Dear Campus Community,

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

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.

Included in this report is a summary of crime statistics for the three previous calendar years of reported 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.

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 and offices when you leave.
- Secure your property when it will be out of your sight, particularly items left in vehicles.
- 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.
- When going out at night, travel with friends or use the Safety Escort Program.
- Be aware of campus emergency 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.
- 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.
- Get to know the UNCSA Police personnel 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 Frank Brinkley
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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 UNCSA Police Department in collaboration with other UNCSA 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 UNCSA campus and certain off-campus buildings or property owned, leased, or controlled by UNCSA. This report’s crime statistics for property owned or controlled by the institution are gathered from Campus Security Authorities, the UNCSA 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 UNCSA Police at 336-770-3321 or visit their website.

Reporting Crimes or Other Emergencies

The UNCSA 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 UNCSA 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 UNCSA Police Department at 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 UNCSA Police

We encourage all members of the University community to report all crimes and other emergencies to the UNCSA Police in a timely manner. Though there are many resources available, the UNCSA 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.
UNCSA Police may be reached by the following means:

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

**Emergency Phones:** UNCSA has installed emergency phones throughout the campus. Phones are located in public areas of buildings, including elevators, residence halls, administration buildings, and also numerous outdoor locations. Emergency phones provide direct voice communication to the UNCSA Police Communications Center.

**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 respond quickly 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 2110  
  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. 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.

### 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 Room 334 of the Hanes Student Commons Building at 1821 Kenan Drive or by calling 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.

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 or to the UNCSA Police at 336-770-3321.

### Campus Law Enforcement

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:
- 16 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 ongoing 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 it is 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. You can add up to 10 phone numbers and 4 email addresses to include parents and relatives. Follow the step-by-step instructions to register for UNCSA ALERT.

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

Parents and relatives of students can only add their contact information after their student has created an account. Once the student has created an account, parents and relatives can add their contact information one of the following ways:
- Log in using your student’s username/password and add your own contact information;
- Have your student add your contact information; or
- Contact the Site Administrator to update your student’s account with your contact information.

We encourage faculty, staff and students to regularly update their emergency contact information online or by contacting the UNCSA Police at their earliest convenience.

**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 2018 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, regardless of how much time has passed since the alleged incident occurred. 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 Police offers a number of programs designed to inform students and employees about campus 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.

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.

- **Run/Hide/Fight Training Video**: This is an instructional training video designed to empower potential victims of violence in the University setting. It provides information on surviving an active shooter incident and demonstrates the three response options, explains when each option should be used, and describe your interaction with law enforcement. This training is 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.

- **Rape Aggression Defense (RAD) Training**: RAD training is a comprehensive course for women that begins with awareness, prevention, risk reduction and avoidance, while progressing on to the basics of hands-on defense training. This training is offered once a semester to the campus community.
• **Resisting Aggression with Defense (RAD) Training**: RAD training is a comprehensive course for men that will give participants the opportunity to raise their awareness of aggressive behavior, consider how they can be part of reducing aggression and violence, and practice hands-on self-defense skills to resist and escape aggressive behavior directed toward them. *This training is offered once a semester to the campus community.*

• **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**: Students, faculty, and staff members who would like a safety escort from anywhere on campus can call and request an officer to respond. The first available officer will respond and escort the individual to the requested campus destination or to a location within one mile of campus. Escorts may be completed by vehicle, golf cart or by foot patrol. *This program is available year-round and upon request.*

• **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)**: UNCSA 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.

• **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 UNCSA Police offers a program discussing 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.*

• **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. In February 2018, the UNCSA Police ran an Active Shooter Response information booth in Hanes Student Commons to inform students of response options in the event of active shooter incidents. *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.

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**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 establishes rules on student alcohol use and possession, support programs offered, and University consequences for violations of those rules. 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.

The full policy can be accessed online in the [College Handbook](#) and the [High School Handbook](#).

**Areas Open to the Public:** UNCSA 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 **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 **UNCSA College Housing Policy** 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, UNCSA 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 UNCSA’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 UNCSA), the student is required to self-report such action to the Vice Provost and Dean of Student Affairs.

**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
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 UNCSA Police and consulting the North Carolina General Statutes.
## NORTH CAROLINA DRUG LAWS

<table>
<thead>
<tr>
<th>Types of Drugs</th>
<th>Possession</th>
<th>Trafficking</th>
<th>Statute</th>
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</thead>
<tbody>
<tr>
<td><strong>Schedule I:</strong> Heroin, LSD, Peyote, Mescaline, Psilocybin (Shrooms), other Hallucinogens, Methaqualone (Quaaludes), Phencyclidine (PCP), and MDA</td>
<td><strong>Maximum Penalty:</strong> Five (5) years in prison and/or fine (felony)</td>
<td><strong>Maximum Penalty:</strong> Ten (10) years in prison and/or fine (felony)</td>
<td>§90-89</td>
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<tr>
<td><strong>Schedule II:</strong> Morphine, Demerol, Codeine, Percodan, Percocet, Fentanyl, Dilaudid, Secnodal, Nembutal, Cocaine, Amphetamines and other opium and opium extracts and narcotics</td>
<td><strong>Maximum Penalty:</strong> 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)</td>
<td><strong>Maximum Penalty:</strong> Ten (10) years in prison and/or fine (felony)</td>
<td>§90-90</td>
</tr>
<tr>
<td><strong>Schedule III:</strong> Certain barbiturates such as amobarbital 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</td>
<td><strong>Maximum Penalty:</strong> 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)</td>
<td><strong>Maximum Penalty:</strong> Five (5) years in prison and/or fine (felony)</td>
<td>§90-91</td>
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<tr>
<td><strong>Schedule IV:</strong> Barbiturates, narcotics, and stimulants including Valium, Talwin, Librium, Equanil, Darvon, Darvocet, Placidyl, Tranzene, Serax, Ionamin (yellow jackets)</td>
<td><strong>Maximum Penalty:</strong> Same as Schedule III</td>
<td><strong>Maximum Penalty:</strong> Five (5) years in prison and/or fine (felony)</td>
<td>§90-92</td>
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<tr>
<td><strong>Schedule V:</strong> Compounds that contain very limited amounts of codeine, dihydrocodeine, ethylmorphine, opium, and atropine, such as Terpine Hydrate with codeine, Robitussin AC</td>
<td><strong>Maximum Penalty:</strong> Six (6) months in prison and/or fine (misdemeanor)</td>
<td><strong>Maximum Penalty:</strong> Five (5) years in prison and/or fine (felony)</td>
<td>§90-93</td>
</tr>
<tr>
<td><strong>Schedule VI:</strong> Marijuana, THC, Hashish, Has Oil, Tetrahydrocannabinol</td>
<td><strong>Maximum Penalty:</strong> Possession of less than ½ ounce of Marijuana or 1/20 ounce Hashish: Thirty (30) days in prison and/or $100 fine (misdemeanor) Possession of more than ½ ounce of Marijuana or 1/20 ounce Hashish: Two (2) years in prison and/or fine (misdemeanor) Possession of more than 1½ ounce of Marijuana or 3/20 ounce of Hashish or consists of any quantity of synthetic Tetrahydrocannabinols or Tetrahydrocannabinols isolated from the resin of marijuana: Five (5) years in prison and/or fine (felony)</td>
<td><strong>Maximum Penalty:</strong> Five (5) years in prison and/or fine (felony)</td>
<td>§90-94</td>
</tr>
<tr>
<td><strong>Drug Paraphernalia</strong> ($§90-113.22- §90-113.24)</td>
<td><strong>Maximum Penalty:</strong> One hundred twenty (120) days in prison and/or fine. (misdemeanor)</td>
<td><strong>Maximum Penalty:</strong> 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.</td>
<td>§90-113.22-$§90-113.24</td>
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<td>STATE LAW</td>
<td>PENALTY</td>
<td>STATUTE</td>
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<td>To possess, attempt to purchase or purchase, sell or give beer, wine,</td>
<td><strong>Maximum Penalty</strong>: Imprisonment for a term up to 120 days and/or</td>
<td>§18B-302-18B302.1</td>
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<td>liquor, or mixed beverages to anyone under the age of 21.</td>
<td>community service and fines up to $1,000 (Class 1 misdemeanor)</td>
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<td>A person under 21 years of age who aids and abets to purchase or to</td>
<td><strong>Maximum Penalty</strong>: Imprisonment for a term up to 60 days and/or</td>
<td>§18B-302-18B302.1</td>
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<td>attempt to purchase, purchase or to possess; sell or give, alcohol to</td>
<td>community service and fines (Class 2 misdemeanor)</td>
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<td>a person who is under 21 years of age</td>
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<tr>
<td>A person over 21 years of age who aids and abets to purchase or to</td>
<td><strong>Maximum Penalty</strong>: Imprisonment for a term up to 120 days and/or</td>
<td>§18B-302-18B302.1</td>
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<tr>
<td>attempt to purchase, purchase or to possess; sell or give, alcohol to</td>
<td>community service and fines up to $1,000 (Class 1 misdemeanor)</td>
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<td>a person who is under 21 years of age</td>
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<td>Operating a motor vehicle upon any highway, any street, or any public</td>
<td>1st Offense: Jail - 24 hours; Fine - $200; License Suspension – 60 days</td>
<td>§20-138.1</td>
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<td>vehicular area within this State: while under the influence of an</td>
<td>to 1 year; 2d Offense: Jail – 4 days; Fine – varies; License Suspension</td>
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<td>impairing substance; after having consumed sufficient alcohol that he</td>
<td>– 1 to 4 years; 3d Offense: Jail – 14 days to 2 years; Fine – varies;</td>
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<td>has, at any relevant time after the driving, an alcohol concentration</td>
<td>License Suspension – 1 year to permanent</td>
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<td>of 0.08 or more; or with any amount of a Schedule I controlled</td>
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<td>substance.</td>
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<td>Operating a motor vehicle on a highway or public vehicular area by a</td>
<td>**Maximum of 20 days in jail and $200. If driving while impaired offense</td>
<td>§20-138.1 &amp;</td>
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<tr>
<td>person less than 21 years old while consuming alcohol or at any time</td>
<td>is also charged then:</td>
<td>20-138.3</td>
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<td>while he has remaining in his body any alcohol or controlled substance</td>
<td>1st Offense: Jail - 24 hours; Fine - $200; License Suspension – 60 days</td>
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<td>previously consumed.</td>
<td>to 1 year; 2d Offense: Jail – 4 days; Fine – varies; License Suspension</td>
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<td>Possessing an alcoholic beverage other than in the unopened manufacturer's</td>
<td><strong>Maximum Penalty</strong>: Imprisonment for a term up to 60 days and/or</td>
<td>§18B-301; §18B-401; §20-138.7</td>
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<tr>
<td>original container, or consume an alcoholic beverage, in the passenger area of a</td>
<td>community service and fines up to $1,000 (Class 2 or 3 misdemeanor based on number of offenses).</td>
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<td>motor vehicle while the motor vehicle is on a highway or the right-of-way</td>
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<td>of a highway.</td>
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</table>
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.

Completion of 3rd Millennium’s online educational courses addressing alcohol, other drugs, and consent is mandatory for all new undergraduate students matriculating in August 2018. 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 policies 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 between the hours of 8am-5pm for counseling or health services. During nights, weekends, and holidays, students can contact HealthLink, an on-call nurse advice line at 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.

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
- 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
- Drug Free NC
- Stop Alcohol Abuse
- National Institute on Alcohol Abuse and Alcoholism
- College Drinking Prevention

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**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.

**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.
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 UNCSA from making notifications earlier than noted above if deemed appropriate under the circumstances. Nothing in this regulation shall restrict UNCSA 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.

The University’s Missing Student Policy is available online in the College Handbook and High School Handbook.

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 Programs and Response Procedures

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.

UNCSA 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.

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.

- **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.

- **Rape Aggression Defense (RAD):** The only self-defense program ever endorsed by the International Association of Campus Law Enforcement Administrators (IACLEA). The course is a comprehensive course for women that begins with awareness, prevention, risk reduction and avoidance, while progressing on to the basics of hands-on defense training.

- **Sexual Assault Awareness & Prevention:** UNCSA Police offers a program 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.

- **Take Back the Night:** Students and community members alike are invited to gather for a candlelight vigil, march together, and support ending sexual violence and abuse against women.

- **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.
• **SAAM SLAM**: this was an active event where students were able to use their art to express their feelings or experience toward sexual assault awareness month or the subject of sexual harassment in general. Students were able to hear stories of survivors, learn about resources on and off campus and use their talents to be a voice of support for a safe campus.

• **NO MORE Campaign**: NO MORE unites and strengthens a diverse, global community to help end domestic violence, sexual assault and abuse. NO MORE brings together the largest coalition of advocacy groups, service providers, governmental agencies, major corporations, universities, communities and individuals, all under a common brand and a unifying symbol in support of a world free of violence.

• **Consent Campaign**: During the high school’s Prom season, Residence Life staff participate in a consent campaign where they actively discuss what consent means. These conversations are held as a follow up from community meetings, where the video “consent tea” is shown. There are also posters around the high school discussing consent.

• **Know Your IX**: This organization is a survivor and youth-led project of Advocates for Youth that aims to empower students to end sexual and dating violence in their schools. We envision a world in which all students can pursue their civil right to education, free from violence and harassment. We recognize that gender violence is both a cause of inequity and a consequence of it, and we believe that women, transgender, and gender non-conforming students will not have equality in education or opportunity until the violence ends.

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

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

  > The commission of one or more of the following acts upon an aggrieved party or upon a minor child residing with or in the custody of the aggrieved party by a person with whom the aggrieved party has or has had a personal relationship, but does not include acts of self-defense:
  > 1. Attempting to cause bodily injury, or intentionally causing bodily injury; or
  > 2. Placing the aggrieved party or a member of the aggrieved party’s family or household in fear of imminent serious bodily injury or continued harassment, as defined in G.S. 14-277.3A, that rises to such a level as to inflict substantial emotional distress; or
  > 3. Committing any act defined in G.S. 14-27.21 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.

- **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.

**Title IX Policies 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.

**Prohibited Harassment and Title IX Policy #121**

**I. Purpose**

UNCSA is committed to providing a learning, teaching, and working environment free from sex discrimination, sexual harassment, sexual misconduct, and one that is safe for all members of the campus community. UNCSA prohibits discrimination on the basis of sex, as mandated by Title IX of the Education Amendments of 1972 (Title IX), and as part of its commitment to a community free of discrimination, harassment, and violence. The prohibition applies to all UNCSA programs and activities on and off campus, and to all UNCSA employees, students, and others under UNCSA control who may come into contact with a member of the UNCSA community. UNCSA will not tolerate sexual harassment, misconduct or violence at any time or under any circumstances.

**II. Relationship to Other Policies, Procedures, and Laws**

This Policy addresses treatment of discrimination and harassment under Title IX of the Education Amendments of 1972. However, the alleged acts may also be subject to other UNCSA and UNC BOG policies, criminal and civil laws, and controlling procedures for reporting, adjudication, grievances and disciplinary codes. The procedures applicable to Title IX are available on the Title IX resource website. The procedures are different depending on whether the reporting person and the responding person are students, employees, or agents of UNCSA.

The definitions of terms such as consent, harassment, retaliation, sexual act and sexual misconduct are also available on the Title IX Resource website.

**III. Title IX Protections**

Title IX prohibits sexual harassment, misconduct, and violence, which include sexual acts and sexual contacts without consent or where a person is not capable of giving consent. Consent may be refused or withdrawn at
any time, even if it had been given before. A person is not capable of giving consent, for example, if s/he is under the influence of drugs or alcohol. Silence or lack of resistance is not consent. During an investigation, UNCSA will take steps to protect the rights of the complainant and the respondent from possible retaliation. This policy is not meant to impair the lawful exercise of free speech, or infringe legitimate academic, pedagogic or artistic freedom.

IV. Persons Protected
Title IX protects all members of the UNCSA community against sexual harassment. The protections include harassment by students against students, faculty and staff against students, faculty and staff against another faculty or staff member, harassment by and of applicants for employment and admission, and any combination of the above. Sexual harassment, misconduct, and violence can occur between strangers, acquaintances, and individuals involved in a current or former intimate sexual relationship; and, can be committed by men or women, regardless of gender or gender identity, and between individuals of the same or different sex, gender or gender identity.

V. Complaint and Report Process
Sexual harassment, sexual misconduct, and sexual violence complaints of any kind may be directed to the Chief Compliance Officer and Director of Title IX, who oversees Title IX compliance for the University. Complaints involving a student against another may also be directed to Student Affairs. Students may also report violations of any kind to the Dean of Students, Director or Residence Life and their Dean. Any of the contacts are available to direct the person making the complaint to the appropriate office to discuss the complaint reporting and investigation process, confidentiality in reporting, and the option to file a criminal complaint. In addition, they can provide information about resources for alleged victims and violaters. Generally, the complaint and report process takes three different paths:

1. If a reporting party requests that no further action be taken, UNCSA will honor that request to the extent permitted by law, but is under an obligation to ensure the safety of the reporting party and the campus community.
2. If the reporting party requests voluntary resolution, the reporting party and the responding party may work with the Chief Compliance Officer and Director of Title IX and UNCSA community to resolve the issues through corrective and supportive action. Either the reporting or responding party may end the voluntary resolution at any time and proceed with an investigation and adjudication path.
3. If the reporting party requests an investigation and adjudication, the investigator will gather information, write a summary report and submit it to the Director of Human Resources, or to the Associate Director of Student Conduct for a finding to be rendered. The detailed procedures and processes for complaint reporting, investigation, adjudication, and appeal are available for review on the website.

VI. Confidentiality and Privacy
UNCSA will protect the privacy of the Title IX complaint proceedings to the extent possible and permitted under the law. Because UNCSA is obligated and committed to keeping a safe environment, it may investigate allegations and take actions even if the person complaining of a violation of this policy does not want to pursue the matter. UNCSA will also inform the campus community of criminal activity where appropriate and required. UNCSA’s ability to keep a complaint and investigation anonymous and confidential is limited by law. If a person complaining of a violation would like to remain confidential, s/he can speak to a designated Confidential Resource, who will only disclose confidential information if they have written permission, if there is a
continuing threat of serious harm, or there is a legal obligation to do so. Confidential resources include the UNCSA Counseling Center and UNCSA Student Health Services.

VII. Resources
Individuals who have experienced sexual harassment, misconduct, or violence are strongly encouraged to contact the Chief Compliance Officer and Director of Title IX, or any of the offices listed above. In addition, you may contact UNCSA Student Health Services, UNCSA Counseling Center and UNCSA Campus Police for additional assistance and support. These campus units can address issues relating to Title IX, including assisting victims of sexual violence.
UNCSA maintains a website with resources for Title IX issues.

PROHIBITED HARASSMENT PROCEDURE

I. INTRODUCTION

A. Purpose of Policy
(i) UNCSA seeks to promote an atmosphere of inclusiveness, diversity, openness, free exchange of ideas, and freedom of inquiry in which employees can realize their maximum potential in the workplace and students can engage fully in the learning process during their artistic, intellectual and personal development. In order to achieve this, UNCSA believes that a climate of honesty, civility, common courtesy, mutual respect and non-discrimination is necessary.
(ii.) UNCSA prohibits discrimination on the basis of sex, as mandated by Title IX of the Education Amendments of 1972 (Title IX), and as part of its commitment to a community free of discrimination, harassment, and violence. UNCSA will not tolerate discrimination, sexual harassment, misconduct, violence, or any other prohibited conduct detailed in this Policy, at any time or under any circumstances.

B. Statement of Institutional Values
(i.) UNCSA provides gifted emerging artists with experience, knowledge, and skills needed to excel in their disciplines and in their lives, and it serves and enriches the cultural and economic prosperity of the people of North Carolina and the nation. UNCSA is the state’s unique professional school for the performing, visual and moving image arts, training students at the high school, undergraduate and master’s level for professional careers in the arts. UNCSA is committed to providing a learning, teaching, and working environment free from sex discrimination, sexual harassment, sexual misconduct, and sexual violence, and one that is safe for all members of the campus community.

C. Scope
1. (i.) This policy applies to all UNCSA programs and activities on and off campus.
2. (ii.) This prohibition applies to all UNCSA employees, students, and others under UNCSA control who may come into contact with a member of the UNCSA community.
(iii.) The University will take steps to prevent recurrence of harassment and to correct discriminatory effects on the complainant and others, if appropriate.

D. Coordination with Other Policies
(i.) This policy addresses treatment of discrimination and harassment under Title IX of the Education Amendments of 1972. However, the alleged acts may also be subject to other UNCSA and UNC Board of
Governors policies, criminal and civil laws, and controlling procedures for reporting, adjudication, grievances, and disciplinary codes.

(ii.) These policies may include, but are not limited to: *UNC Code Appendix I; UNC Policy Manual § 300.4.1; UNCSA Faculty Manual; Code of Conduct & Discipline Policy #802; Equal Opportunity Policy #111; Grievance (SAAO-II and Other EPA) Policy #614; Grievance (SPA) Policy #615; Improper Relations Policy #616; Title IX Policy #121; College Student Handbook, Student Code of Conduct Chapter II; High School Student Handbook, Student Code of Conduct Chapter II; Title IX Policy 121*

II. Notice of Non-Discrimination

A. Dear Colleague Letter (DCL) Language

(i.) UNCSA does not discriminate in offering equal access to its educational programs and activities or with respect to employment terms and conditions on the basis of an individual’s race, color, gender, national origin, age, religion, genetic information, disability, veteran’s status, sexual orientation, gender identity or gender expression (hereinafter his/her “protected status.”) UNCSA is required not to discriminate in such a manner, according to Title IX of the Education Amendments of 1972.

B. State and Federal Law re: Protected Classes

(i.) For the purpose of this policy, “Protected Status” means an individual’s race, color, gender, age, national origin, religion, genetic information, disability, veteran’s status, sexual orientation, gender identity, or gender expression.

III. Definition of Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct.

A. Examples of Sexual Harassment

(i.) Sexual harassment is a form of discrimination, and can take two forms: quid pro quo and hostile environment.

- **Quid Pro Quo Harassment** occurs when a school employee explicitly or implicitly conditions a student's participation in an education program or activity or basis an educational decision on the student's submission to unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Quid pro quo harassment is equally unlawful whether the student resists and suffers the threatened harm or submits and thus avoids the threatened harm.

- **Hostile Environment Harassment** occurs when unwelcome conduct of a sexual nature is sufficiently serious that it affects a student's ability to participate in or benefit from an education program or activity, or creates an intimidating, threatening or abusive educational environment. A hostile environment can be created by a school employee, another student, or even someone visiting the school, such as a student or employee from another school.
B. Sexual Harassment also includes sexual violence and misconduct
In addition to sexual harassment, sexual misconduct and sexual violence are forms of discrimination, and are prohibited under this policy.

- **Sexual Misconduct** means prohibited sexual acts, sexual contact, sexual exhibitionism, stalking, and sexual exploitation.

- **Sexual Violence** refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent (e.g., due to the person’s age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, domestic violence, and sexual coercion.

IV. Definitions of Prohibited Conduct

**Sexual Acts** means sexual intercourse, cunnilingus, fellatio, or analingus, or knowingly inserting an object or part of one’s body into another’s genital or anal opening, without their consent.

**Sexual Coercion** means unreasonable and unwanted pressure to engage in sexual activity. Coercion differs from seduction by the repetition of the coercive behavior beyond what is reasonable and the degree of pressure applied. Coercion includes, but is not limited to, threatening, cajoling and/or pressuring an individual into sexual activity. Examples of coercion include the deliberate incapacitation of another person; conditioning an academic benefit or employment advantage on submission to sexual activity; threatening to harm oneself or others if the other party does not engage in sexual activity; 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 sexual activity. Consent is not provided if coercion is present.

**Sexual Contact** means the deliberate touching of a person’s intimate parts (including genitalia, groin, breast or buttocks, or clothing covering any of those areas), touching another with one’s intimate parts, or causing a person to touch their own or another person’s intimate parts without their consent.

**Sexual Exhibitionism** engaging in a sexual activity or exposing one’s intimate parts (including genitalia, groin, breast or buttocks) in the presence of others without their consent.

**Sexual Assault** means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of investigation (including an offense that meets the definition of rape, fondling, incest, or statutory rape).

**Sexual Exploitation** means when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and the behavior does not amount to any other sexual misconduct. Exploitation includes, but is not limited to: impairing or attempting to impair another person’s ability to provide consent in order to gain sexual advantage; prostituting another person; recording, photographing, or transmitting identifiable images of private sexual activity, and/or the intimate parts (including genitalia, groin, breasts or buttocks) of another person; or allowing third parties to observe private sexual acts, and/or engaging in voyeurism.

**Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to either (1) fear for his or her safety or the safety of others, or (2) suffer substantial emotional distress.

**Domestic Violence** includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

**Dating Violence** means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.
V. Definitions of Key Terms

A. Consent
(i.) Means informed, freely and actively given, mutually understandable words or actions indicating willingness to participate in a mutually agreed upon activity. Activity that violates North Carolina criminal law is not considered consensual under this policy. (See N.C.G.S. 14-27.2, 14-27.2A, 14-27.25, 14-27.3(a) 14-27.7A, 14-202.2, 14-27.5, 14-27.5(A)(a)(1), 14-43.13).
(ii.) Silence or lack of resistance does not imply consent. A previous relationship or prior participation in an activity does not indicate current consent. Consent to one activity does not imply consent to other activities. Consent may expire after a reasonable time, depending on the circumstances. Consent may be withdrawn at any time, as long as the withdrawal is clearly communicated prior to completion of the activity.

B. Consent Cannot be Obtained Under Coercion or Incapacitation
(i.) Consent has not been obtained in situations where someone is forced, threatened, pressured, intimidated, manipulated, or has reasonable fear that he/she or another will be injured if he/she does not submit to or engage in the activity; is unable to give consent or is prevented from resisting due to sleep, involuntary physical restraint, unconsciousness, or the influence of drugs or alcohol; or has a mental or physical disability that inhibits his or her ability to give consent.

VI. Other Definitions

Complainant means an individual who alleges that he/she was the victim of a violation of this Policy.
Coordinator means the individual who coordinates Title IX compliance efforts and responsibilities. This may include serving as the central repository for information on campus, overseeing investigations of alleged violations of this Policy 121, coordinating with campus law enforcement when necessary and identifying and addressing patterns or systemic issues. The Coordinator ensures a prompt and equitable process exists to resolve complaints.
Employee means all UNCSA applicants for employment, employees including Faculty, EHRA-NT, SHRA, student employees acting in the course of their employment, temporary and other employees on special assignment.
Title IX Deputy Coordinator means a person in the Office of Human Resources who investigates alleged employee violations of this Policy.
Investigator means the individual(s) designated to conduct an investigation of alleged violations of this policy and to make factual findings regarding the complaint.
Protected Status means an individual’s race, color, gender, age, national origin, religion, genetic information, disability, veteran’s status, sexual orientation, gender identity, gender expression.
Responsible Employee means any employee who has the authority to take action to redress sexual violence; who has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX Coordinator or other appropriate school designee; or whom a student could reasonably believe has this authority or duty.
Respondent means the student or employee alleged to have violated this Policy.
Retaliation means adverse action an individual encounters as a consequence of reporting (in good faith) alleged harassment and/or including sexual misconduct or discrimination or as a consequence of participating in an investigation of alleged harassment, including sexual misconduct or discrimination. Adverse action includes overt or covert acts of reprisal, interference, restraint, penalty or intimidation.
Student means an individual who, at the time of the alleged harassment, including sexual misconduct, or discrimination has been accepted for admission to the University, has registered for coursework, is an auditing student, or is otherwise participating in an educational program sponsored by or affiliated with the University.
Student Code of Conduct means the regulations concerning student behavior published in the UNCSA College Student Handbook and UNCSA High School Student Handbook.

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits discrimination based on disability in programs and activities receiving federal financial assistance.

Title IX of the Education Amendments of 1972, as amended, prohibits discrimination on the basis of gender in any federally funded education program or activity. Title IX applies to all programs including, but not limited to academics, admissions, athletics, educational opportunities, student employment, financial aid and housing, as well as all activities sponsored by the University. Included in the application of this Act is a prohibition against sexual misconduct, including sexual harassment.

University means the University of North Carolina School of the Arts.

VII. Additional Considerations:

A. Retaliation

To the extent permitted by law, during the investigation and resolution of harassment complaints, UNCSA will take reasonable steps to protect the Complainant from both the alleged behavior and possible retaliation. UNCSA does not tolerate any form of retaliation against a person because he/she in good faith files a complaint or cooperates in an investigation of a complaint of alleged harassment or discrimination. Any person who retaliates against another person for exercising rights under this Policy in good faith will be subject to appropriate and prompt disciplinary action. Any person who has a concern about potential or actual retaliation should report such concern to the Title IX Coordinator. Employees should also contact the Director of Human Resources or designee, and students should also contact the Dean of Student Affairs or designee.

B. False Reports

Any individual who files an intentionally dishonest complaint or one made in willful disregard of the truth will be subject to appropriate disciplinary action.

C. Effect of Withdrawal from School with Pending Disciplinary Matter

The Respondent is expected to appear at the hearing at the scheduled time. If the Respondent should fail to appear without reasonable cause, the board reserves the right to proceed with the presentation of the evidence and find the Respondent either responsible or not responsible “in absentia.”

VIII. Discussion of Privacy v. Confidentiality

A. Steps when Complainant Requests Confidentiality

(i.) UNCSA will protect the privacy of Title IX complaint proceedings to the extent possible and permitted under the law. Because UNCSA is obligated and committed to keeping a safe environment, it may investigate allegations and take actions even if the person complaining of a violation of this policy does not want to pursue the matter. UNCSA will also inform the campus community of criminal activity where appropriate and required. (ii.) In general, the Investigator will weigh a Complainant’s request for confidentiality or the Complainant’s desire that the University take no action on his/her complaint against the following factors: (1) The seriousness of the alleged harassment, sexual misconduct, or discrimination; (2) Whether there have been other complaints of harassment, sexual misconduct, or discrimination involving the same Respondent; and (3) The Respondent’s right to receive information about the allegations, as applicable in accordance with the Family Educational Rights and Privacy Act (FERPA). (iii.) If a Complainant is less than 18 years of age, the Title IX Coordinator may have a legal obligation to report certain instances of harassment and sexual misconduct to the North Carolina Division of Social Services or to other persons or organizations as required by law.
B. Delineate Confidential Resources
(i.) If a person complaining of a violation would like to remain confidential, s/he can speak to a designated Confidential Resource, who will only disclose confidential information if they have written permission, if there is a continuing threat of serious harm, or there is a legal obligation to do so. Confidential Resources include the UNCSA Counseling Center and UNCSA Student Health Services.
(ii.) All responsible employees must report incidents of sexual harassment to the Title IX Coordinator, or other designee, subject to the counseling employee exemption. Responsible employees should disclose to complainants that they have a duty to report any incidents of sexual harassment to the Title IX Coordinator, but counseling resources are available that may, under certain circumstances, be able to keep complaints confidential, if the complainant so chooses.
(iii.) Certain UNCSA employees may be able to offer complainants a greater degree of confidentiality than other responsible employees, including the counselors at the Counseling Center. Note that counseling professionals are still bound by their own rules of professional conduct, state, and federal law, and may not be able to maintain confidentiality under certain circumstances.
(iv.) UNCSA mental-health counselors, pastoral counselors, social workers, psychologists, health center employees, or any other person with a professional license requiring confidentiality, or who is supervised by such a person, are not required under Title IX to report, without the student’s consent, incidents of sexual violence to the school in a way that identifies the student. However, these employees may have responsibilities that would otherwise make them responsible employees for Title IX purposes.

C. Privacy Protections in Records and Sharing of Information
(i.) Pursuant to FERPA, victims of violent crimes must be notified of the results of the disciplinary proceeding of the alleged assailant. “Results” means the name of the student assailant, the violation charged or committed, the essential findings supporting the conclusion that the violation was committed, the sanction(s) if any that directly impact the Complainant (i.e. that the Respondent is ordered to stay away from the Complainant, that the Respondent is prohibited from attending school for a period of time, or transferred to other classes or another residential facility), the duration of the sanction and the date the sanction was imposed. The University will keep Complainants personally identifiable information confidential to the extent possible.

IX. Interim Remedies
(i.) UNCSA will help victims of sexual harassment, domestic violence, sexual assault, or stalking make changes in academic, transportation, and working situations, regardless of whether the victim chooses to report to campus police or local law enforcement. Any necessary interim steps will be taken promptly, and at no cost to the complainant, and the University will continue to take these steps if sexual violence is found to have occurred. These interim measures will be kept confidential, in as much as is possible to implement them. These remedies will be implemented regardless of whether the Complainant has contacted law enforcement.
(ii.) Interim measures may include, but are not limited to: counseling and emotional support; no contact directive; residence modification; academic schedule modification; academic accommodations or assistance; escort; voluntary leave of absence; interim suspension; and restrictions on campus activities.

X. Emergency Resources

A. 911/Law Enforcement
(i.) Conduct violating this Policy may also constitute a criminal offense. Complainants alleging criminal conduct may file charges with the appropriate law enforcement agency. Criminal investigations may be helpful in gathering relevant evidence, particularly forensic evidence, for the Informal or Formal Resolution processes. For information about pursuing a criminal complaint, please contact UNCSA Campus Police.
(ii.) Because the standards for finding a violation of criminal law are different from the standards for finding a violation of this Policy, criminal investigations or reports are not dispositive of whether prohibited harassment, sexual misconduct, or discrimination occurred under this Policy. In other words, conduct may constitute prohibited harassment, sexual misconduct, or discrimination under this Policy even if a law enforcement agency determines that no crime has been committed.

(iii.) Further, the filing of a complaint under this Policy is independent of any criminal investigation or proceeding, and the University will not wait for the conclusion of any criminal investigation or criminal proceeding before commencing its own investigation or taking interim measures to protect the Complainant and the University community.

(iv.) A complainant has the right to proceed with a criminal investigation and a Title IX complaint simultaneously. If a complainant files a criminal complaint with a local law enforcement agency, the University will comply with law enforcement agency requests for cooperation. Such cooperation may require the University to temporarily suspend the fact-finding aspect of a Title IX investigation while the law enforcement agency gathers evidence. The University will promptly resume its Title IX investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering process.

B. Medical Treatment

(i.) Local options for medical care include UNCSA Student Health Services, Wake Forest Baptist Medical Center, and Novant Health Forsyth Medical Center. It is crucial to obtain medical attention as soon as possible after a sexual assault to determine the possibilities of physical injury, to prevent sexually transmitted diseases (such as HIV), and to prevent pregnancy. Medical facilities can also screen for the presence of sedative drugs such as Rohypnol or GHB (“date-rape drugs”).

C. Preservation of Evidence

(i.) It is important to have an evidence collection kit (or “rape kit”) completed within 72 hours if a victim wants to file legal or judicial charges or if a victim may want to consider filing charges at a later date. Wake Forest Baptist Medical Center and Novant Health Forsyth Medical Center administer collection kits and students may go directly to either hospital. UNCSA Health Services may refer students to either hospital.

(ii.) In order to preserve evidence for an evidence collection kit, the victim should avoid showering, bathing, going to the bathroom or brushing his/her teeth. He or she should also wear the same clothing or take the clothes they were wearing during the assault in a paper bag (not plastic) to the hospital. However, an evidence collection kit can still be completed even in the victim has showered or bathed. The victim may want to be accompanied to the hospital by a friend or a member of the Student Health Services staff.

(iii.) At the hospital, a physician will briefly screen the victim, and a forensic nurse trained in evidence collection procedures will conduct the examination, collecting hair, fluid and tissue samples. When obtaining an evidence collection kit, students have the option of filing an official police report immediately or having a “Jane Doe kit” collected which allows the evidence to remain anonymous until the student chooses to make an official police report. The cost of the evidence collection kit can often be paid for confidentially through funds provided by the state of North Carolina.

D. Emergency Counseling

(i.) It is important that the victims of Prohibited Harassment, Sexual Misconduct or Discrimination receive support and information, and resources are available to students by the University. Members of the UNCSA Campus Police or Wellness Center are available to all students on a 24-hour basis to consult with a victim on the phone, to accompany them to Student Health or to the hospital and to provide information about legal and judicial options. University Counseling Center staff members are also available on a 24-hour basis, and can help victims begin the recovery process.

XI. On Campus and Off Campus Resources

UNCSA
A. Important Contact Information
On campus emergency from cell phone: (336) 770-3362
On campus emergency from campus phone: Dial 55
Non-emergency: (336) 770-3321
Anonymous crime reporting: (336) 770-1414
OFF-CAMPUS emergency: Dial 911
Health/Counseling Services: (336) 770-3288 (located in the Upper Level of Hanes Student Commons)
College Life: (336) 770-3282
High School Life: (336) 770-3281
Associate Director Student Conduct: (336) 631-1215
Title IX Coordinator: (336) 414-7529

B. Community Resources
Title IX
Novant Forsyth Medical Center Emergency Department: (336) 718-2001
Wake Forest Baptist Medical Center Emergency Department: (336) 713-9000
Winston-Salem Police or Forsyth County Sheriff’s Department: 911
National Sexual Assault Crisis Line: 1-800-656-4673
National Online Hotline: https://ohl.rainn.org/online/
Protective Orders/Legal Advocacy: 7th Floor, Forsyth County Hall of Justice Counseling and Support Groups
(Family Services of Forsyth County): (336) 723-4357

XII. EMPLOYEE ON STUDENT, OR EMPLOYEE ON EMPLOYEE DISCRIMINATION

A. Generally
(i.) Any student or employee who believes that he/she has been harassed, subjected to sexual misconduct, or discriminated against by a University employee (faculty member, staff member or student employee in the course of their employment) based upon his/her protected status or who feels that he/she has been retaliated against for his/her good faith reporting of allegations of prohibited harassment, including sexual misconduct or discrimination or his/her participation in an investigation of alleged prohibited harassment, including sexual misconduct or discrimination must utilize these procedures to bring an internal complaint to redress the situation.

B. Reporting Procedure
(i.) Students and employees are encouraged to report prohibited harassment, including sexual misconduct or discrimination immediately or as soon as possible.
(ii.) Students are encouraged to report violations of this Policy by University employee to any one of the following: Title IX Coordinator (hereinafter Investigator), Dean of Student Affair’s, Director of Residence Life, their respective Art School Dean or Academic Dean, or Campus Police. When one of the above administrators receives a student report of prohibited harassment including sexual misconduct or discrimination by University employee, the administrator should notify the Investigator in the Human Resources Office immediately or as soon as possible.
(iii.) Any other University employee who receives notice of a student’s allegation of violation of this Policy must notify the Investigator immediately or as soon as possible. An employee in a supervisory position who has knowledge of conduct involving prohibited harassment, including sexual misconduct or discrimination that may have occurred in his or her unit must take immediate action to report the matter. Not doing so may result in serious disciplinary consequences and will be considered in breach of supervisory responsibility.
(iv.) Regardless of the wishes of a minor student, an investigation into allegations of a violation of this Policy is mandatory. In cases involving adult students, an investigation will occur if the student consents. An investigation will occur without the reporting student’s consent if necessary to protect UNCSA or the UNCSA community.

(v.) Employees are encouraged to report violations of this Policy by a University employee to the Human Resources (hereinafter investigator), Director of Human Resources, or the employee’s immediate supervisor. If the Director of Human Resources or the employee’s supervisor should receive an employee report of prohibited harassment, including sexual misconduct or discrimination by University employee, they should notify the Investigator immediately or as soon as possible. If the Director of Human Resources or the employee’s supervisor should receive an employee report of prohibited harassment, including sexual misconduct or discrimination by University employee, they should notify the Investigator immediately or as soon as possible.

(vi.) Employees subject to the State Personnel Act who wish to preserve their rights under the grievance policy must submit a written grievance to the Investigator within 15 calendar days of the alleged harassing action. SHRA Employees may opt to file a grievance under UNCSA’s Grievance Procedures for SHRA Employees. Violations of this policy are treated as inappropriate personal conduct. An employee in a supervisory position who has knowledge of conduct involving prohibited harassment, including sexual misconduct or discrimination that may have occurred in his or her unit must take immediate action to report the matter. Not doing so may result in serious disciplinary consequences and will be considered in breach of supervisory responsibility. (vii.) Complainants have the right to notify proper law enforcement authorities, including campus police, be assisted by campus officials in notifying law enforcement authorities if he/she chooses, or decline notification to such authorities. Protective orders and institutional sanctions may be available to victims of domestic violence, sexual assault, or stalking.

C. Preliminary Investigation; Intake

(i.) Upon receipt of notice of any allegation of violation of this Policy by a University employee, the Investigator will promptly schedule an individual meeting with the Complainant.

(ii.) Prior to the meeting, the Investigator will review the written complaint for completeness and determine whether the facts alleged in the complaint, if true, could constitute a violation of this Policy. If not, the investigator may ask the complainant to clarify or amplify statements, refer the complainant to another appropriate grievance procedure, or dismiss the complaint. The Complainant may appeal a decision to dismiss the complaint to the Chancellor his/her Designee.

(iii.) During the meeting, the investigator will: make written notes of the allegations; provide the complainant a general understanding of these regulations; identify forms of support or immediate interventions available to the complainant; and discuss any accommodations or interim measures that may be appropriate. For information on interim measures, see section IX of this Policy.

D. Does Complainant Wish to Proceed?

(i). Complainant does not wish to proceed

(a.) All efforts will be made to comply with the wishes of the Complainant- employee. However, in order to adequately protect employees and to preserve an inclusive and welcoming work environment, the University may elect to proceed with the complaint.

(b.) If the Complainant-student does not wish to proceed with the complaint, the University may still be required by law to investigate the allegations and take appropriate responsive measures. Similarly, in these circumstances, the University may not be able to honor a Complainant-student’s request to protect his/her confidentiality, the Investigator will inform the Complainant-student that the University’s ability to fully respond to the complaint may be limited if the Complainant-student insists on confidentiality.

(c.) For more information about confidentiality, and confidential versus reporting resources, see section VIII of this Policy.
(ii.) Complainant wishes to proceed
(a.) If the complainant-employee wishes to proceed with the complaint, the investigator may, in his or her sole
discretion: discuss the matter in confidence with the administrator or administrators responsible for the units in
which the problem has arisen so that the situation may be monitored and appropriate steps taken to avoid future
problems; or proceed with either Informal Resolution or the Formal Administrative Review Process.
(b.) If the complainant-student wishes to proceed with the complaint, the Investigator shall: Notify the Dean of
Student Affairs if not already on notice) of the complaint, and Notify the University dean or department head in
whose division the employee accused of violating the policy is employed. If more than one University employee
is accused in the complaint and those persons are employed in different divisions, the respective deans or
department heads will all be notified. The Investigator shall proceed with either Informal Resolution or the

E. Informal Resolution
(i.) A student or employee who believes he/she has been the victim of prohibited harassment, sexual
misconduct, or discrimination by a University employee has the option to attempt informal resolution of the
matter. The Investigator and the Coordinator or their designees will assist the Complainant and the Respondent
in participating in an informal resolution process which may include individual resolution, mediation or other
remedial measures.
(ii.) Sexual violence cannot be mediated.
(iii.) Complaints may be resolved through either of the informal processes described
below. The choice of how to proceed rests with the Complainant, subject to the provisions above concerning
allegations involving a minor student, or sexual violence. (iv.) The Complainant or Respondent may, at any
time during the Informal Resolution Process, elect to terminate the Informal Resolution Process and proceed
with a formal complaint.
(v.) Individual Resolution
(a.) The Complainant may attempt to resolve the matter directly with the employee Respondent and report to the
Investigator within a mutually agreed time.
(vi.) Mediation
(a.) The Complainant may request mediation to attempt to resolve the complaint. If such a request is made, the
Investigator shall determine whether the employee Respondent is willing to engage in mediation, and, if so, a
mediator shall be selected by mutual agreement of the parties, or by the Investigator.
(vii.) The role of the mediator is to facilitate discussion and to suggest alternative resolutions. The mediator does
not investigate the complaint or assign blame. The mediator will report the outcome of the process to the
Investigator.
(viii.) The Complainant may, at any time during the Informal Resolution Process, elect to terminate the Informal
Resolution Process and proceed with a formal complaint. If the student-complainant elects to forego a formal
complaint against the Respondent, the Investigator will convey the circumstances to the Respondent’s supervisor,
UNCSA General Counsel, and the Title IX Coordinator, who will decided whether to pursue further
investigation or action against the Respondent. If the employee-complainant elects to forego a formal complaint
against the Respondent, the Investigator will convey the circumstances to the Respondent’s supervisor, UNCSA
General Counsel, and the Office of Human Resources, who will decide whether to pursue further investigation
or action against the Respondent.
(ix.) If a complainant elects to proceed with a formal complaint, whether or not informal efforts have been
made, the student must follow the procedures described herein. A formal complaint under this procedure may be
made only by means of filing a written, signed statement with the Investigator.
(x.) Employees subject to the State Personnel Act who wish to preserve their rights under the grievance policy
must submit a written grievance to the Investigator within the time period proscribed in the SHRA Grievance
Policy.
F. Formal Administrative Review
(i.) Generally
(a.) The Investigator will have complete responsibility for conducting the investigation. This investigation and summary constitute the Administrative Review Process.
(b.) The purpose of Administrative Review, is to gather and assess the facts relevant to the complaint to determine whether the Respondent has violated this policy, and to equitably address the concerns in order to resolve the complaint.
(c.) The scope of the investigation will be determined by the Investigator in his/her discretion and according to the complaint and the facts. The investigator will include the information in the summary report to the (1) Human Resource Director if this involves an employee or (2) submit the information to the Associate Director of Student Conduct if it is a student
(d.) The Investigator may conduct the investigation directly, or may enlist one or more others to assist him/her with the investigation and to prepare reports. In subsequent sections of this procedure, persons designated by the Investigator to assist in the investigation are also referred to as the Investigator.
(e.) Resolution of the complaint by mutual agreement of the parties is encouraged. The student or the employee Respondent may at any time during the course of the investigation propose such an agreement to the Investigator, who is authorized to assist the parties in resolving the matter by agreement.
(f.) In most cases, the Administrative Review Process will conclude within 60 calendar days. If more time is needed, the Investigator will notify both the Complainant and the Respondent as to the length of extra time needed and reasons for the delay. The University will make periodic communications with the Complainant and the Respondent, in order to keep them informed of the progression of the Administrative Review Process.
(ii.) Investigation
(a.) The method of investigation shall be within the discretion of the Investigator. However, the following requirements shall be observed.
(b.) The Complainant will be provided a reasonable opportunity to present his/her evidence supporting the charge in the form of documents, interviews, and the student’s and others’ direct testimony about the facts alleged. As to any evidence collected during the investigation, the Investigator may ask questions or request additional information and may refuse to consider any evidence submitted which he/she concludes is repetitious, irrelevant, or otherwise without sufficient value to the investigation. After receiving the initial evidence from the Complainant, the Investigator will interview the Respondent and any other persons who may have information relevant to the investigation. Multiple interviews may be conducted as may be necessary with the Complainant, the Respondent, or any other person to aid the Investigator in understanding the facts and issues related to the grievance. Likewise, the Investigator may obtain any University record deemed necessary to the investigation and may request from the participants or other sources any documents, which will be of assistance.
(c.) Both the Complainant and the Respondent may be accompanied by another member of the University community to provide support and assistance during meetings with the Investigator throughout the course of the investigation, so long as the individual does not interfere with the Investigator’s ability to conduct the investigation. Parties are not restricted from discussing and sharing information relating to their complaint with others that may support them or assist them in preparing their case.
(d.) Evidence of the Complainant’s past relationships with anyone other than the accused is presumptively inadmissible.
(e.) The Investigator should maintain a written timeline of each action taken during the investigation process, including but not limited to, dates of all investigatory steps, individuals interviewed, documents reviewed, and other evidence gathered. All evidence collected during the investigation shall be preserved.

G. Findings Report and Final Report
(i.) After receiving evidence as described above, the Investigator will prepare a written Draft Summary Report, in keeping with guidelines developed by the Coordinator, or in cases of alleged employee on employee discrimination, the guidelines developed by the Director of Human Resources, regarding content and format.

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The Investigator will deliver the Draft Summary Report to the Coordinator, or in cases of alleged employee on employee discrimination, to the Director of Human Resources. The Coordinator, or the director of Human Resources, will review for completeness and compliance, and will either provide feedback for changes or for the inclusion of additional information or will approve the Draft Summary Report as written.

(ii.) After considering any feedback provided by the Coordinator, or the Director of Human Resources, the Investigator will submit the final summary report to the Human Resource Director or to the Associate Director of Student Conduct to reach a final decision. The Investigator’s summary report shall be based solely upon the written complaint and evidence received during the investigation. If the decision is that the Respondent has violated the policy, the Human Resources Director or the Associate Director of Student Conduct will obtain the confidential records of prior incidents involving the Respondent, if any, and will consider such records in any recommendation to impose disciplinary penalties on the person found to have violated the policy.

(iii.) If the Final Report concludes that the employee Respondent has not violated the Policy, the Human Resources Director will so notify the student and the employee Respondent via a written Outcome Letter. If the Final Report concludes that the employee Respondent has violated the Policy, the Human Resources Director or the Associate Director of Student Conduct should also indicate what relief if any the complainant should receive and may include recommendations for disciplinary sanctions.

(iv.) The Human Resources Director or the Associate Director of Student Conduct shall deliver the complete Final Report to the employee’s immediate supervisor for determination of appropriate remedial or disciplinary action, if any, in accordance with existing institutional policies and procedures. Copies of the Final Report shall be given to the Coordinator if the complainant is a student, or the Director of Human Resources if the complainant is an employee, the appropriate dean or department head, and to UNCSA’s General Counsel. Any recommendation for dismissal, suspension, or diminishment in rank shall proceed in accordance with applicable University policies.

(v.) The Respondent’s immediate supervisor will prepare an Outcome Letter to the Respondent’s which includes: a summary of the relevant facts found as a result of the investigation; an explanation of the basis for the decision that the employee Respondent violated this Policy; a listing of all disciplinary sanctions or other remedial measures instituted because of the violation; and any other action that the immediate supervisor deems to be appropriate.

(vi.) The Coordinator will give the Complainant an Outcome Letter summarizing the investigator’s findings of fact and the conclusion that the Respondent violated this policy. The Complainant will receive no information about disciplinary sanctions or remedial measures unless those sanctions or measures directly impact the student.

(vii.) The Final Report, with the evidence collected during the investigation, will be filed in Human Resources.

(viii.) After the Human Resource Director or the Associate Director of Student Conduct has completed the Final Report, the Complainant or the Respondent may appeal the disposition of the investigation as follows:

(a.) Employee Respondents may appeal via the existing University policies covering grievance procedures prescribed for individuals in that category of employment (SHRA, EHRA-NT, Faculty). All timelines and processes in the applicable policy should be followed in order to preserve all employee rights.

(b.) Student Complainants may file a written appeal to the Chancellor or his/her designee setting forth the bases for contending that the investigation, conclusion, and/or sanction was insufficient. The Chancellor or his designee will make a decision within 10 business days of receiving the appeal.

XIII. STUDENT ON STUDENT, OR STUDENT ON EMPLOYEE DISCRIMINATION

A. Generally

(i.) This section of the Policy primarily addresses alleged student on student discrimination. Instances of alleged student on employee harassment should also follow the procedures in this section.

(ii.) The University of North Carolina School of the Arts (UNCSA) expects all members of its community to act in respectful and responsible ways towards each
other. UNCSA is committed to providing programs, activities and an educational environment free from harassment, sexual misconduct and discrimination. As a recipient of Federal funds, UNCSA is required to comply with Title IX of the Higher Education Amendments of 1972, 20 U.S.C. § 1681 et seq. (“Title IX”), which prohibits discrimination on the basis of sex in education programs or activities. Sexual harassment, sexual violence, and sexual misconduct, are forms of sex discrimination prohibited by Title IX.

(iii.) As a public institution, UNCSA must also provide due process to students accused of harassment (including domestic violence, dating violence, and stalking), sexual misconduct or discrimination. This Procedure is designed to provide a fair process for both the Complainant and the Respondent. Consistent with due process, an Accused Student is presumed not responsible until proven otherwise under the Student Code of Conduct.

B. Additional Definitions Pertinent to this Section

Final Administrative Decision means the Dean of Students Affairs formal decision of responsibility and outcome(s) based on the findings and recommendations from the Case Resolution Board or resulting from the Respondent’s plea of “responsible.” The decision is effective immediately upon issuance and remains in effect pending the outcome of subsequent appeal process, if any.

Case Resolution Coordinator means the individual who convenes the Conduct Case Resolution Board. They are responsible for scheduling and notification of the parties regarding any Case Resolution Meeting. The UNCSA Associate Director of Student Conduct serves in this capacity.

Case Resolution Board means the body that hears testimony, reviews evidence, and issues a recommendation of responsibility and outcome(s) when a Respondent contests a charge. The Case Resolution Board is composed of three (3) voting members empaneled by the Associate Director of Student Conduct from a pool of trained individuals (the “Case Resolution Board Pool”). The pool from which the above board members are selected will include representatives from Student Affairs staff; High School and the Division of Liberal Arts faculty and staff; and faculty members from each of the Arts schools (Dance, Drama, Film, Music, Design and Production).

Major Case Resolution Meeting if a student is cited with a Major Violation, they may request a conduct meeting before the Case Resolution Board. A finding of responsible in a Major Case Resolution Meeting may result in outcomes ranging from probation to expulsion. The Major Case Resolution Meeting occurs before the Case Resolution Board, which has the authority to determine responsibility and make a recommendation for outcomes.

Investigator means the individual(s) designated to conduct an investigation of alleged violations of this policy and to make factual findings regarding the complaint.

Associate Director for Student Conduct means the individual handling administrative matters to ensure effective and efficient functioning of the major infraction hearing process.

C. Reporting Procedure/Disclosures

(i.) Students are encouraged to report violations of this Policy by another student as soon as possible, to any of the following: Title IX Coordinator Associate Director of Student Conduct; Vice Provost and Dean of Student Affairs; Director of Residence Life; their respective Art School Dean or Academic Dean; Campus Police; General Counsel; or Responsible Employees. When one of the above administrators receives a student report of a violation of the Policy, the administrator should notify the Title IX Coordinator in the Human Resources Department as soon as possible.

(ii.) Any other University employee who receives notice of a student’s allegation of violations of the Policy must notify the Title IX Coordinator as soon as possible. An employee in a supervisory position who has knowledge of conduct involving prohibited harassment, including sexual misconduct or discrimination that may have occurred in his or her unit must take immediate action to report the matter to any individual listed in C (i) above. Not doing so may result in serious disciplinary consequences and will be considered in breach of supervisory responsibility.

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(iii.) In cases involving minor students, an investigation into allegations of a violation of the Policy is mandatory. In cases involving adult students, an investigation will occur if the complainant consents. Additionally, the University will conduct an investigation without the reporting student’s consent if necessary to protect UNCSA or the UNCSA community.

(iv.) Complainants have the right to notify proper law enforcement authorities, including campus police, be assisted by campus officials in notifying law enforcement authorities if he/she chooses, or decline notification to such authorities. Protective orders and interim remedies (e.g. no contact orders) may be available to victims of domestic violence, sexual assault, or stalking.

D. Preliminary Investigation; Intake

(i.) Upon receipt of notice of any allegation of violations of the Policy 121 by a University student, the Title IX Coordinator will promptly schedule an individual meeting with the Complainant. The Title IX Coordinator will oversee all investigations. This investigation shall normally be completed within 30 calendar days after the initiation of the allegation. The University will periodically communicate with the Complainant and Respondent about the progression of the progress of the Title IX process and will communicate the allegation to UNCSA Campus Police for the Clery Report.

(ii.) The Complainant must file a written complaint with the Title IX Coordinator, who will determine whether the facts alleged in the complaint, if true, could constitute a violation of the Policy. If the facts alleged do not constitute a violation of the Policy, the Title IX Coordinator may ask the student Complainant to clarify or amplify the statements, may refer the Complainant to another appropriate grievance process, or may dismiss the complaint. This determination will be communicated to the complainant in writing. The Complainant may appeal a decision to dismiss the complaint to the Chancellor or his/her Designee.

(iii.) During the meeting, the Title IX Coordinator will: make written notes of the allegation; provide the Complainant with a general understanding of these policies and procedures; identify forms of support or immediate intervention available to the Complainant, including the issuance of a no contact order, restrictions upon entering certain parts of campus and/or other measures designed to promote the safety and well-being of the parties; and discuss any accommodations or interim measures that may be appropriate. For a more detailed discussion of interim remedies, see section IX of these Procedures.

(v.) All disciplinary correspondence will be sent to the student’s UNCSA email account and may be sent to other locations if appropriate.

E. Does Complainant wish to Proceed?

(i.) Complainant wishes to proceed; the Investigator will conduct the investigation

(a.) If the Complainant wishes to proceed, or the University decides to proceed regardless of the Complainant’s wishes, the Investigator will oversee an investigation

(b.) The scope of the investigation will be determined by the Investigator in his/her discretion and according to the complaint and the facts.

(c.) The Investigator may conduct the investigation directly, or may enlist one or more others to assist him/her with the investigation and to prepare a summary report to the Associate Director of Student Conduct.

(d.) The Complainant will be provided a reasonable opportunity to present his/her evidence supporting the allegation in the form of documents, interviews, and the Complainant’s and others’ direct testimony about the facts alleged. As to any evidence collected during the investigation, the Associate Director of Student Conduct may ask questions or request additional information and may refuse to consider any evidence submitted which he/she concludes is repetitious, irrelevant, or otherwise without sufficient value to the investigation.

(e.) After receiving the initial evidence from the Complainant, the Investigator will interview the Respondent and any other persons who may have information relevant to the investigation. Multiple interviews may be conducted as may be necessary with the Complainant, the Respondent, or any other person to aid the Investigator in understanding the facts and issues related to the grievance. Likewise, the Investigator may obtain
any University record deemed necessary to the investigation and may request from the participants or other sources any documents that will be of assistance.

(f.) Both the Complainant and the Respondent may be accompanied by another member of the University community to provide support and assistance during meetings with the Investigator throughout the course of the investigation, so long as the individual does not interfere with Investigator’s ability to conduct the investigation. Neither the Complainant nor the Respondent is permitted to have an attorney present during these proceedings.

(g.) Upon conclusion of the investigation, the Title IX Investigator will dismiss the allegations, recommend informal resolution, or issue a written finding to Student Conduct for resolution. Further, the Title IX Investigator will forward the investigative report to the Respondent and Complainant.

(ii.) Complainant does not wish to Proceed

(a.) If the Complainant does not wish to proceed with the complaint, the University may still be required by law (for example, if the complainant is a minor) to investigate the allegations and take appropriate responsive measures. Similarly, although the University seeks to address a Complainant’s concerns about harassment, sexual misconduct or discrimination in these circumstances, the University may not be able to honor a Complainant’s request that his/her identity remain confidential. Even where the University is able to honor a Complainant’s request to protect his/her confidentiality, the Title IX Coordinator will inform the Complainant that the University’s ability to fully respond to the complaint may be limited if the Complainant insists on confidentiality.

(b.) For more information about confidentiality, and confidential versus reporting resources, please see section VIII of this Policy.

F. Dismissal of Allegations

(i.) The Title IX Coordinator will dismiss the allegations if the facts are insufficient to support a finding of responsible. The Complainant may appeal a decision to dismiss the complaint to the Chancellor or his/her Designee.

G. Informal Resolution

(i.) The Title IX Coordinator may recommend informal resolution. In the event that the Title IX Coordinator recommends Informal Resolution, implementation of interim or protective measures may still be appropriate.

(ii.) The Title IX Coordinator or their designees will assist the Complainant and the Respondent in participating in an informal resolution process which may include individual resolution, mediation or other remedial measures. The choice of how to proceed rests with the Complainant, subject to the provisions above concerning allegations involving a minor student, or sexual violence.

(iii.) Sexual violence cannot be mediated.

(iv.) Complaints may be resolved through either of the informal process described.

(v.) The Complainant or Respondent may, at any time during the Informal Resolution Process, elect to terminate the Informal Resolution Process and proceed with a formal complaint.

(vi.) Individual Resolution

(a.) The Complainant may attempt to resolve the matter directly with the Respondent and report to the Investigator within a mutually agreed time.

(vii.) Mediation

(a.) The Complainant may request mediation to attempt to resolve the complaint. If such a request is made, the Investigator shall determine whether the Respondent is willing to engage in mediation, and, if so, a mediator shall be selected by mutual agreement of the parties, or by the Investigator.

(b.) The role of the mediator is to facilitate discussion and to suggest alternative resolutions. The mediator does not investigate the complaint or assign blame. The mediator will report the outcome of the process to the Investigator.
Duty of Employees to Report Harassment

To assist UNCSA in preventing all levels of harassment, all members of the University community are encouraged to report harassment of others that they witness, perceive, or otherwise know about. All UNCSA employees have specific duties to reporting the harassment of others.

The duties in this section apply to all employees at UNCSA who have received reports of harassment or who have witnessed harassment and to all employees who supervise others who have received reports of harassment, witnessed harassment or otherwise have any knowledge of conduct that could be in violation of UNCSA Prohibited Harassment Policy.

If an employee learns of conduct other than through the person being harassed, they should contact the Title IX Office for advice on how to proceed.

If you believe that you are a victim, or have witnessed or have knowledge of conduct that could be a violation of this policy, the employee must immediately contact the Title IX Office.

Individuals who violate the reporting requirements in this provision will be subject to appropriate discipline/corrective action.

A reporting party who is intentionally dishonest in making the allegations or who acted maliciously is subject to appropriate discipline/corrective action.

Bystander Intervention and Risk Reduction

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes:

- Recognizing situations of potential harm;
- Understanding institutional structures and cultural conditions that facilitate violence;
- Overcoming barriers to intervening;
- Identifying safe and effective intervention options; and
- Taking action to intervene.

Risk reduction is defined as options designed to:

- decrease perpetration and bystander inaction;
- increase empowerment for victims in order to promote safety; and
- help individuals and communities address conditions that facilitate violence.

These topics are covered in many of the on-campus training programs, including but not limited to RAD, Sexual Assault Awareness and Prevention and various Bystander Intervention Campaigns. For example,
Bystander Intervention video “Intervene” is shown at Safe U Orientations at the beginning of the academic year.

**Reporting an Incident**

If a student, employee or visitor has been the victim of dating violence, domestic violence, sexual assault, or stalking, they should immediately report it to the UNCSA Police or the Title IX Office. In the case of an emergency or ongoing threat, get to a safe location and report the incident by calling 336-770-3362 or 911.

Reports to the Title IX Office should go to the Chief Compliance Officer and Director of Title IX at 336-932-3917 or made [online](#) via the Title IX webpage.

The individual who has experienced the violence has the right to notify law enforcement and the option to decline to notify law enforcement. UNCSA officials will assist any complainant in notifying law enforcement, including local police, if they elect to do so. Any student or employee who reports an incident of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, shall receive a written explanation of their rights and options. A student may also report a sexual assault in confidence to a UNCSA Professional Counselor. The specifics of this report will remain confidential and will not result in an identifiable report to UNCSA Police or any other authorities.

Staff members in these positions may inform, encourage, and offer support to the reporting party as it relates to their option of reporting the crime to the police. In the event of a strictly confidential report, a professional counselor may submit a report to the UNCSA Police limited to information needed to categorize the crime for inclusion in the annual disclosure of crime statistics. The situation will also be reported to the Chief Compliance Officer/Director of Title IX or designee to determine what additional follow-up investigation, if any, is required. For more information refer to the [Title IX Policy](#).

**Procedures Victims Should Follow**

The following information provides steps to follow should an incident of sexual assault, dating violence, domestic violence, or stalking occur:

- **Get to a safe place as soon as possible.**

- **Try to preserve all physical evidence.** The victim of a sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical exam. Any clothing removed should be placed in a paper bag. Evidence of violence, such as bruising or other visible injuries, following an incident of sexual, domestic, or dating violence should be documented including through the preservation of photographic evidence. Evidence of stalking (including any communication, such as written notes, voicemail, or other electronic communications) should be saved and not altered in any way. If available, it is advised to contact a close friend or relative who can provide support and be present at the medical exam and/or police department. *Advocates from Family Services of Forsyth County are available 24/7 to provide a victim support.* They can be reached via their crisis line at 336-722-4457. This information may be helpful in obtaining a protection order.

- **Get medical attention as soon as possible.** An exam may reveal the presence of physical injury of which the victim is unaware. Following a sexual assault, antibiotics are typically given at the time of the exam to help prevent the victim from acquiring certain sexually transmitted diseases. Emergency contraceptive pills are offered to all victims at the time of the exam (if the victim presents within 120
hours) to help prevent pregnancy from occurring as a result of the assault. If the victim reports memory loss, loss of consciousness or other circumstances suspicious for a drug-facilitated assault, a urine test may be done if the victim presents within 96 hours. Some of the commonly used “date rape” drugs, however, are only detectable in the urine for 6-8 hours after ingestion.

It is the decision of the individual who has experienced sexual violence whether to speak with a law enforcement officer at the time the forensic exam is completed. Under North Carolina law, an individual can opt to have evidence collected and have the evidence held while they decide when or if they wish to make a report to law enforcement. Individuals are encouraged to consider preserving evidence as soon as possible after an incident regardless of whether the individual has made the decision to contact law enforcement and/or to report the incident to the University.

- **Contact UNCSA Police or the Title IX Office.** Dating violence, domestic violence, sexual assault, and stalking are crimes and reporting their occurrence is vital. It is important to remember that reporting a crime is not the same as prosecuting the crime. The decision to prosecute may be made at another time. Final decision to prosecute is determined by the District Attorney.

- **Consider talking to a counselor.** Seeing a counselor may be important in helping the victim understand his/her feelings and begin the process of recovery. UNCSA Health Services has relevant available resources, counselors, and programs. Family Services of Forsyth County also offers counselling and support groups, available at 336-722-8173.

**Written Notification and Resources**

Both UNCSA and the local community offer important resources to victims of dating violence, domestic violence, sexual assault, or stalking. After a report has been made to the University, the victim will receive written documentation to include information on counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available both within the institution and the community.

Access to services or information can be requested by the Title IX Office at any time at 336-932-3917, by visiting Room 2110 of the Library, or online. A victim need not make a formal report to law enforcement or the University to access the resources that include, but are not limited to, the following:

**On Campus Resources:**

- **Chief Compliance Officer and Director of Title IX**  
  1533 S. Main Street, Library & Learning Commons, Room 2110 | thelenv@uncsa.edu | 336-932-3917

- **Director of Human Resources**  
  1533 S. Main Street, Administration Building | mahoneya@uncsa.edu | 336-770-3317

- **Vice Provost and Dean of Students Affairs**  
  1821 Kenan Drive, Hanes Student Commons Building | 336-770-3275

- **UNCSA Health Services and Counseling Center** (Confidential Resource)  
  1821 Kenan Drive, Hanes Student Commons Building | 336-770-3288

- **HealthLink** (Confidential Resource) | 888-267-3675
• **Student Affairs Clinical Case Manager** (Confidential Resource) | 336-631-1223

• **College Life** | 336-770-3282

• **High School Life** | 336-770-3281

**Off Campus Resources:**

• **Wake Forest Baptist Medical Center**  
  1 Medical Center Blvd, Winston-Salem, NC 27157 | 336-716-2011 (Main) | 336-713-9000 (Emergency)

• **Forsyth Medical Center**  
  3333 Silas Creek Parkway | 336-718-5000 (Main) | 336-718-2001 (Emergency)

• **Sexual Assault Response Program**  
  (24-hr rape crisis service sponsored by Family Services) 336-722-4457

• **Winston-Salem Police or Forsyth County Sheriff’s Office** | 911

• **National Sexual Assault Crisis Hotline** | 800-656-4673 | [https://hotline.rainn.org/online](https://hotline.rainn.org/online)

• **Protective Orders/Legal Advocacy**  
  7th Floor, Forsyth County Hall of Justice, 200 N Main Street, Winston-Salem, NC 27101

• **Counseling and Support Groups (Family Services of Forsyth County)** | 336-722-8173

• **Family Services** | 336-722-8173 |

**Victim Confidentiality and Accommodations**

UNCSA recognizes the sensitive nature of sexual assault, dating violence, domestic violence, and stalking and is committed to protecting the privacy of any individual who reports such acts.

UNCSA Police and other University offices ensure that personally identifying information about victims will not be included in any publicly available recordkeeping, including Clery Act reporting and disclosures such as the Annual Security Report and the Daily Crime Log.

**Personally identifying information** is defined in Section 40002(a)(20) of the Violence Against Women Act of 1994 as:

individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, regardless of whether the information is encoded, encrypted, hashed or otherwise protected, including:

  a. a first and last name;
  b. a home or other physical address;
  c. contact information (including a postal, email or Internet protocol address, or telephone or facsimile number);
  d. a social security number, driver’s license number, passport number or student identification number; and
any other information, including date of birth, racial or ethnic background, or religious affiliation that would serve to identify an individual.

Reports made to law enforcement, including if criminal prosecution is pursued, may be made public and shared with the Respondent when criminal charges are filed. Reports made to medical professionals and licensed mental health counselors will not be shared with third parties except in cases of imminent danger to the complainant or a third party. UNCSA will protect the privacy of Title IX complaint proceedings to the extent possible and permitted under the law. If a Complainant is less than 18 years of age, the Chief Compliance Officer and Director of Title IX may have a legal obligation to report certain instances of harassment and sexual misconduct to the North Carolina Division of Social Services or to other persons or organizations as required by law.

Whether or not a student or employee reports to law enforcement and/or pursues any formal action related to an incident of dating violence, domestic violence, sexual assault, or stalking, UNCSA is committed to providing them as safe a learning or working environment as possible. Upon request, the University will make any reasonably available change to a complainant’s academic, living, transportation, and/or working situation. This includes assisting a victim with obtaining a “no-contact” order, restraining order, or similar lawful order issued by a criminal, civil, or tribunal court or by the University itself. Students may contact the Title IX Office, 336-932-3917 and/or visit the Room 2110 in the Library for further assistance. Employees may also contact the Office of Human Resources at 336-770-3317 and/or visit 1655 Ehle Drive. Any accommodations or protective measures provided to the victim will be held confidential, to the extent that maintaining confidentiality would not impair the University’s ability to provide requested accommodations or protective measures.

UNCSA is committed to ensuring that any order issued by a criminal, civil, or tribunal court or the University itself is fully upheld on all institutionally owned and controlled property. UNCSA is also committed to protecting victims from any further harm. The Title IX Office may automatically issue a temporary no-contact order to students pending the outcome of any conduct proceeding.

**Student Disciplinary Procedures**

UNCSA strictly prohibits all acts of dating violence, domestic violence, sexual assault, and stalking. In addition to facing criminal action, students, employees and other affiliates may also face disciplinary action by UNCSA.

As a public institution, the University must provide due process to students accused of harassment (including domestic violence, dating violence, and stalking), sexual misconduct or discrimination. This Procedure is designed to provide a fair process for both the Complainant and the Respondent. Consistent with due process, a Respondent is presumed not responsible until proven otherwise under the Student Code of Conduct on a preponderance of the evidence standard.

**Preliminary protocol for complaints of this nature is as follows:**

1. Complainant can submit a report online, to UNCSA Police, or inform any Campus Security Authority (CSA) through the aforementioned resources.
2. Report is forwarded to the Title IX Office that investigates the complaint by:
   a. Holding an intake meeting with the Complainant and determining any interim safety measures. If Complainant wishes to proceed or the University has an obligation to continue, the investigation will proceed;
   b. Holding an interview meeting with Respondent and any relevant witnesses;
c. Performing any other action necessary for investigative purposes.

3. If the Title IX Office determines that a policy has been violated, a report on findings, proposed charges, and case will be forwarded to the Office of Student Conduct.

4. The Office of Student Conduct will either dismiss the allegation because of insufficient facts or pursue a charge (described below).

(The following information is taken from the College Handbook and High School Handbook, Appendix C: UNCSA Conduct Process for Alleged Major Infractions of the Student Code of Conduct)

If pursuing a charge, the Associate Director of Student Conduct (or designee) will:

I. Issue a written summons, which includes the specific charge, possible outcomes, and a brief recitation of the allegations supporting the charge. If expulsion is a possible outcome, the summons will inform the Respondent that expulsion precludes matriculation at any UNC constituent institution. The summons will inform the student of the following options for resolution of the disciplinary charge:

a. **Accept Responsibility**: plead responsible to the charge, accept the outcome determined by the Associate Director for Student Conduct (or designee), and provide a signed written acceptance to that effect to the Associate Director for Student Conduct (or designee). In the case of a waiver of Case Resolution Meeting and acceptance of the outcome(s), the Associate Director for Student Conduct (or designee) will forward the student conduct file to the Vice Provost and Dean of Student Affairs. The Vice Provost and Dean of Student Affairs must determine that this action is voluntary by reviewing the signed acceptance and, if necessary, interviewing the respondent and the Associate Director for Student Conduct (or designee) to determine that the charge and outcome have factual support. The Vice Provost and Dean of Student Affairs will send UNCSA’s student conduct decision letter to the student.

1. **Accept Responsibility but not the Outcome(s)**: The respondent may choose to go forward with an Outcome-Only Case Resolution Meeting. In this case the respondent accepts responsibility for the charge(s) but not the proposed outcome(s) and shall have an opportunity to recommend alternative outcomes. The Associate Director for Student Conduct (or designee) shall provide the Respondent and Complainant (if applicable), a written notice of time, place, and format of the Case Resolution Meeting. This notice of the Case Resolution Meeting will be sent to the student’s UNCSA email account; other delivery methods may be utilized if appropriate.

2. **Deny Responsibility**: Plead “not responsible” and request a Case Resolution Meeting. The respondent shall have the opportunity to present their evidence and defense through witness testimony and written documents. A respondent may request this form of resolution if they would like your entire case heard from start to finish because they disagree with both the charge(s) and the outcome(s), or because there is a significant question of fact. The Associate Director for Student Conduct (or designee) shall provide the respondent and complainant (if applicable), a written notice of time, place, and format of the Case Resolution Meeting. This notice of the Case Resolution Meeting will be sent to the student’s UNCSA email account; other delivery methods may be utilized if appropriate.

*In Major Cases involving Complainants*: If the respondent accepts responsibility for violation(s) including Title IX charges of Sexual Misconduct, the Associate Director of Student Conduct will request a meeting with the complainant to discuss the proposed resolution and to determine whether the complainant accepts resolution. The Associate Director of Student Conduct (or designee) will provide the Complainant with a summary outlining the proposed determinations on responsibility and sanction(s) and the rationale related only to those Sexual Misconduct violation(s). The complainant has three Days to respond to an offer of a resolution.
a. A complainant who accepts a resolution must voluntarily accept the determinations on responsibility and outcomes(s) accepted by the respondent and waives his/her right to a Case Resolution Meeting. The resolution must be in writing and signed by the complainant and the Associate Director of Student Conduct. The signed resolution may not be appealed.

b. If both the respondent and the complainant accept the resolution, the case is resolved with a waiver of a Major Case Resolution Meeting and no further right of appeal.

c. In Title IX cases, the respondent and complainant will receive concurrent notification in writing summarizing findings of fact and the conclusion that the respondent violated the Title IX Policy. The written resolution must contain determinations on responsibility and outcomes(s) (if applicable), and the rationales upon which the determinations are based.

d. If the Associate Director of Student Conduct (or designee) does not offer a resolution or either the respondent or complainant does not accept an offer, the case shall be referred to a Major Case Resolution Meeting.

e. If the respondent accepts an offered Mutual Resolution and the Complainant has been notified and fails to respond within seven days of an initial request for a meeting, the case may be resolved in the complainant’s absence.

Prior to the Case Resolution Meeting

Note: Prohibition on Ex Parte Contact: No member of the University Community (or person acquainted with the case, including parent(s) or legal guardian(s)) should initiate any contact with any member of the Case Resolution Board, the Case Resolution Board pool, the Vice Provost and Dean of Student Affairs, the Chancellor, or members of the Board of Trustees concerning the case. Any student or employee who so communicates or attempts to so communicate will be subject to discipline for that conduct. Further, if the respondent engages in that behavior or requests, encourages, or otherwise facilitates such communication, that student forfeits their right to an appeal.

The Respondent:

1. May arrange for witnesses to appear on their behalf. The Respondent shall notify the Associate Director for Student Conduct (or designee) at least 72 hours in advance of the scheduled Case Resolution Meeting of the names of any witnesses for their presentation of the case and provide a written explanation of why the witness is relevant to the proceeding. Aside from character witnesses, as noted below, only witnesses that have information or evidence pertinent to the investigation may be called and questioned in the Case Resolution Meeting. The student is responsible for the attendance of their witnesses. Witnesses called to a Case Resolution Meeting during scheduled class time must have their absence waived in writing prior to the appearance. Witnesses must formally request this absence, in writing, from the appropriate instructor(s). In Title IX cases, all witnesses with any relevant information and all relevant evidence must be brought to the attention of the Investigator during the investigation. Absent extraordinary circumstances, no witnesses who were not interviewed by the Investigator may participate in the Case Resolution Meeting, and no evidence that was not brought to the attention of the Title IX Investigator may be presented.

2. May present testimony (either live or in written form) from no more than three character witnesses. Written statements must not exceed 500 words and must be submitted to the Associate Director for Student Conduct (or designee) no less than 72 hours prior to the Case Resolution Meeting. Names of character witnesses appearing at the Case Resolution Meeting must be included in the list of witnesses furnished at least 72 hours before the Case Resolution Meeting.

3. May submit evidence in the form of written information, documents, and exhibits to be included in the Case Resolution Meeting file. Written information, documents, and exhibits must be submitted to the Associate Director for Student Conduct (or designee) no less than 72 hours prior to the Case Resolution
Meeting. Any evidence that is not submitted at least 72 hours prior to the Case Resolution Meeting will not be added to the Case Resolution Meeting file. The Case Resolution Board will determine whether or not to accept any evidence brought forth during the Case Resolution Meeting that was not included in the Case Resolution Meeting file prior to the Case Resolution Meeting. In Title IX cases, no evidence that was not brought to the attention of the Title IX Investigator may be presented.

4. May ask an attorney or non-attorney advocate to assist in preparing and presenting their case. The attorney or non-attorney advocate may prepare the respondent’s case and present it to the Case Resolution Board or support the case presented by the respondent. Anyone reporting directly to the Chancellor, Provost or Vice Chancellor for Finance and Administration may not serve as an attorney or non-attorney advocate.

5. Has the right to review the student conduct file including all written information, documents, exhibits, and a list of witnesses who may testify against them at least 24 hours before the Case Resolution Meeting. If the respondent fails to review the student conduct file 24 hours before the Case Resolution Meeting then the respondent waives their right to view the student conduct file prior to the Case Resolution Meeting.

6. Will be informed by the Associate Director for Student Conduct (or designee) of the Case Resolution Board’s membership no less than one week prior to the Case Resolution Meeting. The student may request a substitute for anyone they believe to be biased. To support such a request, the student must provide a written statement that details the basis for the student’s belief of bias sufficient to enable the Associate Director for Student Conduct (or designee) to make a determination. The Associate Director for Student Conduct (or designee) will determine whether the substitution should be granted within five calendar days of the request. If the Associate Director for Student Conduct (or designee) determines that a substitution is unnecessary, the Coordinator will give the student a written explanation of the basis for that decision.

7. Will keep the membership of the Case Resolution Board confidential and will not disclose that membership to their witnesses or other members of the campus community.

The Complainant or Reporting Party (if applicable):

1. May arrange for witnesses to appear on their behalf. The complainant or reporting party shall notify the Associate Director for Student Conduct (or designee) at least 72 hours in advance of the scheduled Case Resolution Meeting of the names of any additional witnesses for their presentation of the case and provide a written explanation of why the witness is relevant to the proceeding. Aside from character witnesses, as noted below, only witnesses that have information or evidence pertinent to the investigation may be called and questioned in the Case Resolution Meeting. The Complainant or Reporting Party is responsible for the attendance of their witnesses. Witnesses called to a Case Resolution Meeting during scheduled class time must have their absence waived in writing prior to the appearance. Witnesses must formally request this absence, in writing, from the appropriate instructor(s). In Title IX cases, all witnesses with any relevant information and all relevant evidence must be brought to the attention of the Investigator during the investigation. Absent extraordinary circumstances, no witnesses who were not interviewed by the Investigator may participate in the Case Resolution Meeting, and no evidence that was not brought to the attention of the Title IX Investigator may be presented.

2. May present testimony (either live or in written form) from no more than three character witnesses. Written statements must not exceed 500 words and must be submitted to the Associate Director for Student Conduct (or designee) no less than 72 hours prior to the Case Resolution Meeting. Names of character witnesses appearing at the Case Resolution Meeting must be included in the list of witnesses furnished at least 72 hours before the Case Resolution Meeting.
3. May submit evidence in the form of written information, documents, and exhibits to be included in the Case Resolution Meeting file. Written information, documents, and exhibits must be submitted to the Associate Director for Student Conduct (or designee) no less than 72 hours prior to the Case Resolution Meeting. Any evidence that is not submitted at least 72 hours prior to the Case Resolution Meeting will not be added to the Case Resolution Meeting file. The Case Resolution Board will determine whether or not to accept any evidence brought forth during the Case Resolution Meeting that was not included in the Case Resolution Meeting file prior to the Case Resolution Meeting. In Title IX cases, no evidence that was not brought to the attention of the Title IX Investigator may be presented.

4. May ask an attorney or non-attorney advocate to assist in preparing and presenting their case. The attorney or non-attorney advocate may prepare the complainant or reporting party’s case and present it to the Case Resolution Board or support the case presented by the complainant or reporting party. Anyone reporting directly to the Chancellor, Chief Academic Officer or Vice Chancellor for Finance may not serve as an attorney or non-attorney advocate.

5. Has the right to review the student conduct file including all written information, documents, exhibits, and a list of witnesses who may testify against them at least 24 hours before the Case Resolution Meeting. If the Complainant or Reporting Party fails to review the student conduct file 24 hours before the Case Resolution Meeting then the complainant waives their right to view the student conduct file prior to the Case Resolution Meeting.

6. Will be informed by the Associate Director for Student Conduct (or designee) of the Case Resolution Board’s membership no less than one week prior to the Case Resolution Meeting. The complainant or reporting party may request a substitute for anyone they believe to be biased. To support such a request, the complainant or reporting party must provide a written statement which details the basis for the complainant or reporting party’s belief of bias sufficiently to enable the Associate Director for Student Conduct (or designee) to make a determination. The Associate Director for Student Conduct (or designee) will determine whether the substitution should be granted within five days of the request. If the Associate Director for Student Conduct (or designee) determines that a substitution is unnecessary, the coordinator will give the student a written explanation of the basis for that decision.

7. Will keep the membership of the Case Resolution Board confidential and will not disclose that membership to their witnesses or other members of the campus community.

**The Associate Director for Student Conduct (or designee):**

1. The Associate Director for Student Conduct (or designee) shall identify the names of any witnesses at least 72 hours in advance of the scheduled board meeting. The Associate Director for Student Conduct (or designee) is responsible for the attendance of the witnesses they call.

**Special Accommodations:** Upon timely request to the Associate Director of Student Conduct (or designee) by the respondent, the complainant, or any witness, UNCSA may be able to provide special accommodations for alternate testimony means (e.g., room divider or video conference). Such accommodations are at the discretion of the Associate Director of Student Conduct or designee, in consultation with the Title IX Coordinator. When possible, the respondent and complainant will be notified in writing in advance of the Hearing of any special accommodations granted.

**The Case Resolution Board Members:**

1. Have the opportunity to review the written materials pertinent to the case at least 24 hours in advance of the Case Resolution Meeting. More time for review may be granted on a case-by-case basis at the discretion of the Associate Director for Student Conduct (or designee).
2. Must recuse themself if they have a conflict with, bias about, or an interest in the case. If a Board member fails to recuse themself, the Associate Director for Student Conduct (or designee) shall make the final determination regarding a conflict of interest and will provide a written decision to the Vice Provost and Dean of Student Affairs.

3. Must promptly report to the Associate Director for Student Conduct (or designee) any Pre-Case Resolution Meeting contact by the complainant or reporting party, the respondent, parent(s) or legal guardian(s), or any members of the UNCSA community concerning the matter that is the subject of the Case Resolution Meeting. The Associate Director for Student Conduct (or designee) will consider this information and determine whether the Case Resolution Board member should be removed from the Case Resolution Board and replaced.

At the Case Resolution Meeting

Individuals permitted or required to attend the case resolution meeting:

1. The Case Resolution Board, as defined above.
2. The Respondent. The respondent is expected to appear at the Case Resolution Meeting at the scheduled time. If the respondent should fail to appear without reasonable cause, the Board reserves the right to proceed with the presentation of the evidence and find the student either responsible or not responsible “in absentia.”
3. A licensed attorney or non-attorney advocate to the respondent, as noted above.
4. The respondent’s parent(s) or legal guardian(s). At the request of the respondent, the respondent’s parent(s) or legal guardian(s) may be present at the Case Resolution Meeting but may not directly participate in the proceedings unless they are the respondent’s designated attorney or non-attorney advocate.
5. The complainant or reporting party or representative. The complainant or reporting party must present sufficient witness and/or documentary evidence to establish the infraction. If reasonably possible, the complainant or reporting party will attend the Case Resolution Meeting to provide a statement and/or answer questions asked by the Case Resolution Board members.
6. The complainant or reporting party’s parent(s) or legal guardian(s). At the request of the complainant or reporting party, the complainant or reporting party’s parent(s) or legal guardian(s) may be present at the Case Resolution Meeting but may not directly participate in the proceedings unless they are the complainant or reporting party’s designated attorney or non-attorney Advocate.
7. Witnesses called by the respondent, Associate Director for Student Conduct (or designee), or Case Resolution Board. Called witnesses may remain in attendance only during the time of their testimony.

Case Resolution Meeting Process and Procedures:

1. All proceedings of the Case Resolution Board are closed.
2. The Case Resolution Meeting will be held no sooner than 10 calendar days after the student elects to have a Case Resolution Meeting unless the student agrees to an earlier Case Resolution Meeting date.
3. All members of the Board, the respondent, and the complainant or reporting party will be notified by the Associate Director for Student Conduct (or designee) at least five calendar days in advance of the place, date, and time for the Case Resolution Meeting.
4. The proceedings will be recorded by UNCSA. The recording will remain the property of UNCSA.
5. The Associate Director for Student Conduct (or designee) will operate recording equipment to preserve the actual testimony.
6. The Associate Director for Student Conduct (or designee) will call the meeting to order and the Case Resolution Board conducts all the following proceedings.
7. During the Case Resolution Meeting, Associate Director for Student Conduct (or designee) presents the file and its contents.

8. The respondent and the complainant or reporting party shall have the opportunity to present evidence and defenses through relevant witness testimony and documentary evidence that does not otherwise infringe on the rights of other students.

9. The Respondent and the Complainant or Reporting Party may submit questions to the Case Resolution Board to be asked of the witnesses or Complainant(s) testifying before the panel. However, the Respondent and the Complainant or Reporting Party will not be permitted to ask questions directly of one another. If the Respondent has a question for a witness during the Case Resolution Meeting, they must present the question to the Chair of the Conduct Board or the Associate Director of Student Conduct (or representative), who may then ask the question or a rephrased question in their discretion on behalf of the Respondent. In cases involving Complainants: The Respondent and the Complainant will not be allowed to directly question each other or any witnesses under any circumstances. If the Respondent or the Complainant has a question for each other or a witness during the Case Resolution Meeting, they must present the question to the Chair of the Conduct Board or the Associate Director of Student Conduct (or representative), who may then ask the question, consider whether the question is permissible, disallow the question, or a rephrased question in their discretion on behalf of either the Respondent or the Complainant.

10. The Board reserves the right to call anyone to the Case Resolution Meeting that may aid in its determination of responsibility.

11. Issues regarding admission of evidence or testimony, including relevancy and the reliability of evidence and testimony will be determined by the Case Resolution Board during the Case Resolution Meeting. Formal rules of evidence do not apply. The Case Resolution Board will determine the admissibility of any information. The Respondent’s prior conduct record is not to be considered in the Case Resolution Meeting unless and until the Respondent is found responsible for a violation(s) of the Code.

12. All persons who give information to the Board are required to report facts honestly. Knowingly giving false information to the Board constitutes an infraction of the Student Code of Conduct or expectations of employment at the University.

13. At the conclusion of the presentation of the evidence, all voting Case Resolution Board members will deliberate in private. General Counsel, if requested by a majority of the Case Resolution Board members, may be present for the deliberations to provide advice on policy matters, but shall not participate in the decision. No one else, including the Judicial Coordinator and the respondent (or designee), may attend. The deliberations will not be recorded.

14. After recommending a finding and before the outcome phase, the Case Resolution Board will review the Respondent’s conduct record. The conduct record will be considered in determining a recommendation of an appropriate outcome(s).

15. During its deliberations, the Case Resolution Board will determine by majority vote whether, based on a preponderance of the evidence (“more likely than not”), the respondent is responsible for the offense charged. This determination will be based solely on the evidence presented at the Case Resolution Meeting. The Board will prepare its written decision, including a summary of the facts, a rationale for the decision reached, and a recommendation of outcomes, if any, from the range published in the Code of Conduct. The Case Resolution Board may recommend the outcome as stated in the summons or propose a different outcome(s). This document shall be prepared within five calendar days of the Case Resolution Meeting’s conclusion.

Following the Case Resolution Meeting

Subsequent Proceedings:
1. If the Respondent is found “not responsible” for a Major Infraction, the Case Resolution Board may work with the parties and witnesses as it deems appropriate to determine if any further action or recommendation (such as mediation or institution of lesser charges) should be taken.

2. 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 calendar days. This recommendation will briefly summarize the evidence upon which the decision is based.

3. The Vice Provost and Dean of Student Affairs (or designee) will review the record to ensure that the evidence supports the findings, the respondent was given due process, and that the procedures set forth by the UNC Board of Governor’s Policy on Minimum Substantive and Procedural Standards for Student Disciplinary Proceedings were followed. The Vice Provost and Dean of Student Affairs may: remand it for a new Case Resolution Meeting (or other appropriate proceedings) before the Case Resolution Board if necessary; or proceed to make their Final Administrative Decision.

4. The Vice Provost and Dean of Student Affairs (or designee) will make all Final Administrative Decisions in cases heard by a Case Resolution Board within 15 calendar days after receiving the recommendation from the Case Resolution Board. Any modification of the Case Resolution Board’s decision may not be arbitrary or capricious; reasons for any deviation in findings or outcomes must be documented. The respondent will be notified, in writing, of the Final Administrative Decision, the evidence supporting the decision, and of the right to appeal the decision. A copy of the letter will also be sent to the members of the Case Resolution Board, the student’s Arts Dean, the Dean of Liberal Arts (for a college student), the Dean of the High School Academic Program (for a high school student), the appropriate Art Administrative Council (HSAC) Representative for High School, and the Assistant Dean of Student Affairs and Director of Residence Life Programs & Housing.

5. If the final decision is suspension or expulsion, separation from UNCSA is effective immediately. The student will leave campus and is banned from any school property. If the outcome is expulsion, the outcome applies to all UNC constituent institutions. In cases of suspension or expulsion, the student’s name is entered into the UNC Suspension and Expulsion database.

**Outcome Deferral:** At the discretion of the Associate Director (or designee), the imposition of an outcome normally will be deferred until after a decision on a first-level appeal, but may be imposed immediately after the Case Resolution Meeting if:

1. The Respondent has committed an additional violation of the Code or has violated the terms of a previous outcome(s).
2. The Respondent’s actions were threatening, harmful, or dangerous to others or the University community;
3. The Respondent caused significant property damage;
4. The Respondent impacted the stability and continuance of normal University functions; or
5. The Respondent directly and substantially impeded the lawful activities of others.

**Concurrent Notification:**
Concurrent with the final administrative decision notification to the respondent, The Vice Provost and Dean of Students will notify the complainant student in writing, summarizing the Board’s findings of fact, Board rationale, and the conclusion that the respondent violated the Title IX, and outcome(s) if applicable. The resolution letter will also specify appeal rights and procedures, when appropriate. The complainant will be notified of any change of the result before it becomes final and the result when it becomes final (i.e. after the conclusion of the appeals process).
Appeals Process:

1. Appeal to the Chancellor
   a. The student will be informed of the right to appeal to the Chancellor. The student must submit a written request through the Associate Director for Student Conduct within five calendar days after notification of the final administrative decision. The request must allege either:
      i. A violation of due process; and/or
      ii. A material deviation from the substantive or procedural standards adopted by the Board of Governors.
   b. UNC Board of Governors Policy 700.4.1 establishes the standards for procedural and substantive due process in student conduct procedures:
      i. Procedural: The procedural standards require notice and an opportunity for a hearing. The formality of these provisions will vary depending on the seriousness of the offense.
      ii. Substantive: Substantive standards require that the decision reached be neither arbitrary nor capricious. Generally, this means that there is some evidence to support the decision reached.
   c. Additionally, the request must cite facts and evidence in the record to support the alleged grounds of appeal noted above.
   d. Note: A student who accepts responsibility and chooses an outcome-only Case Resolution Meeting can appeal the outcomes but cannot appeal their acceptance of responsibility.
   e. The Chancellor shall decide appeals based upon the student’s written appeal and the Record on Appeal. The decision may:
      i. Affirm the determinations on responsibility and the outcomes(s) (if applicable);
      ii. Affirm the determination on responsibility and reduce but not eliminate the outcome(s); or
      iii. Reverse the determination on responsibility and/or remand the case to the same or a new Case Resolution Meeting.
   f. The Chancellor will review the record, affirm or reverse the decision, and notify the student within 15 calendar days of receiving the request for appeal. The student does not have the right to appear before the Chancellor.

2. Appeal to the Board of Trustees: In cases involving suspension or expulsion, the student may request a further appeal to the UNCSA Board of Trustees via its Committee on Academic and Student Affairs. The student must submit a written request for appeal to the Assistant Secretary to the Board of Trustees within five calendar days after notification of the Chancellor’s decision. The request must allege either:
   a. A violation of due process; and/or
   b. A material deviation from the substantive or procedural standards adopted by the Board of Governors.
   c. The review might not be scheduled until the next regularly scheduled committee meeting or later, depending on the committee’s availability. The Board of Trustees will affirm or reverse the Chancellor's decision. The appeal shall be “on the record” and the student will not attend the review. The Board of Trustees will forward its written decision to the student within 10 calendar days of the decision. If the Board of Trustees determines that the outcome should be reduced, the Vice Provost and Dean of Student Affairs shall be informed and the entry in the UNC Suspension and Expulsion database will be amended accordingly. The student will be informed of the decision in writing.
Reapplication Process:

A former student may apply for re-enrollment at UNCSA or to any other UNC constituent institution once the prescribed suspension has been served. Reapplication is not a guarantee that the student will be allowed to return to UNCSA.

Notes on Special Cases

1. Pursuant to the Campus Security Act, in cases of alleged sexual assault, the accuser/complainant and the accused/respondent are entitled to have the same opportunities to have others present during a disciplinary proceeding.
2. Pursuant to FERPA, victims of violent crimes must be notified of the results of the disciplinary proceeding of the alleged assailant. “Results” means the name of the student assailant, the infraction charged or committed, the essential findings supporting the conclusion that the infraction was committed, the outcome if any is imposed, the duration of the outcome, and the date the outcome was imposed.
3. When a student with a disability is charged with an offense, the institution will assure that all requirements of Section 504 of the Rehabilitation Act and the Americans with Disabilities Act are met. Any student accommodation may contact the Office of Learning Resources.
4. Charges against multiple students involved in the same incident may be heard in a single case only if each student defendant consents in writing to the Associate Director for Student Conduct (or designee) to such a proceeding.

Employee Disciplinary Procedures

Grievance (SAAO-II and other EHRA) Policy 614

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
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 UNCSA 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 UNCSA’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 UNCSA’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
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.

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 UNCSA will furnish a copy to the grievant at UNCSA’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.

Grievance (SHRA) Policy #615

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 “Career State Employees” employed by UNCSA. This policy also covers former employees in this category who bring forward a grievance based on an event which occurred during employment if it is brought within a reasonable time after that event, normally no longer than thirty days after the incident(s) leading to the grievance. Furthermore, this policy covers non-career State employees and applicants for SHRA positions.

III. Policy

Follow this link to view the SHRA Grievance policy through the Office of State Human Resources (OSHR).
a process for Faculty members to seek redress concerning employment related grievances. UNCSA’s Faculty Grievance Policy described herein adheres to those guidelines.

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 UNCSA, 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 four-year contract. No officer of administration, including Assistant Deans, Associate Deans, or Deans may serve on the Committee.

The Committee Chairman shall be elected by the members of the Grievance Committee at the first convened meeting of the academic year.

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 term.

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 s/he has a conflict of interest is being considered; the Committee shall elect one of its members to fill the vacancy until s/he returns. The Committee shall also select one of its members to replace the chairman if s/he is 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, mediate, 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 his/her 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 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 he or she considers pertinent to the grievance. The Faculty member shall deliver a copy of the petition to the respondent administrator by certified mail or by another means that provides proof of delivery.

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 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 which 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 UNCSA 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 s/he 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 s/he has experienced an injury that would entitle him/her 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 his or her decision on the recommendation of the Faculty committee and the record from the Faculty Grievance Committee hearing. The Chancellor may, in his or her 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 his/her 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 his/her 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 which has jurisdiction of the subject matter of the grievance. The board will issue its decision 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 which 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.

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:
- by a current or former spouse or intimate partner of the victim;
- by a person with whom the victim shares a child in common;
- by a person who is cohabiting with, or has cohabited with, the victim as a spouse or intimate partner;
- 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
- 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.
2018: No Hate Crimes Reported.
2017: No Hate Crimes Reported.
2016: Two Hate Crimes Reported

- Two incidents of Vandalism reported on campus characterized by racial bias.

UNCSA Crime Statistics Chart (NEXT PAGE)
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*Residence Hall Crime Statistics are a subset of the On-Campus Category

**This number represents crimes investigated by Sworn Law Enforcement and determined to be 'Unfounded'; meaning there was evidence the reported crime did not occur.
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

<table>
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<th>UNCSA Residential Facilities</th>
<th>Sprinkler System</th>
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<th>Heat Detectors</th>
<th>Fire Extinguishers</th>
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### 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 Policy #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 UNCSA 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, UNCSA 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 UNCSA 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, UNCSA 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.

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<th>High School Residence Hall Fire Evacuation Safe Zones</th>
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<td>Center Stage Apartments</td>
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**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.
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