with the head of the student's residential college.

Restriction of Access to Space, Resources, and Activities. When appropriate in cases involving behavioral misconduct between members of the community, restrictions may be placed on access to space and/or resources or on participation in activities so as to limit opportunities for contact among the parties.

Educational Refresher Programs. In addition to any of the sanctions listed above, a student may be required to participate in educational refresher programs appropriate to the infraction.

Restitution. The sanction for willful or reckless damage or vandalism will ordinarily include restitution for replacement or repair.

Sanctions Applicable to Faculty and Staff Members

For violations of this regulation by faculty or staff members, disciplinary sanctions may include (in accordance with the employment regulations governing the employee in question) counseling or training, written warning, financial penalty, unpaid leave of absence, suspension (or recommendation for suspension), demotion, termination (or recommendation for termination) in accordance with applicable regulations. The University may place a faculty or staff member on administrative leave during the pendency of a grievance process, provided that such action shall not modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

Sanctions Applicable to Non-Members of the University Community

For violations of this regulation by non-members of the University community, including alumni, disciplinary sanctions may include being temporarily or permanently barred from the University or subject to other restrictions.

XVI. Informal Resolution Process

The informal resolution process is a voluntary, remedies-based process designed to provide members of the University community with an option to resolve certain disputes with other members of the University community in a forum that is separate and distinct from the University's formal grievance processes under the Title IX Regulation or the Prohibited Discrimination Regulation. Subject to approval by the Title IX Coordinator, the informal resolution process is available in matters involving a student complainant and a student respondent as well as in matters involving a faculty/staff complainant and a faculty/staff respondent; the informal resolution process is not available in matters involving a student and an employee. The purpose of the informal resolution process is to eliminate the conduct which has been reported by the complainant (and prevent its recurrence), and place both individuals in a position to pursue their academic, working, and non-academic interests in a safe, respectful, and productive educational and working environment. Under this process, there will be no disciplinary action taken against a respondent, and the resolution will not appear on the respondent's disciplinary record.

The following are features of the informal resolution process:

- Participation in the informal resolution process is completely voluntary.
 - No party will be required to participate in the informal resolution process and the University will not require, encourage, or discourage the parties from participating in the informal resolution process.
 - All parties must consent in writing to participation in the informal resolution process.
- The University may offer the informal resolution process only under the following circumstances:
 - The Title IX Coordinator has determined, through an initial assessment that the alleged conduct, if substantiated, would constitute a violation of the Title IX Regulation violation or Prohibited Discrimination Regulation.
 - The Title IX Coordinator has determined that the informal resolution process is appropriate for this matter.
- All parties will be provided with a written notice disclosing the allegations, the requirements of the informal resolution process, and any outcomes resulting from participating in the informal resolution process.
- At any time prior to signing an informal resolution agreement, any party has the right to withdraw from the informal resolution process and resume the formal grievance process.
- Under the informal resolution process, there will be no disciplinary action taken against a respondent, and the resolution will not appear on the respondent's disciplinary record. If a formal complaint is filed against the respondent in as subsequent matter under the Title IX Regulation or the Prohibited Discrimination Regulation, the respondent's participation in a prior informal resolution process will not be considered relevant and will not be taken into account in the resolution of the subsequent complaint.

- Parties may be accompanied by a member of the University community who will serve as a support person to any meeting related to the informal resolution process. However, the University support person may not actively participate in meetings and may not serve as a proxy for the party. Any individual who serves as a University support person is expected to make themselves available for meetings as scheduled by the University. The University (including any official acting on behalf of the University) has the right at all times to determine what constitutes appropriate behavior on the part of a University support person and to take appropriate steps to ensure compliance with this regulation.
- Any agreements reached as part of the informal resolution process must be approved by the Title IX Coordinator in order to ensure consistency with the University's federal obligations. If the Title IX Coordinator determines at any time prior to the signing of the informal resolution agreement that the informal resolution process is no longer appropriate, the Title IX Coordinator may terminate the process.
- Upon signing the informal resolution agreement, the parties are bound by its terms and cannot opt for a formal grievance process based on the conduct alleged in the formal complaint.
- Failure to comply with the signed agreement may result in disciplinary action for either party.
- If the parties' circumstances change significantly, they may request a supplemental agreement; the Title IX Coordinator will determine whether it is appropriate to proceed. For example, if both parties joined the same eating club subsequent to signing the agreement or participated in the same study abroad program, either party could request a supplemental agreement to address the changed circumstances, provided that both parties agreed to any such revisions. Under such circumstances, the above conditions would apply.

Initiation of the Informal Resolution Process

If the complainant files a formal complaint and requests to engage in the informal resolution process, the Title IX Coordinator will consider whether the informal resolution process is appropriate in the particular matter. In making this determination, the Title IX Coordinator will consider the following factors:

- The disciplinary record (or past conduct) of the respondent relating to sexual misconduct, physical violence, failure to comply with a no contact directive, and/or other relevant conduct;
- The nature of the alleged conduct, whether allegations involve multiple victims and/or a pattern of conduct, or other evidence-informed factors indicative of increased risk to campus safety;
- Whether the circumstances warrant the Title IX Coordinator filing a formal complaint (e.g., if there is sufficient evidence to proceed with an investigation/adjudication even absent participation by the complainant);
- Whether proceeding with the informal resolution process is in accordance with the principles and objectives of the Title IX Regulation and Prohibited Discrimination Regulation, as determined by the Title IX Coordinator; and/or
- Whether proceeding with the informal resolution process in matters involving faculty and staff members is in accordance with University employment practices.

If the Title IX Coordinator determines that a case is not appropriate for the informal resolution process, the Title IX Coordinator will inform the complainant that the informal resolution process is unavailable.

If the formal grievance process has already begun, either party may seek to initiate the informal resolution process up until five business days prior to the hearing. If both parties agree to participate in the informal resolution process and the Title IX Coordinator approves of the informal resolution process, the formal grievance process will be adjourned while the informal resolution process is pending; if an agreement is not reached, the formal grievance process will be resumed.

Upon initiation of the informal resolution process, the Title IX Coordinator will refer the matter to a trained informal resolution facilitator. The facilitator will consult (separately) with each party in an effort to reach a resolution that best meets the interests and needs of the parties. Unless they mutually choose to do so as part of an agreement, the parties will not meet together in person as part of the process.

Potential Outcomes of the Informal Resolution Process

Depending on the nature and circumstances of the particular situation, parties may agree to outcomes such as:

- Long-term extension of a mutual no contact directive;
- Imposition of a “skewed” no contact directive placing the burden on the respondent to limit the respondent’s physical proximity to the complainant;
- Restrictions on the respondent from participation in particular organizations or events;
- Changes to on-campus housing, subject to availability;
- Participation by the respondent in the University-provided educational resources to assist individuals in exploring harmful attitudes and behaviors, with an aim to empower individuals to actively contribute to a healthier and safer campus community.
- Participation by the respondent in the University-provided alcohol education program designed to reduce the harmful problems associated with alcohol misuse;
- Provision to the respondent of an “impact statement” written by the complainant (describing the impact(s) that the respondent’s conduct had on the complainant);
- Conversation between the parties facilitated by a trained individual appointed by the Title IX Coordinator;
- Other measures deemed appropriate by the Title IX Coordinator.

Failure to Comply with the Informal Resolution Agreement

Failure to comply with the signed agreement may result in disciplinary action for either party, consistent with disciplinary procedures.

Records Relating to the Informal Resolution Process

The records relating to the informal resolution process will be maintained.

Prior to participating in the informal resolution process, parties will be notified in writing that any information gathered in the informal resolution process may be used in the Title IX Regulation or Prohibited Discrimination Regulation formal grievance processes described in if the informal resolution process ends prior to a written agreement being signed by the parties. However, the University will not draw any adverse inference based on a respondent’s participation in the informal resolution process, nor will such participation be considered an admission by the respondent.

Even if the parties enter into a written informal resolution agreement, if information related to the violation of other University regulations (i.e., regulations other than the Title IX Regulation or Prohibited Discrimination Regulation) comes to light through the informal resolution process, such information may be used in other University disciplinary processes, subject to the amnesty regulation.

Retaliation

The protections against Retaliation described above apply to individuals participating in the informal resolution process. Disciplinary consequences may result for those found responsible for Retaliation.

Time Frame for the Informal Resolution Process

The time frame for completion of the informal resolution process may vary, but the University will seek to complete the informal resolution process within thirty (60) business days of completion of the initial assessment. Should the time period extend beyond this time frame, the parties will be notified.

XVII. Training

The University will provide appropriate training to University officials with responsibilities under this regulation, including the University Sexual Misconduct/Title IX Coordinator, employees in the Title IX Office and Human Resources, investigators, Hearing Panel members, Sanction Officers, Appeal panel members, and any individual who facilitates the informal resolution process. Such training will cover the definition of Title IX Sexual Harassment, the scope of the University's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes under this regulation, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The University will ensure that Hearing Panel members receive training on any technology to be used at a hearing and on issues of relevance of questions and evidence, including questions and evidence about the irrelevancy of complainant's sexual predisposition or prior sexual behavior. The University will ensure that investigators receive training on issues of relevance in order to create an investigative report that fairly summarizes relevant evidence. These training materials are publicly available on the University's Title IX website and will be made available for in-person review upon request. In addition, University officials with responsibilities under this regulation will receive training related to intersectionality.

XVIII. Record Retention

The University will maintain for a period of seven years records of the following:

- Each Title IX Regulation grievance process conducted under this regulation, including any determination regarding responsibility, any disciplinary sanction imposed on the respondent, and remedies provided to the complainant designed to restore or preserve access to the University's education program or activity;
- Any appeal and the result therefrom;
- Any informal resolution and the result therefrom; and

- All materials used to train Title IX Coordinators, investigators, hearing panel members, other administrators or designees making determinations of responsibility, sanction or appeal, and any individual who facilitates the informal resolution process with regard to the Title IX Regulation.
- Records of any actions, including any supportive measures, taken in response to a report or formal complaint of the Title IX Regulation. In each instance, the University will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the University’s educational and working program or activity. If the University does not provide a complainant with supportive measures, then the University will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

XIX. Modification and Review of Regulation

The University reserves the right to modify this regulation to take into account applicable legal requirements or extraordinary circumstances.

At regular intervals, the University will review this regulation to determine whether modifications should be made.

Prohibited Discrimination, Harassment, and Regulated Misconduct Regulation 121³

I. Introduction

University of North Carolina School of the Arts (“UNCSA”) is committed to encouraging and sustaining a learning and work community free from discrimination, harassment, and related misconduct. UNCSA is committed to an inclusive community that respects and values all of its members, including (but not limited to) high school students, undergraduate students, graduate students, program participants, faculty, staff, and third parties.

The [Division of Institutional Integrity](#) is responsible for the Prohibited Discrimination, Harassment, Title IX, and Related Misconduct Regulation (“Regulation”). The Division of Institutional Integrity will work in conjunction with Human Resources and the Office of Student Conduct to ensure the campus is in compliance with the Regulation. This Regulation does not include sex and gender-based harassment that falls under the [Interim Title IX Regulation](#).

The Chief Compliance Officer and Title IX Coordinator is UNCSA’s designated Coordinator for Title IX of the Education Amendments of 1972.

The Title IX Coordinator is Valerie Thelen. You can reach her by email at thelenv@unca.edu or at the Title IX Office, 3rd floor of the Library Room 3209, or by phone (336) 932-3917.

³ UNCSA Prohibited Discrimination, Harassment, and Regulated Misconduct Regulation 121 is available in the UNCSA Policy Manual, accessible at: [https://www.unca.edu/myca/policy-manual/100-administration-and-operations/121-title-ix.aspx#:~:text=This%20Regulation%20prohibits%20discrimination%20and,or%20%E2%80%9Cprotected%20characteristics%E2%80%9D\)%3B%20this](https://www.unca.edu/myca/policy-manual/100-administration-and-operations/121-title-ix.aspx#:~:text=This%20Regulation%20prohibits%20discrimination%20and,or%20%E2%80%9Cprotected%20characteristics%E2%80%9D)%3B%20this). The Regulation is replicated in this report in full.

The Director of Learning Resources is the designated Coordinator for Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975. The Director is Jadarius Jackson and can be contacted at the Teaching and Learning Center, 336-726-6963, learningresources@unca.edu.

II. Regulation

This Regulation prohibits discrimination and harassment on the basis of race, color, national origin, sex, gender, gender identity, gender expression, sexual orientation, pregnancy, religion, genetic information, age, disability, or veteran status (collectively, “protected status” or “protected characteristics”); this includes discrimination and harassment based on the perception of an individual’s protected status, even if that perception is incorrect. It also prohibits misconduct related to protected status discrimination and harassment, specifically, relationship violence and stalking. The Regulation applies to the administration of employment and educational policies, practices, programs, and activities.

The Regulation also prohibits retaliation against an individual: (1) who files a complaint or report of discrimination, harassment, or related misconduct; (2) against whom a complaint is filed; (3) who participates in the reporting, investigation, or adjudication of possible violations of this Regulation; or (4) who engages in good faith opposition to what the individual reasonably believes to be discrimination, harassment, or related misconduct under this Regulation.

The Regulation should be read in a way consistent with all applicable federal and state laws addressing discrimination, harassment, and related misconduct.

III. Jurisdiction/Scope

The Regulation and associated procedures protect all members of the UNCSA community (including UNCSA entities and subsidiary organizations) from discrimination, harassment, and related misconduct while such members are on UNCSA property or participating in UNCSA related activity. It also applies to conduct that occurs off UNCSA property and not in the context of a UNCSA related activity that has continuing adverse effects on a UNCSA related activity.

Members of the UNCSA community protected by this Regulation include, but are not limited to, full and part time students and employees, including faculty members, staff, high school students, undergraduate students, graduate students, student employees, and temporary and contract employees. The Regulation also protects third parties, including applicants for admission and employment, visitors, employees of UNCSA contractors, and program participants.

Some types of harassment and related misconduct may be criminal in nature and can also be reported to the [UNCSA Police Department](#), 911 (emergencies), (336) 770-3362 (on-campus emergencies) or (336) 770-3321 (non-emergencies).

The Regulation and associated procedures prohibit discrimination, harassment, and related misconduct committed by members of the UNCSA community and third parties. The complaint procedures may differ depending on whether the accused individual is a student in high school student, an undergraduate or graduate student, or are faculty or staff.

If you are a **UNCSA employee or faculty member** and have a concern or question regarding this Regulation or its implementing procedures, you may contact [DII](#) at 336-932-3917, or the [Office of Human Resources](#) at 336-770-1462.

If you are a **UNCSA student** and have a concern or question regarding this Regulation or the procedures for filing a complaint, you can contact either DII at 336-932-3917 or the [Office of Student Conduct](#) at 336-631-1215.

If you are a **UNCSA applicant for employment, applicant for admissions, visitor, or patient**, there are resources to assist you with your concern or question. You may contact the office or department with whom you directly interacted or you may contact DII at 336-932-3917. If you are an applicant for employment, you may also contact the [Office of Human Resources](#).

Anyone can consult directly with the [Division of Institutional Integrity](#) for guidance.

IV. Definitions

Allegation: a statement by a complainant alleging an act of discrimination, harassment, or related misconduct.

Complaint: formal notification, either orally or in writing, of the belief that discrimination, harassment, or related misconduct has occurred.

Complainant: the person filing a complaint alleging that they had been subject to discrimination, harassment, or related misconduct.

Consent: An affirmative decision to engage in mutually acceptable sexual activity freely given by clear actions or words. Consent may not be inferred from silence, passivity, or lack of active resistance alone.

- A current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- An individual is unable to freely give consent when the individual is incapacitated (arising, for example, from the use of alcohol or other drugs or when the individual is passed out, asleep, unconscious, or mentally or physically impaired). An individual is unable to freely give consent when the individual is coerced into sexual activity, such as, for example, through the use of physical force, threat of physical or emotional harm, undue pressure, isolation, or confinement.
- The perspective of a reasonable person will be the basis for determining whether a respondent knew, or reasonably should have known, whether a complainant was able to freely give consent and whether consent was given. Additionally, being intoxicated or incapacitated does not diminish one's responsibility to obtain consent and will not be an excuse for sexual misconduct.
- Consent cannot be obtained by coercion or force. Coercion or force includes conduct, intimidation, and express or implied threats of physical or emotional harm, that would reasonably place an individual in fear of immediate or future harm and that is employed to persuade or compel someone to engage in Sexual Contact. Examples of coercion or force include causing the deliberate incapacitation of another person; conditioning an academic benefit or employment advantage on submission to the Sexual Contact; threatening to harm oneself if the other party does not engage in Sexual Contact; or threatening to disclose an individual's Sexual Orientation, Gender Identity, Gender Expression, or other personal sensitive information if the other party does not engage in the Sexual Contact.

Discrimination: when an individual or group is subjected to an adverse action based upon a protected status or characteristic. Discrimination can occur under this Regulation in either an employment or an educational context. Discrimination also includes failing to provide reasonable accommodations to a qualified person with a disability or to reasonably accommodate an employee's religious beliefs or practices, as required by state and federal law.

Harassment: a type of discrimination that occurs when unwelcome verbal, visual, physical, electronic, or other conduct based on an individual's or group's protected status or characteristic is sufficiently serious to significantly interfere with that individual's or group's ability to participate in or benefit from UNCOSA programs or activities or their terms and conditions of employment. This can include conduct that significantly interferes with the individual's or group's:

- The Student Ombudspersons (also confidential resources) offer students neutral and confidential guidance on a variety of issues.
- educational environment (e.g., admission, academic standing, grades, assignment);
- work environment (e.g., hiring, advancement, assignment);
- participation in a University program or activity (e.g., campus housing); or receipt of legitimately-requested services (e.g., disability or religious accommodations).

Prohibited harassment includes:

- **Hostile Environment Harassment:** unwelcome conduct based on protected status that is so severe, persistent, and/or pervasive that it alters the conditions of education, employment, or participation in a program or activity, thereby creating an environment that a reasonable person in similar circumstances and with similar identities would find hostile, intimidating, or abusive. An isolated incident, unless sufficiently severe, would not create a hostile environment. Harassment is distinguished from behavior that, even though unpleasant or disconcerting, is appropriate to the carrying out of certain instructional, advisory, or supervisory responsibilities.
- **Quid Pro Quo Harassment:** conditioning an individual's education, employment, or participation in a program or activity on submission to unwelcome conduct on the basis of protected status or characteristic.
- **Sexual or Gender-Based Harassment:** unwelcome conduct based on sex or gender that creates a hostile environment or involves submission to or rejection of such conduct as a condition of employment, education, or participation in a program or activity. This includes sexual violence and sexual exploitation (defined below).
- **Sexual Assault:** a particularly severe form of harassment defined as any physical act of a sexual nature based on sex and perpetrated against an individual without consent or when an individual is unable to freely give consent. Physical acts of a sexual nature include, but are not limited to, non-consensual touching or attempted touching of a person's breasts, buttocks, inner thighs, groin, or genitalia, either directly or indirectly; and/or sexual penetration (however slight) of another person's oral, anal, or genital opening with any body part or object.
- **Sexual Contact:** intentional touching or penetration of another person's clothed or unclothed body, including but not limited to the mouth, neck, buttocks, anus, genitalia, or breast, by another with any part of the body or any object in a sexual manner. This also includes causing another person to touch their own or another's body in the manner described above.
- **Sexual Exploitation:** taking sexual advantage of another without consent for one's benefit or the benefit of another party; e.g., by threatening to disclose an individual's sexual orientation, gender identity, or gender expression unless the individual submits to sexual demands; observing sexual activity others

without their knowledge or consent; or streaming images of sexual activity without the knowledge or consent of those involved.

Protected Status/Characteristics:

- **Age:** the number of years from the date of a person's birth. With respect to employment, individuals who are forty (40) years of age or older are protected from discrimination and harassment based on age. There is no age threshold for protection from discrimination for students or other participants in educational programs or activities.
- **Color:** an individual's skin pigmentation, complexion, shade, or tone.
- **Disability:** a physical or mental impairment that substantially limits one or more major life activities. Individuals are protected from discrimination if they have such an impairment; have a record of such impairment; or are regarded as having such impairment. A qualified person with a disability must be able to perform the essential functions of the employment or volunteer position or the academic, athletic, or extra- curricular program, with or without reasonable accommodation.
- **Gender:** A socially constructed concept that designates people (based on their appearance, perceived sex, learned behaviors, traits, and actions) as masculine or feminine. A person's assigned sex does not always align with their gender (see transgender), and many people display traits associated with more than one gender. Gender is different from sexuality.
- **Gender Expression:** The way that someone expresses their gender, either consciously or unconsciously. This encompasses everything that communicates gender to others: clothing, hairstyles, body language, mannerisms, how we speak, how we play, and our social interactions and roles. Most people have some blend of masculine and feminine qualities that comprise their gender expression, and this expression can also vary depending on the social context. There is not always a direct translation between gender identity and gender expression.
- **Gender Identity:** Language a person claims based on their internal understanding of their gender. Also, one's innate and personal experience of gender. This may or may not align with one's gender expression or gender attribution. gender.
- **Transgender/Trans:** A term describing when one's gender identity does not align with their assigned sex. Trans people challenge society's view of gender as fixed, unmoving, dichotomous, and inextricably linked to one's biological sex. The sexual orientation of transgender people varies just as it does among cisgender people.
- **Non-binary:** A term describing individuals who do not identify their gender within the margins of male and female binary.
- **Pangender:** A person whose gender identity is comprised of all or many genders.
- **Cisgender:** A gender identity that aligns with the sex one was assigned at birth.
- **Pronouns:** Linguistic tools we use to refer to proper nouns. In the context of gender, pronouns are used to refer people, and are often gendered. Some examples of pronouns include: they/them/theirs, she/her/hers, he/him/his, and ze/hir/hirs. Most pronouns are gendered and binary, although there are personal pronouns in many languages that are not gender specific. Using incorrect pronouns or assuming

them based on appearance, is a way to misgender someone. Intentionally misgendering someone is a form of sexual harassment.

- **Gender-neutral/Gender-free Pronouns:** Pronouns which do not associate a gender with the person being discussed. The dichotomy of “he and she” in English does not leave room for other gender identities, a source of frustration for the transgender, non-binary, and gender non-conforming community. People who are limited by languages which do not include gender-neutral pronouns have worked to create them. Some English examples are “they” or “hir” for “him/her” and “they” or “ze” for “he/she.” The use of “they/them” pronouns as singular pronouns is accepted by experts as grammatically correct.
- **Genetic Information:** information about (i) an individual’s genetic tests, (ii) the genetic tests of family members of such individual, and (iii) the manifestation of a disease or disorder in family members of such individual. Genetic Information includes, with respect to any individual, any request for, or receipt of, genetic services, or participation in clinical research that includes genetic services by such individual or any family member of such individual.
- **National Origin:** an individual’s actual or perceived country or ethnicity of origin.
- **Race:** an individual’s actual or perceived racial or ethnic ancestry or physical characteristics associated with a person’s race, such as a person’s color, hair, facial features, height, and weight.
- **Religion:** all aspects of religious observance and practice, as well as belief.
- **Sex (Assigned at Birth):** a designation at birth (male, female, intersex) generally based on external appearance of sex organs; includes pregnancy, childbirth, and medical conditions related to pregnancy or childbirth.
- **Sexual Orientation:** one's sexual, romantic, physical, and/or emotional attraction (or lack of attraction) to others.
- **Veteran Status:** covered veterans include disabled veterans, special disabled veterans, veterans of the Vietnam era, and other protected veterans as defined by federal and state.
- **Related Misconduct:** relationship violence, retaliation, and stalking as defined in this Regulation.
- **Relationship Violence:** any act of violence or pattern of abusive behavior in an intimate relationship that is used by one partner to gain or maintain power and control over another partner. Relationship violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. It includes:
 - **Domestic violence:** any act of violence or pattern of abusive behavior committed against a current or former spouse/cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.
 - **Dating violence:** any action of violence or pattern of abusive behavior committed by an individual who has been in a social relationship of a romantic or intimate nature with the complainant. Whether there is or was such a relationship will be determined by its length, type, and frequency of interaction.

- **Retaliation:** an adverse action or other form of negative treatment carried out in response to a good-faith reporting of or opposition to discrimination, harassment, or related misconduct; an individual's or group's participation in UNCSA's complaint process or the follow-up to a complaint; or other form of good faith opposition to what an individual reasonably believes to be discrimination, harassment, or related misconduct under this Regulation. Individuals are also protected from retaliation for making good faith requests for accommodations on the basis of religion or disability. To be a Regulation violation, the challenged actions or treatment must be sufficiently serious to discourage or chill a reasonable person from further reporting, participation, or opposition.
- **Respondent:** the person or office, program, department, or group against whom the allegation or complaint is made; i.e., the individual(s), organizational unit(s), or group(s) accused of discrimination, harassment, or related misconduct.
- **Responsible Employee:** any employee who has been given the duty of reporting incidents of discrimination, harassment, or other misconduct to the DII or Office of Human Resources.
- **Stalking:** a course of conduct (including cyberstalking) based on a protected characteristic and directed at a specific person that would cause a reasonable person to fear for their safety or the safety of another, or to suffer substantial emotional distress.

V. *Resources and Reporting Options*

A. Emergency Law Enforcement, Medical, and Crisis Response Resources

As a first priority, UNCSA encourages all individuals to report discrimination, harassment, or related misconduct that may involve criminal conduct to the [UNCSA Police Department](#) or, for incidents taking place off-campus, to the appropriate local law enforcement agency. This could include sexual violence, relationship violence, stalking, and conduct that could be a hate crime. In cases of sexual misconduct involving a minor, members of the UNCSA community are required to report the situation to UNCSA Police Department. UNCSA Police Department can be contacted at 336-770-3362 in emergency situations or 336-770-3321 in non-emergency situations.

For incidents of sexual violence, sexual exploitation, relationship violence, and stalking, UNCSA also encourages individuals to seek assistance from a medical provider or crisis response service immediately after an incident. This provides the opportunity to address physical well-being or health concerns, preserve any available evidence, and begin a timely investigative and remedial response. Emotional care, counseling, and crisis response are also available on campus; e.g., at Health Services (336-770-3288), Health Link (888-267-3675), or at Counseling Services (336-770-3288). More [resources](#) are available off campus.

B. Resources and Reporting Options

UNCSA encourages all individuals to seek the support of on and off campus resources, regardless of when or where the incident occurred. These resources can provide guidance on reporting options and information about available resources. In general, UNCSA provides two ways to raise concerns about possible discrimination, harassment, and related misconduct, Confidential Resources and Reporting Options.

1. Confidential Resources

The following UNCSA resources can provide counseling, information, and support in a confidential setting. These confidential resources will not share information about a report of discrimination, harassment, or related misconduct without the individual's express written permission unless there is a continuing threat of

serious harm to the complainant party or to others, or there is a legal obligation to reveal such information (e.g., suspected abuse or neglect of a minor).

Adapted from the [Office on Violence Against Women, U.S. Department of Justice](#).

Resources for Students	Resources for Employees
Student Health Services: 336-770-3288	Employee Assistance Program
UNC HealthLink: 1-888-267-3675	1-877-EAP-SOLV (327-7658)
Counseling Services: 336-770-3288	

In addition, reports can be made anonymously to the [UNCSA Police Department](#) at 336-770-1414.

These off-campus resources can also provide counseling, information, and support in a confidential setting to students and employees:

- Wake Forest Baptist Medical Center Emergency Department: 336-713-9000
- Forsyth Medical Center Emergency Department: 336-718-2001
- Sexual Assault Response Program: 336-722-4457 (24-hour rape crises service sponsored by Family Services)
- Winston-Salem Police or Forsyth County Sheriff’s Office: 911
- [National Sexual Assault Crisis Line](#): 1-800-656-4673
- [Family Services](#): 336-722-8173
- Counseling and Support Groups (Family Services of Forsyth County: 366-723-4357)
- Protective Orders/Legal Advocacy

7th Floor, Forsyth County Hall of Justice
200 N Main Street, Winston-Salem, North Carolina 27101.

2. Reporting Options

Individuals may file a report directly to someone in DII, Human Resources, or Student Conduct. Individuals may also file a report online at https://cm.maxient.com/reportingform.php?UNCSchooloftheArts&layout_id=34.

Responsible employees must report incidents of sexual harassment to the DII or Office of Human Resources. Responsible employees should disclose to complainants that they have a duty to report any incidents of sexual harassment to the DII or Office of Human Resources, but counseling resources are available that may, under certain circumstances, be able to keep complaints confidential, if the complainant so chooses.

VI. *Timeliness*

In order to maintain and support a community that is respectful and free from discrimination, harassment, and related misconduct and to maximize UNCOSA's ability to respond promptly and effectively, we urge individuals to come forward with reports of concerns or with complaints as soon as possible. Complainants and other reporting individuals are encouraged to seek assistance and utilize available resources if they feel they have been subjected to or receive reports of such conduct. The sooner a complaint is filed, the more effectively it can be investigated, e.g., while witnesses are still available, memories are fresh, and documentation may still be available. With that said, there is no time limit for reporting alleged discrimination, harassment, or related misconduct.

In some cases, e.g., where the individual accused of misconduct is no longer affiliated with UNCOSA, we may not be able to take disciplinary action. However, UNCOSA will strive to provide other fair and reasonable measures to support the reporting party and minimize any future misconduct.

VII. *Prohibited Conduct*

A. Discrimination and Harassment

This Regulation prohibits all forms of **discrimination** and **harassment** based on an individual's protected status or protected characteristic, as defined in the Regulation.

Discrimination also includes failing to provide reasonable accommodations related to disability or religion, consistent with state and federal law.

This Regulation shall be applied in way that is consistent with the University's principles of academic freedom. UNCOSA is committed to the free and vigorous discussion of ideas and issues, which the University believes will be protected by this Regulation. Academic freedom and the related freedom of expression include, but are not limited to, the civil expressions of ideas – however controversial – in the classroom, residence halls, and other teaching and student living environments.

B. Related Misconduct

This Regulation also prohibits **relationship violence**, **stalking** based upon any protected status, and **retaliation**. All individuals who believe they have been subjected to discrimination, harassment, or related misconduct prohibited by this Regulation are encouraged and have the right to seek support, utilize available resources, and come forward with their concerns or complaints. Fear of retaliation should not be an obstacle to reporting. Any act of retaliation will be a violation of this Regulation when it is sufficiently serious (e.g., severe, persistent, and/or pervasive) to discourage a reasonable person from complaining about or opposing discrimination, harassment, or related misconduct.

This Regulation prohibits retaliation:

Against the Complainant: It is a violation of this Regulation to retaliate against a complainant or other individual or group for making a good faith report of discrimination, harassment, or related misconduct or for opposing what they reasonably believe to be prohibited discrimination, harassment, or related misconduct in some other way. If warranted, the appropriate senior administrator may monitor performance review, promotion, reappointment, grading, or other evaluation—or, to the extent possible, may reassign the supervisory relationship or other role of authority—to ensure that retaliation does not occur.

Against the Respondent: A claim of discrimination, harassment, or related misconduct is not proof of prohibited conduct. A claim shall not be taken into account during an individual respondent’s performance review, promotion, reappointment, or other evaluation unless a final determination has been made that the respondent has violated the Regulation. If necessary and appropriate, such decisions shall be deferred until the claim is resolved.

Against a Witness or Participant in the Investigation: It is also a violation of this Regulation to retaliate against an individual or group providing information related to a complaint.

A claim of retaliation by a complainant, respondent, or witness will be resolved through the procedures for complaints of discrimination, harassment, or related misconduct.

VIII. Confidentiality

UNCSA recognizes that confidentiality is important. Breaches of confidentiality compromise UNCSA’s ability to investigate and resolve claims of discrimination, harassment, and related misconduct. UNCSA will attempt to protect the confidentiality of the complaint process to the extent reasonably possible. Investigators, advisors, mediators, members of hearing panels, and any others participating in the process on behalf of UNCSA shall keep the information obtained through the process confidential. All other participants in the process (including the complainant, respondent, non-UNCSA advisors, and witnesses) are encouraged to respect the confidentiality of the proceedings and circumstances giving rise to the dispute and to discuss the matter only with those persons who have a genuine need to know.

While UNCSA is committed to respecting the confidentiality of all parties involved in the process, it cannot guarantee complete confidentiality. Examples of situations in which confidentiality cannot be maintained include:

- When UNCSA is required by law to disclose information (such as in response to a subpoena or court order)
- When disclosure of information is determined by DII and/or the department to be necessary for conducting an effective investigation of the claim
- When confidentiality concerns are outweighed by UNCSA’s interest in protecting the safety or rights of others.

Appendix A

Complaints Involving Students

The Regulation protects **high school, undergraduate, and graduate students** from discrimination, harassment, and related misconduct. However, the complaint procedures may differ depending on the status of the respondent. Complaints against faculty, staff, and most other members of the UNCSA community will be handled under the procedures implementing the Regulation. Complaints against students will be handled as follows:

- Cases alleging sexual misconduct carried out by a **high school, undergraduate, or graduate student** are handled by the [Office of Student Conduct](#) under the investigation, hearing, and appellate procedures set forth in [Appendix C of the High School Student Handbook](#) and [Appendix C of the College Student Handbook](#).

- Cases alleging discrimination, harassment, and related misconduct other than sexual misconduct carried out by a **high school, undergraduate, or graduate student** are handled by the [Office of Student Conduct](#) under the investigation, hearing, and appellate procedures set forth in [Appendix C of the High School Student Handbook](#) and [Appendix C of the College Student Handbook](#).

Questions about [Appendix C of the High School Student Handbook](#) and [Appendix C of the College Student Handbook](#) should be directed to the [Office of Student Conduct](#).

If you are a **UNCSA student** and feel you have experienced discrimination, harassment, or related misconduct by **faculty, staff, or other UNCSA community member**, the Regulation on Prohibited Discrimination, Harassment, and Related Misconduct would apply and you should contact the Division of Institutional Integrity at (336) 932-3917.

Complaint Handling Procedures

I. Introduction

Students (including high school, undergraduate, and graduate students), faculty, staff, and all others covered by the Regulation have the right to raise good faith concerns or file complaints of discrimination, harassment, and/or related misconduct regarding the actions of faculty, staff, and certain others as explained in the Regulation. As explained in Appendix A to the Regulation:

- Complaints of sexual misconduct committed by high school, undergraduate, and graduate students are adjudicated by the [Office of Student Conduct](#) under the procedures in [Appendix C of the High School Student Handbook](#) and [Appendix C of the College Student Handbook](#).
- Complaints of discrimination, harassment, or related misconduct other than sexual misconduct committed by high school and undergraduate students are adjudicated by the [Office of Student Conduct](#) under the procedures in [Appendix C of the High School Student Handbook](#) and [Appendix C of the College Student Handbook](#).
- Complaints of discrimination, harassment, or related misconduct other than sexual misconduct committed by graduate students are adjudicated by the accused student’s college or school under the procedures set out below or the [Office of Student Conduct](#) under the procedures in [Appendix C of the High School Student Handbook](#) and [Appendix C of the College Student Handbook](#).
- In some cases, complaints may not fall within the scope of the Regulation or may involve concerns not connected to a protected status or characteristic. In those cases, the situation may be referred to another UNCSA office, department, unit, or resource.

The procedures set out below are intended to facilitate and provide a mechanism to address concerns, to resolve complaints in a manner that is prompt, equitable, and consistent with the values of an impartial and reliable investigation, and to provide for appropriate follow-up. These procedures are implemented and administered by the [Division of Institutional Integrity](#) (DII).

Throughout this document, “**complainant**” refers to the individual who has come forward with a concern or complaint alleging that they had been subject to discrimination, harassment, or related misconduct and “**respondent**” refers to the individual, department, or unit against whom it is alleged has perpetrated the conduct.

II. Reporting and Responding

Complaints of discrimination, harassment, or related misconduct should be submitted to the appropriate individual or office as soon as reasonably possible, preferably within one year after the most recent alleged misconduct. As explained in the Regulation, the sooner a complaint is filed, the more effectively it can be investigated. In addition, the longer an individual waits to file a complaint, the more difficult it may be for UNCSA to respond, complete an investigation, and/or provide remedies or impose sanctions.

Concerns may be raised and complaints may be brought by a complainant. Concerns may also arise because a manager, supervisor, or other individual with oversight responsibility becomes aware of conduct potentially covered by the Regulation, either through an allegation or by direct observation. In this situation, the manager, supervisor, or other individual is required to report the situation to DII and, in some cases, may need to appropriately respond. In certain circumstances DII, upon learning of conduct potentially covered by the Regulation, may be required to take action, which may include conducting an investigation.

III. Other Resources

While oversight of these procedures rests with [DII](#), complainants and respondents may request the help of other appropriate UNCSA resources.

Employees may seek advice and assistance from [UNCSA Office of Human Resources](#) representatives.

The resources noted above cannot provide confidentiality regarding concerns of discrimination, harassment, and/or related misconduct. UNCSA employees or faculty members who wish to discuss a concern in a more confidential setting may contact the Employee Assistance Program at 1-877-EAP-SOLV (327-7658) or the University Ombuds at the [Ombuds Office](#). UNCSA students who wish to discuss a concern in a more confidential setting may contact [UNCSA Health Services](#), [HealthLink](#), or [UNCSA Counseling Services](#).

Employees, faculty, and/or students may wish to inquire as to the level of confidentiality an office, administrator, or staff can or cannot provide.

IV. Timelines within the Procedures

These procedures establish designated timelines. These timelines should ordinarily be followed, but in extenuating circumstances, [DII](#) has authority to extend such timelines. In the case of such an extension, DII will notify the relevant parties in writing accordingly, including the reason(s) for the extension. Examples of extenuating circumstances include the complexity of the case, delays due to holiday or University breaks, the unavailability of parties or witnesses, and inclement weather or other unforeseen circumstances. The phrase “business days” shall refer to those days ordinarily recognized by the UNCSA administrative calendar as work days.

V. External Resources and Processes

Some forms of discrimination, harassment, or related misconduct may implicate federal and/or state laws. Complainants or respondents may choose to invoke external processes to resolve their concerns instead of or in addition to pursuing the procedures set forth herein. Some forms of harassment may also be criminal in nature and therefore may be pursued with the UNCSA Campus Police or a local law enforcement agency. A complainant may choose to utilize the procedures set forth herein, report the alleged conduct to law enforcement, or both.

VI. Informal Resolution

Subject to UNCOSA's obligations set out above and when appropriate (such as when a complainant does not wish to pursue a harassment or discrimination concern through the submission of a formal complaint), [DII](#) may pursue more informal mechanisms to address a situation.

None of the possible informal resolution mechanisms noted below are required prior to filing a complaint of discrimination, harassment, or related misconduct and, in some cases, informal resolution mechanisms may not be appropriate, as in some cases of sexual misconduct. UNCOSA reserves the right to determine whether informal resolution is appropriate in a specific case.

A. Possible Mechanisms for Informal Resolution

The following is a non-exhaustive list of possible mechanisms to informally address a concern or complaint. None of the actions set forth below is required before an individual may file a complaint. Actions taken utilizing any of these mechanisms do not constitute a formal finding of a violation of the Regulation. Should any of the following mechanisms fail to resolve the matter satisfactorily, an individual may file a complaint. At any time prior to reaching a resolution, a complainant may withdraw from the informal resolution process. Respondents may withdraw from those mechanisms involving one-on-one meetings or facilitated conversations. [DII](#) shall also have the authority to determine that informal resolution is not an appropriate mechanism or that [DII](#) should instead move to a formal investigation or some other resolution process.

1. **One-on-One Meeting.** The complainant, either alone or with an appropriate third party, may meet with the individual whose behavior is causing concern, discuss the situation, and clearly communicate that the behavior is unwanted and that the complainant wishes it to cease.
2. **Intervention by Supervisor or Other Individual with Authority.** The complaining party may request assistance in addressing the behavior from an individual with supervisory authority over the person whose conduct is at issue. While UNCOSA's ability to impose discipline may be limited in the absence of a formal finding of a violation, an individual with supervisory authority may be able to meet with the individual whose behavior is causing concern and clearly communicate that the behavior is unwanted and that the complaining party wishes it to cease.
3. **Facilitated Conversation, Mediation, or Restorative Process.** If all parties are willing, [DII](#) may arrange for a facilitator or mediator to help resolve the problem.
4. **Training, Education, or Coaching.** [DII](#) may arrange for training, education or coaching to assist in addressing the specific behaviors at issue.

B. Achievement of Informal Resolution

When possible, resolution of a complaint should be achieved in a timely manner. All reasonable efforts should be made to complete any agreed-upon informal process for resolution within 20 business days from receipt of the concern. In cases of extenuating circumstances, this timeline may be extended.

Other than intervention by a supervisor or training by [DII](#), all informal resolutions must be agreed to by both parties.

Once an informal resolution is agreed to by all parties, the resolution is binding and a formal complaint generally may not be filed later about the same matter.

Where appropriate, DII shall review informal resolutions achieved by another office to ensure the manner and terms of the resolution align with applicable policies. Any sanctions or disciplinary or corrective actions associated with the informal resolution should be documented by the office that developed them; sanctions or disciplinary or corrective actions arrived at through an informal process conducted by another office shall be communicated to DII.

Resolution utilizing the informal resolution process generally will not establish a violation of the Regulation. However, except for mediation and restorative process, the admission of any conduct by the respondent in the course of an informal resolution may be considered in any future proceedings under this Regulation, if such admission is either relevant to the subsequent proceedings or such prior admission demonstrates a pattern or practice of prohibited conduct.

Any breach of the terms of an informal resolution agreement may result in disciplinary action or a further claim of discrimination, harassment, or related misconduct.

VII. Formal Investigations

A. Where to File a Complaint

Complaints can be filed with [DII](#) or the [Office of Human Resources](#). All such reports will be shared with DII. Complaints against UNCSA students should generally be submitted to the [Office of Student Conduct](#) address or using the link below, but see Appendix A to the Regulation for more information.

[Office of Student Conduct](#)

1533 S. Main Street
Winston-Salem, NC 27127
336-631-1215

B. Submitting the Complaint and Initial Review

At a minimum, the complaint should identify the complainant, the respondent, and the specific allegations of the prohibited conduct. The complainant may communicate the complaint either verbally or in writing. In either case, DII and/or the investigator will document the filing of the complaint.

Once a complaint is submitted, DII shall review the complaint to determine the most appropriate manner for responding to the allegations.

At any time prior to the conclusion of the investigation, the complainant may withdraw a complaint. However, if the allegations or information obtained through the investigation raise issues of potential serious concern to the UNCSA community or for other compelling reasons, DII may nonetheless proceed with an investigation. Whether the circumstances warrant an investigation in the absence of a complainant is in the discretion of DII.

C. Reports to Departments Other than DII

If a complaint is filed with any department, school, or office other than DII, the department, school, or office shall promptly convey a record of the complaint to DII. As noted above, DII shall review the complaint in order to determine the most appropriate manner for responding to the allegations. In making its determination, DII will ordinarily consult with the respective office, department, or school.

D. Investigation

Once a complaint is accepted for investigation, DII will assign an investigator from within the UNCSA community. Upon completion of the investigation, the investigators will make findings of fact and determine whether the facts could establish a violation of the Regulation.

All parties shall have the opportunity to provide information during the investigation. The investigators will share information obtained during the course of the investigation that is determined to be relevant with the parties and give them the opportunity to respond.

The parties have the right to an advisor of their choosing present at meetings with the investigators. To maintain the integrity of the investigation, individuals who are witnesses or potential witnesses may not serve as advisors. The advisor's role in any meeting is limited to quietly conferring with the complainant or respondent through verbal or through written correspondence. The advisor shall not engage in conduct that is disruptive to the investigative process.

Some concerns or allegations may clearly fall outside the scope of this policy. In such cases, DII may refer the matter to the Office of Student Conduct or the Office of Human Resources. In these instances, DII will, to the extent possible, notify the complainant of such. If a matter includes issues within the scope of DII's policies as well as involving other UNCSA policies, the appropriate administrators will work together to determine how to handle the matter, including whether one office or the other can handle the entire matter.

Individuals with disabilities may request reasonable accommodations during the investigative process. DII will consult with the Director of [Learning Resources](#) to determine what accommodations might be appropriate based on documentation provided by the individual to DII or to the Coordinator of Learning Resources directly regarding the nature of the disability and its impact on the individual's ability to participate in the proceedings.

The investigation process will generally take no longer than 90 business days from the date the complaint is put into writing. If it will take longer, again, the parties will be notified.

E. Division of Institutional Integrity - Initiated Investigation

If DII has reason to believe an individual has engaged in conduct that might violate the Regulation, DII has authority to undertake an investigation, notwithstanding the absence of a filed or submitted complaint.

F. Interim Measures

When appropriate, the department(s), office(s), or school(s) involved in the matter, in consultation with DII, may take interim measures to foster a more stable and secure environment during the resolution of a complaint, including to insure the safety of the individual(s) involved (including the parties and/or witnesses). These measures may be taken prior to any determination regarding whether there has been a violation.

Possible interim measures include, but are not limited to, "No Contact Orders" between individuals; rescheduling of work shifts, classes, exams, or assignments; reassignments; leaves of absence; or changes in housing assignment. Violations of interim measures will be addressed under the Regulation.

G. Preponderance of the Evidence Standard

The standard of evidence used in the investigations and all determinations hereafter is the preponderance of the evidence standard. A preponderance of the evidence standard means that, based on the information acquired during the investigation, more likely than not a violation of the Regulation occurred.

VIII. Respondent Procedures (Employee)

A. Determination

Upon completion of the investigation, the investigator will forward their final investigation report and recommendation to the Director of Human Resources. The Director of Human Resources will then determine whether there is enough evidence to support a finding of a violation of the Regulation.

B. Disciplinary Action

If the Director of Human Resources determines that there is enough evidence to support a finding of a violation of the Regulation, they will then deliver the report to the employee's immediate supervisor. For example, a faculty member's immediate supervisor would be the Dean of the relevant School.

For faculty Respondents, the Dean will then determine the appropriate remedial or disciplinary action and prepare an Outcome Letter to include a summary of facts, an explanation of the basis for finding a violation, and a list of disciplinary actions. The Provost will then send the Respondent a written notice of intention to discharge with a written specification of the reasons. The statement includes notice of the right, upon request, to a hearing by a Faculty committee on hearings.

For staff Respondents, the immediate supervisor will determine the appropriate disciplinary action and, if discharge is applicable, will provide a written notice of intent to discharge.

C. SHRA Appeal Procedures

A grievance or complaint against a finding of violation of this Regulation must be filed within fifteen (15) calendar days of the written notice of intent to discharge. A mediation is then required to be completed within the first 35 calendar days. If this is not successful and the Respondent wishes to continue, they may appeal to the Chancellor.

D. EHRA Appeal Procedures

Grounds for appeal are limited to the following bases:

- The Respondent was not provided appropriate notice when advance notice of discontinuation of employment is required;
- The personnel action violated the Equal Employment Opportunity and Protected Activity provisions of UNCOSA's SAAO-II & Other EHRA Administrative Employees Regulation;
- The discharge for cause or other disciplinary action was illegal or violated Board of Governors Regulation; or
- The interpretation and application of a Regulation provision was illegal or violated Board of Governors Regulation.

1. Appeal to Chancellor

The Chancellor will appoint a five-member EHRA Non-Faculty Appeals Committee (the "committee") in accordance with the requirements of UNCOSA's Grievance (SAAO-II and other EHRA) Regulation #614.

The Respondent must file a notice of appeal to the chair of the committee within ten (10) days of receiving written notice of intent to discharge. The chair shall schedule a hearing before the committee, pursuant to the requirements of UNCOSA's Grievance (SAAO-II and other EHRA) Regulation #614.

The committee shall make its written recommendations to the Chancellor within ten (10) days after the conclusion of the hearing. The Chancellor will then provide a decision to the Respondent after receipt of the committee's recommendations.

2. Appeal to Board of Trustees

If the Chancellor declines to accept a favorable recommendation or agrees with an unfavorable recommendation, the Respondent may appeal to the Board of Trustees within fourteen (14) calendar days after receiving the Chancellor's written decision. The notice of appeal must include a brief statement of the basis for the appeal (including the relevant ground of appeal) and must be delivered by certified mail, return receipt requested, or by another means that provides proof of delivery. The decision of the Board of Trustees is final with no further appeal.

C. Faculty Appeal Procedures

If, within fourteen (14) calendar days after receiving notice of intent to discharge the Respondent makes no written request for a hearing, the Respondent may be discharged without recourse to any institutional grievance or appellate procedure.

If the Respondent makes a timely written request for a hearing, the UNCOSA Reconsideration Committee has jurisdiction over discharges, pursuant to the Faculty Manual.

After the hearing, the committee will make a recommendation to the Chancellor. If the Chancellor declines to accept a favorable recommendation or agrees with an unfavorable recommendation, the Respondent may appeal to the Board of Trustees. The decision of the Board of Trustees is final with no further appeal.

IX. Respondent Procedures (Student)

A. Determination

Upon completion of the investigation, the Director of Title IX or designee will forward the final investigation report and recommendations to the Associate Director of Student Conduct. The Associate Director of Student Conduct will then determine whether there is enough evidence (on a preponderance of the evidence standard) to support a finding of a violation of the Regulation.

The Associate Director of Student Conduct will then issue a written summons, which will include the specific charge, possible outcomes, and a brief recitation of the allegations supporting the charge. The summons will inform the student of the following options for resolution of the disciplinary charge: accept responsibility, accept responsibility but not the Outcome(s), or deny responsibility.

A Respondent who pleads "not responsible" to a summons issued by the Associate Director of Student Conduct will have the opportunity to request a Case Resolution Meeting, held no sooner than ten (10) calendar days after the student elects this resolution. The Respondent shall have the opportunity to present their evidence and defense through witness testimony and written documents. The Associate Director for Student Conduct (or designee) shall provide the Respondent and Complainant (if applicable) a written notice of the time, place, and format of the Case Resolution Meeting.

The Case Resolution Board members will oversee and conduct the Case Resolution Meeting and determine by a majority vote whether, based on a preponderance of the evidence, the respondent is responsible for the offense charged. The Board will prepare its written decision, including a summary of facts, rationale for decision

reached, and a recommendation of outcomes (if any) from the range published in the Student Code of Conduct. The document shall be prepared within five (5) calendar days of the Case Resolution Meeting's conclusion.

B. Disciplinary Actions

If the Case Resolution Board determines that the Respondent is responsible, it will submit the written recommendation of responsibility and outcome to the Vice Provost and Dean of Student Affairs within five (5) calendar days. The recommendation will briefly summarize the evidence upon which the determination is based.

Within fifteen (15) calendar days, the Vice Provost and Dean of Student Affairs (or designee) will review the evidence and record and may: remand it for a new Case Resolution Meeting (or other appropriate proceedings) or proceed to make their Final Administrative Decision. The Respondent will be notified, in writing, of the Final Administrative Decision, the evidence supporting the decision, and the right to appeal the decision.

If the final decision is suspension or expulsion, separation from UNCOSA is effective immediately. If the outcome is expulsion, the outcome applies to all UNC System constituent institutions.

C. Appeals

Grounds for an appeal are limited to the following bases:

1. A violation of due process; and/or
2. A material deviation from the substantive or procedural standards adopted by the Board of Governors.

Appeals must be in writing, identify the ground(s) for appeal, and be timely submitted to the Associate Director of Student Conduct. Submissions may be made electronically via email, sent via regular mail, hand delivered, or delivered by another mechanism that insures the receipt of the written appeal within the five (5) day deadline.

Appeals against a determination of a violation committed by a high school, undergraduate, or graduate student is to be governed by the appellate procedures found in Appendix C of the High School Student Handbook and Appendix C of the College Student Handbook. There are two opportunities for appeal in accordance with this Regulation: Appeal to the Chancellor and Appeal to the Board of Trustees.

Appeal to the Chancellor

Within five (5) business days after the appeal is submitted, the Associate Director for Student Conduct shall forward the appeal to the Chancellor, along with the investigators' report and determination, but not the sanction or disciplinary action set by the responsible official.

The Chancellor may summarily deny an appeal if it is not properly based on one of the designated grounds for an appeal.

Once the Chancellor receives an appeal, the Chancellor will determine if the appeal falls within the three (3) specified grounds for appeal; those appeals that do not will be denied. The Chancellor will also provide the non-appealing party with a copy of the appeal. The non-appealing party shall be allowed five (5) business days to respond to the appeal in writing.

The Chancellor shall make a determination and notify the student within fifteen (15) calendar days after receiving the request for appeal.

VIII. Coordination with Other Policies and Procedures

Nothing in these procedures affects the rights of faculty and staff under other UNCSA policies and procedures, such as the Faculty Hearing Committee or the Dispute Resolution Process.

However, DII should be informed of the results of any such related proceedings. The DII Discrimination, Harassment, and Related Misconduct Q&As provide further explanations of the relationship and interaction of the various procedures.

Grievance (SAAO-II and Other EHRA) Policy 614⁴

I. Purpose

The University of North Carolina School of the Arts (“UNCSA”) encourages employees to bring forward concerns about work related issues in a constructive and orderly way. Employees should actively seek resolution of grievances within their work units by initiating discussions of their concerns with their immediate supervisors within reasonable time frames. Should direct communication between an employee and the supervisor not produce a resolution of an employee’s concerns, the employee has available a formal grievance procedure designed to provide a fair review of the matter and to stimulate recommendations for the resolution of the grievance.

II. Scope

This policy covers all UNCSA employees designated as Senior Academic and Administrative Officers – Tier II (“SAAO-II”) and other EHRA employees not otherwise categorized. This Policy does not apply to SHRA employees, faculty members, SAAO-I employees, and UNCSA students who are employed incident to their status as students, as in graduate teaching assistantships or work-study positions.

III. Definitions

A. “**Covered Employee**” means either an individual employed by UNCSA as an SAAO-II or as an Other EHRA Employee as defined by this policy.

B. “**Covered Position**” means the employment position held by a covered employee.

C. “**Day**” means any day except Saturday, Sunday, or an institutional holiday. The day in which a notice is received is not counted, but the last day of the period is to be counted.

D. “**Other EHRA Employees**” means employees not subject to the State Personnel Act and are not otherwise categorized (e.g. SAAO-I or SAAO-II).

E. “**Senior Academic and Administrative Officer – Tier II**” or “**SAAO-II**” means an employee subject to the provisions of Section III of the Board of Governors policy on Senior Academic and Administrative Officers (i.e. UNC Policy Manual § 300.1.1). These positions include associate and assistant vice chancellors; associate and assistant deans; and other administrative positions at UNCSA.

IV. Policy

A. Generally

⁴ UNCSA Grievance (SAAO-II and other EHRA) Policy 614 is available in the UNCSA Policy Manual, accessible at: <https://www.uncsa.edu/mya/policy-manual/600-personnel/614-grievance-saaoii-epa.aspx>. The Policy is replicated in this report in full.

1. Any covered employee may obtain review of a discharge for cause or other disciplinary action by filing a grievance (also known as a petition for review) with the EHRA Non-Faculty Appeals Committee in writing.
2. Before filing the grievance, the employee must attempt, to resolve the matter with his supervisor.
3. The employee may only file a grievance on the basis of a prior written statement.
4. The employee, by filing a grievance or petition for review, represents that he or she can support the contention and agrees that UNCOSA may offer in rebuttal of the contention any relevant data. .

B. Grounds for Review. A covered employee may seek review of personnel actions based on allegations that:

1. the covered employee was not provided appropriate notice when advance notice of discontinuation of employment is required;
2. the personnel action violated the Equal Employment Opportunity and Protected Activity provisions of UNCOSA's SAAO-II & Other EHRA Administrative Employees Policy;
3. the discharge for cause or other disciplinary action was illegal or violated Board of Governors policy; OR
4. the interpretation and application of a policy provision was illegal or violated Board of Governors policy.

C. Time Limits & Procedural Requirements. For information concerning time limitations and procedural requirements, the employee should consult this policy's procedures.

D. EHRA Non-Faculty Appeals Committee

1. The Chancellor will appoint a five-member EHRA Non-Faculty Appeals Committee (the "committee"), the majority of who will be covered employees, and will name the chair of the committee. The committee will also include at least one SAAO-I.
2. If the membership of the committee is for any reason inappropriate in a particular case in the judgment of the chair, the chair may recommend some change in membership to ensure objective and timely review in that case. The Chancellor may add or subtract members in response to this recommendation on a temporary basis.
3. A committee member may not participate in the review of an appeal he or she brings on his or her own behalf or in any case in which he or she has been involved.
4. The committee may submit suggestions to the Chancellor regarding revisions to this policy and its associated procedures. Any revisions must be formalized according to UNCOSA's Statement on Policies.
5. It is the responsibility of the committee to evaluate petitions, consider the evidence, and where warranted, conduct hearings and advise the Chancellor on appeals of the kind mentioned herein.
6. The Chancellor may, at his or her discretion, ask the EHRA Non-Faculty Appeals Committee to serve as a general grievance committee in instances when covered employees seek the review of possible grievances that are not covered in these Policies.

E. Hearing Requirements

1. The Committee shall consider only the evidence presented at the hearing and such written or oral arguments as it may allow at its discretion.

2. The employee or former employee has the burden of proof.
3. In evaluating the evidence, the committee shall use the standard of preponderance of the evidence (which is the same as the “greater weight of the evidence.”).

F. Appeal to the Board of Trustees.

1. The employee may appeal the Chancellor’s decision to the Board of Trustees if the Chancellor either declines to accept the committee’s recommendation that is favorable to the employee or concurs in a committee recommendation that is unfavorable to the employee.
2. The decision of the Board of Trustees will be final.

V. Revision History

- A. February 17, 2011 – Adopted by Board of Trustees as part of UNCSA Policy Manual

Grievance (SAAO-II & Other EHRA) Procedure 614⁵

I. Procedures for Grievances Concerning Interpretation and Application of Any Provision of the SAAO-II & Other EHRA Employees Policy Other than for Discharge for Cause

- A. The covered employee must file a notice of appeal with the chair of the EHRA Non-Faculty Appeals Committee (the “committee”) within 30 days of the incident giving rise to the incident and the employee has been unable to seek redress through informal means.
- B. The notice of appeal shall explain the circumstance that led to and justify the grievance, but may not exceed four pages in length except under exceptional circumstance.
- C. The committee shall decide whether the facts merit a detailed investigation.
 1. If the committee determines that the alleged violations, if true, constitute violations of UNC or UNCSA policy within the jurisdiction of the committee, then a hearing must be held to give the petitioner an opportunity to prove his or her allegations.
 2. If the committee determines that the allegations, even if proven true, would not constitute a violation of applicable notice requirements or a violation of UNC or UNCSA policy within the jurisdiction of the committee, there would be no basis for proceeding with a formal hearing.
- D. The hearing will be conducted as directed by the chair of the committee, guided by the sole purpose of providing a fair, balanced and dispassionate hearing.
- E. Prior to conducting the hearing, the chair of the committee is empowered to review the appeal in the manner that seems most expedient, including the delegation of responsibilities to one or more members or subcommittees of the Committee. These delegated responsibilities may include hearing representations by the persons directly involved in the grievances, by encouraging voluntary adjustment by the employee and the department head or administrative official directly involved. Once a hearing begins, the Committee’s role in encouraging voluntary adjustments normally will conclude, thus giving way to the formal review process.

⁵ UNCSA Grievance (SAAO-II and other EHRA) Procedure 614 is available in the UNCSA Policy Manual, accessible at: <https://www.uncsa.edu/mya/policy-manual/600-personnel/614-grievance-saaoii-epa.aspx>. The Procedure is replicated in this report in full.

F. After a hearing, the committee's findings, opinions, and recommendations will be written and delivered to the Chancellor with a copy to the grievant normally within 30 days after receipt of the petition for review. Additional time may be requested by the Chair from the Chancellor as needed.

G. The Chancellor's decision upon receipt of the committee's recommendations is final, except in the event of appeal to the Board of Trustees.

II. Procedures for Grievance Concerning Discharge for Cause

A. The employee will have ten (10) days in which to make a brief written statement explaining the grievance and requesting a review.

B. The request for review will be submitted to the chair with a copy to the Chancellor."

C. If within ten (10) days after the employee receives the notice of intent to discharge, the employee makes no written statement explaining the grievance and request for review, he or she may be discharged without recourse to any further institutional procedure by a written letter of discharge from the senior administrative officer responsible to the Chancellor in the functional area.

D. If the employee makes a written request within ten days for a hearing, the chair shall schedule a hearing before the Committee.

E. The Committee shall give the employee ten (10) days from the time it receives the written request for a hearing to prepare his or her defense. The Committee may, upon the employee's written request and for good cause, extend this time by written notice to the employee.

F. Hearing Procedures

1. The hearing shall be based upon the employee's written statement explaining the grievance.

2. The hearing shall be closed to the public unless the employee and the Committee agree that it may be open.

3. The employee shall have the right to have an advisor who is not an attorney, to present the testimony of witnesses and other evidence, to confront and question witnesses, and to examine all documents and other demonstrative evidence.

4. The Chancellor will designate someone to serve as the University's representative who is not the General Counsel, to present the testimony of witnesses and other evidence, to confront and question witnesses, and to examine all documents and other demonstrative evidence.

G. A court reporter will record the proceedings, and UNCSCA will furnish a copy to the grievant at UNCSCA's expense.

H. In reaching decisions on which its written recommendations to the Chancellor shall be based, the Committee shall consider only the written and oral testimony it permits to be presented at the hearing.

I. The Committee shall make its written recommendations to the Chancellor within (10) days after its hearing concludes.

J. The Chancellor's decision upon receipt of the committee's recommendations is final, except in the event of appeal to the Board of Trustees.

III. Appeals to the Board of Trustees pursuant to the UNC Code

A. If the chancellor concurs in a recommendation of the committee that is favorable to the employee, the chancellor's decision shall be final.

B. If the Chancellor either declines to accept a committee recommendation that is favorable to the employee or concurs in a committee recommendation that is unfavorable to the employee, the employee may appeal within 14 calendar days after receiving the chancellor's written decision.

C. An appeal is commenced by filing with the Chancellor (for transmission to the Board of Trustees) a written notice of appeal, which must include a brief statement of the basis for the appeal, including the actual grounds established by the related policy.

D. The notice of appeal must be transmitted to the Chancellor by certified mail, return receipt requested, or by another means that provides proof of delivery.

E. The decision of the Board of Trustees is final with no further appeal.

UNCSA Faculty Handbook: 7.5 Faculty Grievance Policy⁶

7.5.1 Purpose

[Section 607 of *The Code of the Board of Governors of the University of North Carolina \(UNC Policy Manual, Chapter 100.1 – The Code of the Board of Governors of the University of North Carolina, Section 607\)*](#) provides a process for faculty members to seek redress concerning employment related grievances. UNCOSA's Faculty Grievance Policy described herein adheres to those guidelines. Click on the link above for direct access to this section of the Code.

The purpose of the grievance procedure is to attempt to reach a consensual resolution of the dispute and, if that fails, to determine whether the contested decision was materially flawed or in violation of applicable policies, standards or procedures. The grievance process is not intended to second-guess the professional judgment of officers and colleagues responsible for making administrative decisions.

"Grievances" covered by this policy include matters directly related to a faculty member's employment status and institutional relationships within UNCOSA, including mid-ten-year review issues. However, no grievance that grows out of or involves matters related to a formal proceeding for the suspension, discharge, termination or non-reappointment of a faculty member, or that is within the jurisdiction of another standing Faculty committee, may be considered by the grievance committee. In addition, challenges to non-reappointment decisions will proceed pursuant to the procedures set forth in the Regulations on Faculty Employment (see Section 8 of this Faculty Manual) and not the grievance procedures set forth herein.

7.5.2 Faculty Grievance Committee Composition

The Faculty Grievance Committee shall consist of seven (7) members (one from each of the Schools of Dance, Design & Production, Drama, Filmmaking, Music, and one each from the Division of Liberal Arts and the High School Academic Program) and seven alternates (one from each of the schools and programs listed above). The committee members shall be elected by their respective faculties from among those persons holding at least a

⁶ UNCOSA Faculty Grievance Policy is available in the UNCOSA Faculty Handbook, accessible at: https://www.uncsa.edu/mya/faculty-staff/faculty-resources/faculty_docs/faculty-manual.pdf. The Policy is replicated in this report in full.

four-year contract. No officer of administration, including assistant deans, associate deans, or deans may serve on the committee.

The committee chair shall be elected by the members of the Grievance Committee at the first convened meeting of the academic year. The chairperson of Faculty Council may facilitate this meeting and election.

Terms of Office

Committee members and alternates shall serve two-year terms and may serve more than one consecutive term. The term of office shall begin and end on the last day of classes in the spring semester.

Elections

The faculty of each school or division listed above shall elect its representative from among the eligible candidates no later than the last day of classes each spring semester, or as appropriate to fill a vacancy.

Conflicts of Interest, Incapacity or Temporary Vacancy

A committee member who holds an appointment in the school or division of a person directly involved in a grievance, who is named as a witness at the hearing, or who has any other conflict of interest is disqualified and shall not participate as a committee member of the grievance proceedings described in this document.

A committee chair shall not serve when any matter in which they have a conflict of interest is being considered; the committee shall elect one of its members to fill the vacancy until they return. The committee shall also select one of its members to replace the chair if they are incapacitated or absent.

If the committee should have fewer than four qualified members because of conflicts of interest, incapacity, or temporary vacancy, elections shall be held promptly in accordance with the provisions of Section 7.5.2 above to staff the committee while these conditions exist. If a permanent vacancy occurs, elections shall be held promptly to fill the vacancy for the unexpired term.

Scope of Powers

The committee shall be authorized to hear and advise with respect to the adjustment of grievances of members of the faculty. The power of the committee shall be solely to hear representations by the persons directly involved in a grievance, to mediate voluntary adjustment by the parties, to hold hearings for the purposes of advising adjustments in favor of an aggrieved faculty member by the administration when appropriate. Advice for adjustment in favor of an aggrieved faculty member may be given to the chancellor only after the dean or other administrative official most directly empowered to adjust it has been given similar advice and has not acted upon it within a reasonable time. In the event the chancellor is a party to a grievance, the Chair of the Board of Trustees or their designee shall be given the committee's advice for adjustment.

7.5.3 Initiation of the Grievance Process

Any faculty member who has a grievance, as defined in Chapter 10, The Code and Policies of the University, Chapter 6, [Section 607\(3\) of The Code of the Board of Governors of the University of North Carolina](#), may file a petition for redress with the Faculty Grievance Committee. The petition of the faculty member shall be in writing and shall set forth in detail the nature of the grievance and against whom the grievance is directed. The petitioner shall set forth any information that they consider pertinent to the grievance. The faculty member shall deliver a copy of the petition to the Office of Faculty Affairs and the Chair of the Grievance Committee by electronic form, certified mail or by another means that provides proof of delivery. In the event that the Chairperson of the Grievance Committee is named in the grievance petition, then the petition should be submitted to the Office of the Provost.

Upon receipt of the petition, the Director of Faculty Affairs will facilitate a conversation between the Faculty Member and Respondent to seek resolution of the dispute. If this conversation is unsuccessful, or if both parties have already engaged in a conversation without resolution, then both parties will begin the formal mediation process.

Unless the parties to the grievance have participated in mediation prior to the faculty member's filing the petition, before taking any action on the petition, the Faculty Grievance Committee shall refer the matter for mediation in accordance with the policies describes in Section 7.5.4 below.

7.5.4 Mediation of Grievances

Mediation is a procedure in which disputing parties enlist the assistance of a neutral party to help them in achieving a voluntary, bilateral agreement that finally and definitively resolves all or portions of their dispute, without resorting to adversarial procedures such as grievance hearings, administrative hearings or litigation. Any such mediated agreement that the parties are able to negotiate will be recorded in a written agreement signed by the faculty member and a university official with the authority to bind the university, concerning the particular agreement. A copy of this agreement will be filed with the provost and a copy will be placed in relevant personnel files, as appropriate.

The Office of Faculty Affairs will work with the Provost to identify a trained mediator to begin the mediation process. The appropriate functions of a mediator are to assist the parties in defining, clarifying, communicating about, and ascertaining the substantiality and relevance of the issues that appear to divide the parties and to aid the parties in generating, considering, and communicating with each other about possible bases for resolving the dispute.

UNCSA's mediation policy complies with the [*UNC Policy Manual, Chapter 101.3.2*](#). UNCSA will strive to offer a mediation process which:

- (1) Has a sufficient number of campus mediators (members of the faculty or staff, outside mediators from the community, or mediators from other campuses within the University) who have successfully completed formal mediation training.
- (2) Mediators may not be members of the faculty hearing committee that hears Section 607 grievances. Requires every mediator to have successfully completed formal mediation training substantially equivalent to that required for certification by the North Carolina Administrative Office of the Courts or to have been formally trained in mediation specifically designed for use in a university setting.
- (3) Neither party may have representation of counsel in the mediation process. Each party may have an advisor (who shall not be a member of the committee that hears Section 607 grievances).
- (4) A decision by either party not to pursue mediation beyond the campus required minimum will not be held against that party in any way and no blame will attach to either party if mediation does not produce a settlement.
- (5) The mediator will produce a written statement including only those details necessary to invoke the next step in the grievance process, i.e., that mediation was attempted but settlement was not reached. No other written record will be produced.

- (6) The mediator may not be called as a witness in any subsequent Section 607 grievance hearing or other proceeding arising out of the circumstances that were the subject of the mediation.
- (7) Anything done or said by either party during the mediation process may not be referred to or used against a party in any subsequent proceeding.

If the mediator determines that the parties are not amenable to a settlement, then the mediator may end the mediation, and the formal grievance hearing process will then begin.

Any time limit adopted by a UNCOSA or by Board of Governors Policy concerning the formal resolution of Section 607 grievances will be suspended for the duration of a mediation process being held pursuant to this policy.

7.5.5 Administrative Decision

If the grievance is not resolved through the mediation process, then the matter will be reviewed by the Faculty Grievance Committee established pursuant to [Section 607\(1\) of The Code of the Board of Governors of the University of North Carolina.](#)

7.5.6 Standard for Contested Grievances

In order to prevail in the grievance process, a faculty member must establish by a preponderance of the evidence that they experienced a remediable injury attributable to the alleged violation of a right or privilege based on federal or state law, university policies or regulations, or commonly shared understandings within the academic community about the rights, privileges and responsibilities attending university employment. Examples would be if the decision-maker disregarded an established standard for evaluation, relied on impermissible considerations such as race or sex, or failed or refused to consult with or receive information from mandated advisory bodies.

If mediation fails to produce a voluntary resolution, the Faculty Grievance Committee must decide whether a hearing should be held in response to the petition. The submission of a petition shall not result automatically in an investigation of or hearing on the petition. The committee shall determine whether the alleged facts merit a detailed investigation. The committee is to consider the content of the grievant's petition. Assuming the truth of the information contained in the petition, the committee is to determine whether the contentions advanced by the grievant justify a hearing. A properly submitted petition is dismissed if the grievant fails to allege an injury that would entitle the faculty member to relief in accordance with the standard set out in Section 7.5.6 above. Dismissal is also required if the petition addresses a problem that is not within the committee's jurisdiction.

If the petitioner has presented an apparently substantial issue within the purview of the committee's responsibility, the committee will hold an evidentiary hearing. At the hearing, which is to be attended by the grievant and the respondent, the faculty member is to present evidence in support of the faculty member's contentions and the person charged with wrongdoing is to be given an opportunity to respond. The committee is to maintain a complete transcript of all evidence received. Only the evidence so compiled is to form the basis for committee conclusions about the case and any resulting advice to the responsible administrator and the chancellor. The burden is on the grievant to establish by a preponderance of the evidence that they have experienced an injury that would entitle them to relief in accordance with the standard set out here.

If, after hearing the matter, the Faculty Grievance Committee determines that an adjustment in favor of the aggrieved faculty member is appropriate, the faculty Grievance Committee shall so advise the faculty member

and the dean or other respondent administrator. If the relevant administrator does not make the recommended adjustment or a different adjustment satisfactory to the faculty member, within a reasonable period of time, the Faculty Grievance Committee shall advise the chancellor of its recommendation that an adjustment is appropriate.

If, after reviewing the petition or hearing the matter, the Faculty Grievance Committee determines that no adjustment in favor of the grievant is appropriate, it shall so advise the faculty member and the chancellor.

The chancellor shall base their decision on the recommendation of the faculty committee and the record from the Faculty Grievance Committee hearing. The chancellor may, in their discretion, consult with the Faculty Grievance Committee before making a decision. The decision of the chancellor is the final administrative decision.

The chancellor shall notify the faculty member and the respondent administrator in writing of the chancellor's decision. The notification shall include a notice of appeal rights, if any, and, if the decision is appealable, it shall contain the information specified in Section 7.5.7.

The faculty grievance process is a process available to current members of the UNCSA faculty. A faculty member whose employment is terminated while a grievance procedure is pending is not entitled to continue to pursue the grievance. If the employment of a faculty member is terminated after the grievance is filed, the chancellor may, however, in their discretion, determine that it is in the best interest of the institution to continue the grievance process.

In the event that the chancellor is a party to a grievance, the Chair of the Board of Trustees or their designee shall assume the responsibilities as delineated in this section. It is understood that this does not abrogate the faculty member's right of appeal. Should the Chair of the Board of Trustees not make the adjustment, the aggrieved faculty may appeal to the Board of Trustees Personnel Committee or other committee as decided by the Board of Trustees.

7.5.7 Appeal to the Board of Trustees

Conditions for Appeal

If the Faculty Grievance Committee did not advise that an adjustment in favor of the grievant was appropriate, then the decision of the chancellor is final and may not be appealed.

If neither the relevant administrative official nor the chancellor makes an adjustment that is advised by the Faculty Grievance Committee in favor of the aggrieved faculty member, then the faculty member may appeal to the Board of Trustees of UNCSA. The decision of the Board of Trustees is final.

The Board of Trustees may delegate to a designated committee the authority to make procedural decisions and to make final decisions on behalf of the board concerning appeals of faculty grievances submitted pursuant to [Section 607 of *The Code of the Board of Governors of the University of North Carolina*](#).

Timeline for Appeals

A grievant who seeks to appeal the chancellor's disposition of his grievance must file written notice of appeal with the Board of Trustees, by submitting such notice to the chancellor, with adequate evidence of delivery, within 10 days after the grievant's receipt of the chancellor's decision. The notice shall contain a brief statement of the basis for the appeal. If the board agrees to consider the appeal, it will do so on a schedule established by the chancellor, subject to any instructions received from the board or from a committee of the board that has jurisdiction of the subject matter of the grievance. The board will issue its decision as expeditiously as is

practical. If the grievant fails to comply with the schedule established for perfecting and processing the appeal, the board in its discretion may extend the time for compliance or it may dismiss the appeal.

If the chancellor's decision is appealable, the chancellor's notice of the disposition of a grievant's case must inform the grievant: (1) of the time limit within which the grievant may file a petition for review by the Board of Trustees, (2) that a written notice of appeal containing a brief statement of the basis for appeal is required within the ten day period and, (3) that, after notice of appeal is received in a timely manner, a detailed schedule for the submission of relevant documents will be established. All such notices of decision are to be conveyed to the grievant by a method that produces adequate evidence of delivery.

Standard of Review

The Board of Trustees will consider whether the chancellor's decision was clearly erroneous, that it violated applicable federal or state law or university policies or regulations, or that the process used in deciding the grievance was materially flawed.

(Approved by Faculty Council 4/20/22)

Sex Offender Registration

The North Carolina General Assembly created the North Carolina Sex Offender and Public Protection Registry in January 1996. This law outlines registration requirements for persons living in North Carolina, non-resident students and non-resident workers. The registry serves as a resource to help protect and inform the public.

A list of registered sex offenders is made available by the state authorities to the local law enforcement agency that has jurisdiction where the institution of higher education is located. For information about registered sex offenders in the State of North Carolina, you may visit the website for the [North Carolina Offender Registry](#) and the [U.S. Department of Justice National Sex Offender website](#).

Annual Disclosure of Crime Statistics

The Clery Act requires colleges and universities across the United States to disclose information about crime on and around their campuses. The UNCSA Police maintains a close relationship with all police departments where UNCSA owns or controls property to ensure that crimes reported directly to these police departments that involve the University are brought to the attention of the UNCSA Police.

The UNCSA Police collects the crime statistics disclosed in the charts through a number of methods. Police dispatchers and officers enter all reports of crime incidents made directly to the department through an integrated computer-aided dispatch system and records management system. After an officer enters the report in the system, a department administrator reviews the report to ensure it is appropriately classified in the correct crime category. The department periodically examines the data to ensure that all reported crimes are recorded in accordance with the crime definitions outlined in the FBI Uniform Crime Reporting Handbook and the FBI National Incident-Based Reporting System Handbook (sex offenses only).

In addition to the crime data that the UNCSA Police maintains, the statistics below also include crimes that are reported to various Campus Security Authorities, as defined in this report. The statistics reported here generally reflect the number of criminal incidents reported to the various authorities. The statistics reported for the sub categories on liquor laws, drug laws and weapons offenses represented the number of people arrested or referred to campus judicial authorities for respective violations, not the number of offenses documented.

Clery Act Qualifying Crime Definitions

These definitions are taken from the FBI Uniform Crime Reporting (UCR) handbook and are required to be used for the classification of Clery Crimes and Incidents.

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

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 (four walls, a roof, and a door) to commit a felony or theft (includes forced and non-forced entry).

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. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition:

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence: A felony or misdemeanor crime of violence committed:

- a. by a current or former spouse or intimate partner of the victim;
- b. by a person with whom the victim shares a child in common;
- c. by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- d. by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- e. by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle (does not include air or water craft).

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

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: Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- a. **Rape:** 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.
- b. **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- c. **Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d. **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Stalking: 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.

For the purposes of this definition:

- Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Hate Crime: includes all of the crimes listed that manifest evidence that the victim was chosen based on one of the categories of bias listed below, plus the following crimes:

- a. *Larceny/Theft:* includes, pocket picking, purse snatching, shoplifting, theft from building, theft from motor vehicle, theft of motor vehicle parts or accessories, and all other larceny.
- b. *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.
- c. *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.
- d. *Destruction/Damage/Vandalism or 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.

Categories of Prejudice:

- *Race:* A preformed negative attitude toward a group of persons who possess common physical characteristics genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind.
- *Gender:* A preformed negative opinion or attitude toward a group of persons because those persons are male or female.
- *Gender Identity:* A preformed negative opinion or attitude toward a group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender nonconforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender nonconforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.
- *Religion:* A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.
- *Sexual Orientation:* A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex.
- *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.
- *National Origin:* A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

- *Disability*: A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/ challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Drug/Narcotic Violations: The unlawful possession, distribution, sale, purchase, use, transportation, importation, cultivation, and/or manufacturing of any controlled drug or narcotic substance and the equipment or devices utilized in their preparation and/or use.

Liquor Law Violations: The unlawful possession, sale, transportation, manufacturing, furnishing alcohol to a minor (under 21 years), or maintaining an unlawful drinking place. The Clery Act does not require reporting “public drunkenness” or “DUI/DWI offenses”

Illegal Weapon Violations: The unlawful possession or control of any firearm, deadly weapon, illegal knife, or explosive device while on property of UNCSA except as required in the lawful course of business (i.e. sworn law enforcement personnel).

Hate Crime Statistics

UNCSA strives to foster a safe and healthy learning environment that embodies diversity and inclusion of all members of the community. The hate crime statistics are separated by category of prejudice.

The numbers for most of the specific crime categories are part of the overall statistics reported for each year. The only exceptions to this are the addition of Simple Assault, Intimidation, and any other crime that involves bodily injury that is not already included in the required reporting categories. If a Hate Crime occurs where there is an incident involving Intimidation, Vandalism, Larceny, Simple Assault or other bodily injury, the law requires that the statistics 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. Note: a hate and bias related crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender’s bias. For example, a subject assaults a victim, which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of his/her bias against the victim’s race, sexual orientation, gender, religion, ethnicity, national origin, gender identity or disability, the assault is then also classified as a hate/bias crime.

2022: No Hate Crimes Reported.

2021: No Hate Crimes Reported.

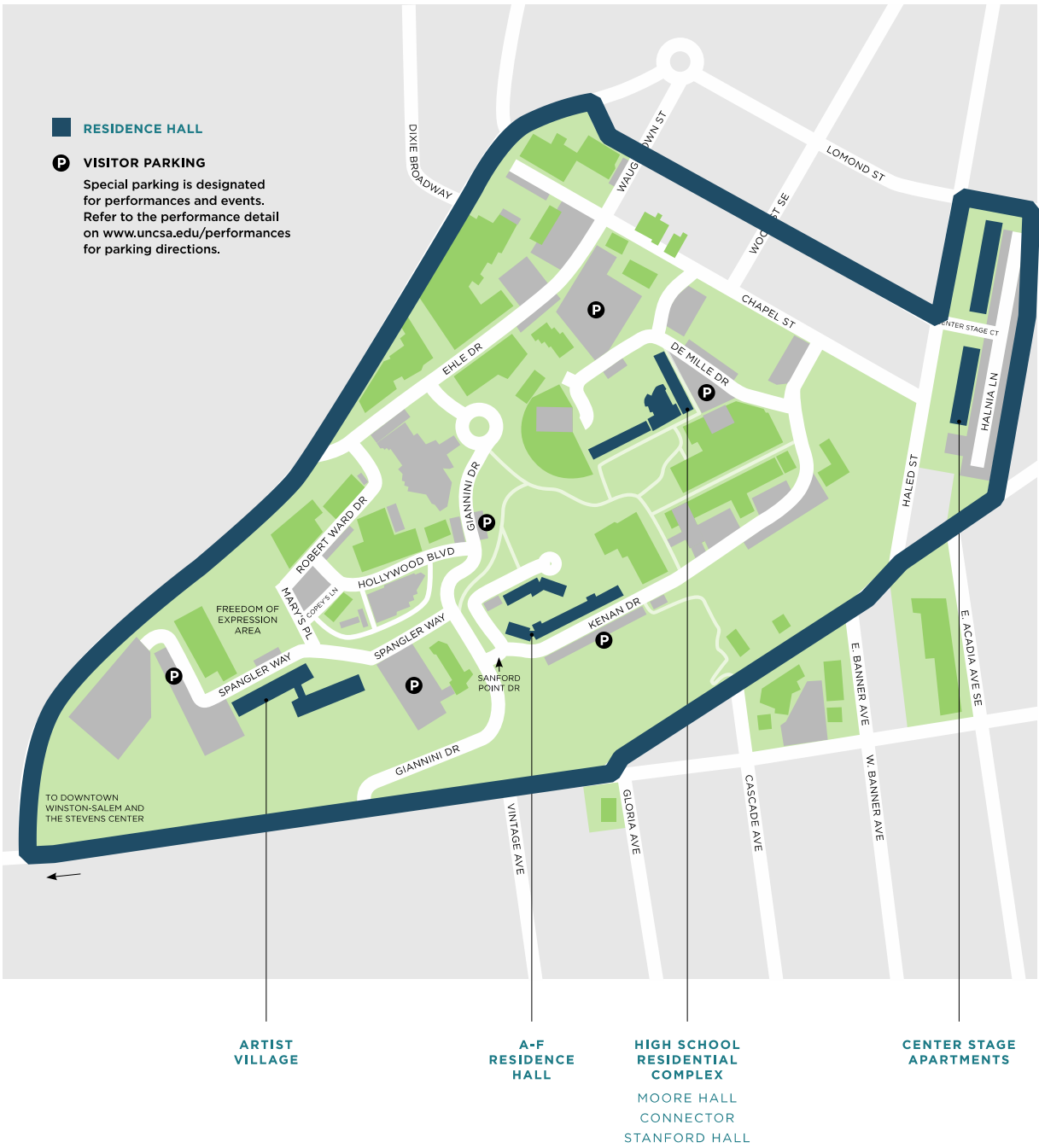
2020: No Hate Crimes Reported.

UNCSA Crime Statistics Chart (NEXT PAGE)

Clery Crime	Year	On Campus	Residence Halls*	Non-Campus**	Public Property	Total	Unfounded Crimes***
Murder / Non-Negligent Manslaughter	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Manslaughter by Negligence	2022	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2019	0	0	0	0	0	0
Rape	2022	0	0	0	0	0	0
	2021	1	1	0	0	1	0
	2020	1	0	0	0	1	0
Fondling	2022	2	1	0	0	2	0
	2021	3	2	0	0	3	0
	2020	3	1	0	0	3	0
Incest	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Statutory Rape	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Robbery	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Aggravated Assault	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Burglary	2022	1	0	0	0	1	0
	2021	0	0	0	0	0	0
	2020	1	1	0	0	1	0
Motor Vehicle Theft	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Arson	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Domestic Violence	2022	0	0	0	0	0	0
	2021	0	0	0	1	1	0
	2020	0	0	0	0	0	0
Dating Violence	2022	2	2	0	0	2	0
	2021	0	0	0	0	0	0
	2020	1	1	0	0	1	0
Stalking	2022	2	1	0	0	2	0
	2021	0	0	0	0	0	0
	2020	2	2	0	0	2	0
Liquor Law Arrests	2022	0	0	0	0	0	0
	2021	0	0	0	1	1	0
	2020	0	0	0	0	0	0
Drug Related Arrests	2022	1	0	0	2	3	0
	2021	1	0	0	7	8	0
	2020	3	2	0	2	5	0
Weapons Arrests	2022	1	0	0	0	1	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Liquor Law Disciplinary	2022	9	9	0	2	11	0
	2021	9	6	0	2	11	0
	2020	12	6	0	7	19	0
Drug Related Disciplinary	2022	10	10	0	2	12	0
	2021	12	12	0	4	16	0
	2020	4	3	0	0	4	0
Weapons Disciplinary	2022	1	1	0	0	1	0
	2021	2	1	0	0	2	0
	2020	0	0	0	0	0	0

*Residence Hall Crime Statistics are a subset of the On-Campus Category **Non-Campus Category includes locations owned or controlled by the institution away from campus for institutionally-sponsored trips for a duration of longer than one nights' stay. ***This number represents crimes investigated by Sworn Law Enforcement and determined to be 'Unfounded'; meaning there was evidence the reported crime did not occur.

UNIVERSITY OF NORTH CAROLINA
SCHOOL OF THE ARTS Clery Geography Map



AUGUST 2022

⁷ Artist Village Residence Hall opened in 2022 and A-F Residence Halls closed in 2022.

Annual Fire Safety Report

The Higher Education Opportunity Act enacted on August 14, 2008, requires institutions that maintain on-campus student housing facilities to publish an annual fire safety report that contains information about campus fire safety practices and standards of the institution. The following report details all information required by this act for UNCSA.

Definitions

The following terms are used within this report. Definitions have been obtained from the Higher Education Opportunity Act:

- ***On-Campus Student Housing***: A 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 a reasonable contiguous area that makes up the campus.
- ***Fire***: Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

Description of On-Campus Student Housing Fire Safety Systems-Residence Halls

UNCSA Residential Facilities		Sprinkler System	Smoke Detectors	Heat Detectors	Fire Extinguishers	Evacuation Plans/Placards	Number of fire drills in 2022
Artist Village	1412 Spangler Way	YES	YES	YES	YES	YES	3
Center Stage Apts. 1000	1000 Center Stage Court	YES	YES	YES	YES	YES	2
Center Stage Apts. 2000	2000 Center Stage Court	YES	YES	YES	YES	YES	2
Moore Residence Hall	1868 DeMille Drive	YES	YES	YES	YES	YES	2
Sanford Residence Hall	1888 DeMille Drive	YES	YES	YES	YES	YES	2

Fire Safety Policies

[Fire Safety policies for UNCSA Office of Housing and Residence Life \(Residence Halls\).](#)

Smoking: Smoking is prohibited in all campus buildings and university owned vehicles and smoking is further limited to 50 feet from the perimeter of any university building's entrance or air intake. [UNCSA Smoking Regulation #703.](#)

Electrical Appliances: Electrical appliances brought to residence halls are governed by university policy which restricts the use of certain items. Space Heater use is prohibited in residence halls. In general appliances must be UL Listed to be used in residence halls.

Most appliances for cooking are not permitted in student rooms for health and safety reasons. The only appliances permitted are coffee makers, microwave ovens (no larger than 1100 watts) and small refrigerators (no larger than 4.6 cubic feet). Toaster ovens, hot plates or any other appliances with an open heating element are not permitted. The number of appliances plugged in may not exceed the number of outlets in the room.

Open Flame: Possessing open flames, candles, incense, heating coils, halogen lamps, any combustible materials or any open flame devices are not permitted.

Here is additional information on [specific items prohibited and allowed in residence halls](#).

Decorations: [Decorations that may obstruct traffic or present a fire hazard](#) (e.g. live Christmas trees) are not permitted in rooms, hallways, or suite corridors. Decorations may not be placed within two feet of a fire protection system component (e.g., manual pull station, smoke detector, bell/horn/strobe, sprinkler, fire extinguisher, exit sign, emergency lighting, and egress doorway).

Fire Evacuation and Residence Hall Fire Drills

Fire drills are conducted in all on-campus residence halls, once per semester, during the school year to allow occupants to become familiar with and practice their evacuation skills. The drills are conducted by the Resident Hall Coordinators, Resident Assistants, Housing Management and UNCSCA Police. The University requires a complete evacuation of buildings during a fire drill. Individuals who ignore fire alarms and required evacuations may face disciplinary action

Each test/drill of emergency response will be documented to include a description of the exercise, the date and time, and whether it was announced or unannounced. This documentation is kept by the Sr. Associate Director of Residence Life Programs.

In the event of a fire, UNCSCA expects that all university community members will evacuate by the nearest exit, closing doors and activating the fire alarm system (if one is present) as they leave. Once safely outside a building, it is appropriate to contact 911 and the UNCSCA Police by dialing 336-770-3362 or using one of the emergency call boxes. Students and/or staff are informed where to relocate to by staff if circumstance warrants at the time of the alarm. In the event fire alarms sound, UNCSCA policy requires that all occupants must evacuate from the building, closing doors as they leave. No training is provided to students or employees in firefighting or suppression activity as this is inherently dangerous and each community member’s only duty is to exit safely and quickly, shutting doors along the exit path as they go to contain the spread of flames and smoke, and to activate the alarm as they exit. At no time should the closing of doors or the activation of the alarm delay the exit from the building.

High School Residence Hall Fire Evacuation Safe Zones	
Moore Hall	Daniels Plaza and gather by individual residence hall floors in sequential room order.
Sanford Hall	Proceed to the Sanford (hillside) parking lot and gather by individual residence hall floors in sequential room order.
College Residence Hall Fire Evacuation Safe Zones	
Artist Village	Welcome Center Parking Lot and Lot M
Center Stage Apartments	Small Parking Lot near Center Stage Office

Fire Safety Education and Training Programs

UNCSA takes fire safety very seriously and continues to enhance its programs to the university community through education, engineering and enforcement. All on-campus students are required to attend a mandatory hall meeting at the beginning of the semester. A topic of the meeting is fire safety education and evacuation training. Educational programs are presented throughout the year to faculty, staff and students so they are aware of the rules and safe practices. These programs, which are available at all campus locations, include identification and prevention of fire hazards, actual building evacuation procedures and drills, specific occupant response to fire emergencies and hands-on use of fire extinguishers.

Topics addressed during this training include:

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

Resident Assistants coordinate additional fire safety training and education programs for residence hall students. All university residence halls have emergency evacuation plans and conduct fire drills once a semester during the school year to allow occupants to become familiar with and practice their evacuation skills.

UNCSA has been a leader in ensuring the safety of students, faculty, staff and visitors who live and work in university operated residences. Automatic sprinkler systems and fire alarm systems are recognized engineered building features that help to provide for a fire safe living environment. All university operated residence halls and apartments are provided with automatic sprinkler systems, smoke detectors and building fire alarm systems to provide early detection and warning of a possible fire emergency. Additionally, staff members are trained on the use of fire extinguishers and emergency procedures in the event of a fire.

The university maintains and tests all fire alarms and automatic fire suppression systems in accordance with the appropriate National Fire Protection Association Standard to insure system readiness and proper operation in the event of a fire emergency.

Additional protection is provided by UNCSA police officers who are trained for initial response to fire incidents occurring at university facilities. Officers provide assistance in building evacuation and extinguishment / confinement of small fires.

Laboratory safety and evacuation plans are also part of the Environmental Health and Safety (EHS) mission.

Fire Incident Reporting

Students, faculty and staff are instructed to call 911 or 336-770-3362 to report a fire emergency. Non-emergency notifications (e.g. evidence that something burned) are made to the UNCSA Police at 336-770-3321.

Plans for Future Improvements in Fire Safety

UNCSA continues to monitor trends related to residence hall fire incidents and alarms to provide a fire safe living environment for all students. New programs and policies are developed as needed to help ensure the safety of all students, faculty and staff.

Inspections and Prohibited Items

The Office of Housing Residence Life performs Residence Hall Health and Safety Inspections four to five times a year in the Fall, Spring, and Summer semesters. Inspections may be at random or announced. Residence Life

inspections are primarily designed to find and eliminate safety violations. Students are required to read and comply with the all Housing and Residence Life Housing Policies, which include inspection and other rules and regulations for residential buildings. The inspections include, but are not limited to, a visual examination of electrical cords, sprinkler heads, smoke detectors, fire extinguishers and other life safety systems.

In addition, each room will be examined for the presence of [prohibited items](#) (e.g., sources of open flames, such as candles; non-surge protected extension cords; halogen lamps; portable cooking appliances in non-kitchen areas; etc.) or prohibited activity (e.g., smoking in the room; tampering with life safety equipment; possession of pets; etc.). Also prohibited is the use or storage of any potential fire hazard such as propane, charcoal, or electric grills on apartment balconies or inside rooms.

Fire Statistics & Related Information

UNCSA Residential Facilities	Year	Total Fires in Each Building	Fire Number	Date	Time	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Artist Village	2022	0	0	N/A	N/A	N/A	N/A	N/A	N/A
A Residence Hall 1789 Kenan Dr	2022	0	0	N/A	N/A	N/A	N/A	N/A	N/A
	2021	0	0	N/A	N/A	N/A	N/A	N/A	N/A
	2020	0	0	N/A	N/A	N/A	N/A	N/A	N/A
B Residence Hall 1789 Kenan Dr	2022	0	0	N/A	N/A	N/A	N/A	N/A	N/A
	2021	0	0	N/A	N/A	N/A	N/A	N/A	N/A
	2020	0	0	N/A	N/A	N/A	N/A	N/A	N/A
C Residence Hall 1749 Kenan Dr	2022	0	0	N/A	N/A	N/A	N/A	N/A	N/A
	2021	0	0	N/A	N/A	N/A	N/A	N/A	N/A
	2020	0	0	N/A	N/A	N/A	N/A	N/A	N/A
D Residence Hall 1749 Kenan Dr	2022	0	0	N/A	N/A	N/A	N/A	N/A	N/A
	2021	0	0	N/A	N/A	N/A	N/A	N/A	N/A
	2020	0	0	N/A	N/A	N/A	N/A	N/A	N/A
E Residence Hall 1709 Kenan Dr	2022	0	0	N/A	N/A	N/A	N/A	N/A	N/A
	2021	0	0	N/A	N/A	N/A	N/A	N/A	N/A
	2020	0	0	N/A	N/A	N/A	N/A	N/A	N/A
F Residence Hall 1709 Kenan Dr	2022	0	0	N/A	N/A	N/A	N/A	N/A	N/A
	2021	0	0	N/A	N/A	N/A	N/A	N/A	N/A
	2020	0	0	N/A	N/A	N/A	N/A	N/A	N/A
Center Stage Apartments 1000 Center Stage Ct	2022	0	0	N/A	N/A	N/A	N/A	N/A	N/A
	2021	0	0	N/A	N/A	N/A	N/A	N/A	N/A
	2020	0	0	N/A	N/A	N/A	N/A	N/A	N/A
Center Stage Apartments 2000 Center Stage Ct	2022	0	0	N/A	N/A	N/A	N/A	N/A	N/A
	2021	0	0	N/A	N/A	N/A	N/A	N/A	N/A
	2020	0	0	N/A	N/A	N/A	N/A	N/A	N/A
Moore Residence Hall 1868 DeMille Dr	2022	0	0	N/A	N/A	N/A	N/A	N/A	N/A
	2021	0	0	N/A	N/A	N/A	N/A	N/A	N/A
	2020	0	0	N/A	N/A	N/A	N/A	N/A	N/A
	2022	0	0	N/A	N/A	N/A	N/A	N/A	N/A

Sanford Residence Hall 1888 DeMille Dr	2021	0	0	N/A	N/A	N/A	N/A	N/A	N/A
	2020	0	0	N/A	N/A	N/A	N/A	N/A	N/A