



# Campus Security Report

## 2023

# Campus Security Report 2023 Content

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- RTP Campus

## From the Chief of Police

Thank you for taking time to read this year's annual security report. The Wake Tech Campus Police Department prepares this report in compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act* (The Clery Act). Information about the Clery Act can be found on our web site. The security report is designed to provide you with important information about your safety and security and contains statistics about crime on campus. The statistical data that is shared in this report details activities of the previous three years on campus. Safety is a shared responsibility and we rely on every community member to contribute to security by reporting suspicious activities and using common sense when going about their daily activities. Campus Police Officers have full powers of arrest pursuant to North Carolina General Statute 115D-21.1 and enforce federal, state, and local laws along with certain college policies. We hope you find this report informative and helpful, and that your time at Wake Tech will be enjoyable and safe. If you have questions or would like further information about safety and security at Wake Tech, please visit us at [www.waketech.edu](http://www.waketech.edu) and follow the links to the Campus Police Department or contact me at **919-866-5532**.

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

Michael Penry  
**Chief of Police**  
Wake Tech Campus Police

## **Important telephone numbers and e-mail addresses**

**For All Campus Emergencies, call:**

**EMERGENCY**

# **866-5911 or 911**

**For Non-Emergency Police Calls: 866-5943**

### **Campus addresses and phone numbers:**

**Beltline Education Center 3200 Bush Street, Raleigh: 919-866-5000**

**Perry Health Sciences Campus 2901 Holston Lane, Raleigh: 919-866-5000**

**Southern Wake Campus 9101 Fayetteville Road, Raleigh: 919-866-5000**

**Scott Northern Wake Campus 6600 Louisburg Road, Raleigh: 919-866-5000**

**Eastern Wake Campus, 519 Industrial Drive, Zebulon: 919-866-5000**

**Public Safety Education Campus 321 Chapanoke Road, Raleigh: 919-866-5000**

**Western Wake Campus 3434 Kildaire Farm Road, Cary: 919-866-5000**

**Vernon Malone College and Career Academy 2220 South Wilmington Str. Raleigh: 919-856-8119**

**RTP Campus 10908 Chapel Hill Rd, Morrisville: 919-866-5000**

**Northern Wake College and Career Academy 931 Durham Rd Wake Forest: 919-694-8650**

#### **Chief of Police**

**Michael Penry**

**919-866-5532**

**mapenry@waketech.edu**

#### **Assistant Chief of Police**

**Wyatt Cumbo**

**919-866-5867**

**wscumbo@waketech.edu**

#### **Administrative Lieutenant**

**Bob Adams**

**919-866-6120**

**rgadams@waketech.edu**

#### **Patrol Lieutenant**

**Michale Banks**

**919-866-5358**

**mwbanks1@waketech.edu**

## The Clery Act – Legal Requirements

### The Clery Act requires colleges and universities to:

- Publish an annual report every year by October 1 that contains three years of campus crime statistics and certain campus security policy statements.
- Disclose crime statistics for the campus, public areas immediately adjacent to or running through the campus, and certain non-campus facilities and remote classrooms. The statistics must be gathered from campus police or security, local law enforcement, and other College officials who have “significant responsibility for student and campus activities.”
- Provide “timely warning” notices of those crimes that have occurred and pose an ongoing threat to students and employees.
- Disclose in a public crime log “any crime that occurred or allegedly occurred on campus or within the patrol jurisdiction of the campus police or the campus security department and is reported to the campus police or security department.”
- Prohibit the institution, or an officer, employee, or agent of the institution, participating in any program under this title from retaliating, intimidating, threatening, coercing, or otherwise discriminating against any individual with respect to the implementation of any provision of the Clery Act.

The Wake Technical Campus Police Department is responsible for preparing and distributing this report. We work with many other departments and agencies, such as the Title IX Coordinators, Office of the Dean of Students, Campus Security Authorities and local law enforcement agencies to compile the information. We encourage members of the Wake Tech community to use this report as a guide for safe practices on and off campus. It is available on the Wake Tech Campus Police website. [https://www.waketech.edu/sites/default/files/police/Campus\\_Security\\_Report.pdf](https://www.waketech.edu/sites/default/files/police/Campus_Security_Report.pdf)



## Wake Tech Campus Police: Who We Are

Located at 9101 Fayetteville Road, Raleigh, NC, 27603, the Wake Tech Campus Police is open 24 hours a day, 365 days a year. The College emergency telephone number is **919-866-5911**. The Wake Tech Campus Police Officers have full powers of arrest pursuant to North Carolina General Statute 115D-21.1 and enforce federal, state, and local laws along with certain college policies. Wake Tech also employs security guards who have been trained and authorized by the North Carolina Private Protective Services Bureau and have completed extensive on-the-job training at Wake Tech. All campuses are patrolled by Officers on foot, on bicycles and in vehicles performing a variety of services such as traffic enforcement, investigations, monitoring intrusion detection and fire alarms, providing escorts, searching for safety hazards and responding to medical emergencies. The officers are also available to assist with motor vehicle lockouts, changing flat tires, vehicle jump starts and many other calls for service.

## Our Mission and Core Values

Our mission is to enhance the living, learning, and working experience at Wake Tech by protecting life, maintaining order, and safeguarding property. We fulfill this purpose by providing our community with a full range of services that meet the highest professional standards of campus security. We are committed to working with the community to define our priorities and build lasting partnerships. The following core values guide us in this mission.

### Integrity

We firmly adhere to the values set forth in this document and our professional ethics, as outlined in the Police Officer Code of Ethics. We always expect every member of our agency to uphold the highest ethical standards.

### Respect

We treat all members of the community and each other with courtesy, fairness, and dignity.

### Professionalism

We will continually develop our knowledge, skills, and abilities to the highest levels possible to enable us to provide the finest police services to the Wake Tech community. Our approach is based on a commitment to excellence, innovation, and continuous improvement.

### Accountability

We value the opportunity to serve the community and will ensure that our conduct always merits trust and support. We will accept full responsibility for our actions and will take appropriate actions to meet community and professional expectations.

### Service

We are committed to enhancing campus security and safety and increasing the community's sense of security. We will work in partnership with the community to identify and solve problems that affect the quality of life on campus. We demonstrate our commitment to serve by placing the needs of others ahead of our own.

### Mentoring

We recognize that individual and team contributions are essential to a high-performing agency. By sharing insight and guidance, and creating learning opportunities, we acknowledge that each member of our agency makes a valuable contribution to our purpose and vision.

## Appreciation

We are proud of our profession, our colleagues, our agency, and Wake Technical Community College. We recognize the sacrifices our members make to ensure the safety and security of the community. We will do all possible to ensure all our members feel appreciated and are duly rewarded for their contributions.

## Campus Police and Interagency Cooperation

### Wake Tech Campus Police Officer Authority

The Wake Tech Campus Police Department is a fully sanctioned law enforcement agency dedicated to protecting the life and property of students, faculty, staff, and visitors on all Wake Tech campuses. Wake Tech Campus Police Officers are sworn officers who have full powers of arrest pursuant to North Carolina General Statute 115D-21.1 and enforce federal, state, and local laws along with certain college policies. Wake Tech Campus Police Officers investigate all crimes on our campuses and do not have an MOU with any other agencies for investigations.

### Campus Security Officer Authority and Training

Campus Security Officers are not sworn law enforcement officers and derive their authority from the North Carolina Private Protective Services Bureau. Campus Security Officers are required to complete a training course approved and authorized by the North Carolina Private Protective Services Bureau. Extensive on-the-job training is presented to Security Officers serving at Wake Tech to enable them to perform their duties more efficiently, effectively and safely.

### Interagency Cooperation

The Wake Tech Campus Police Department works closely with local and federal law enforcement agencies, as well as with the North Carolina State Highway Patrol, State Bureau of Investigation, North Carolina Information Sharing and Analysis Center and the Federal Bureau of Investigation. The department also relies on several Emergency Medical Services agencies and Fire Departments to respond to emergencies on campus. This arrangement gives us immediate access to resources and support during campus emergencies.

## Reporting Criminal Incidents, Emergencies, and Violent or Threatening Behavior

### Methods of reporting crime and other serious incidents

All students, employees, and guests should promptly report criminal incidents, threats, violent behavior, accidents, and other emergencies or concerns to the College emergency number **919-866-5911**. Crimes can be reported at the following email address: [campuspolice@waketech.edu](mailto:campuspolice@waketech.edu). Additionally, individuals may report incidents in person at the Wake Tech Campus Police Department office located in Holding Hall, room 148 on the main campus at 9101 Fayetteville Road, Raleigh, NC 27603.

### Campus Security Authorities (CSA)

Reports may also be reported to Campus Security Authorities (CSA) such as: Title IX Coordinators, Dean of Student Development, the Athletics Director, coaches, faculty advisors to all clubs, instructors at non campus locations, and academic advisors. CSA's have an obligation to report all crimes occurring on campus or at satellite locations to the Campus Police Chief or Title IX coordinator. There are no exceptions to this requirement. If the complainant wishes to remain anonymous that request will be granted.

### Mandated Reporter

All Wake Technical Community College employees are mandated reporters who are obligated by policy to share knowledge, notice and/or reports of harassment, discrimination and/or retaliation with the Title IX coordinator and/or their supervisor.

### Reporting Violent or Threatening Behavior

Any person who becomes aware of or believes that he or she has witnessed an incident of violent or threatening behavior, or who is the recipient of threatening and/or violent behavior, should immediately report such incident(s) to the Campus Police Chief, employee's supervisor, the supervisor's manager, or the Human Resources office. If the person believes that someone may be in imminent danger or if the incident in question has resulted in anyone being physically harmed, the person must immediately contact the Wake Tech Campus Police Department (**919-**



**866-5911**). Faculty and staff may also report violent or threatening behavior by submitting a BAT (Behavior of Concern and Threat reporting Form), which is located in Wake Tech Portal at <http://my.waketech.edu>

### **Disclosure of Disciplinary Proceedings**

The College will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by this institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim.

### **Emergency Telephone Call Stations and Elevator Phones**

The College has installed emergency two-way call boxes (blue light phones) throughout most campuses for use during emergencies. By pressing the red button on the station, users can communicate directly with the campus Police Dispatch Center. The location of the station is automatically announced to the dispatcher when the call station is activated. Additionally, all elevator phones are answered by the dispatcher. The dispatcher contacts the appropriate emergency response agency.

## **Voluntary and confidential reporting of crime and other serious incidents**

Crimes and other serious incidents can be reported on a voluntary and confidential basis, such as an anonymous report of sexual assault, domestic or dating violence and stalking. Victims or witnesses may anonymously report an incident by calling campus police at **919-866-5911**, the Chief of Police at **919-866-5532** or contacting a Campus Security Authority. An anonymous report of a crime to campus police or a CSA should include the following: type of crime, date the incident occurred, actual reported date, general location of the crime (campus building, non-campus property, etc.), and a description of the incident. The CSA must identify the person who received the report and their contact phone number. With the anonymous information, campus police can keep an accurate record of the incidents, determine if there is a pattern of crime (particular location, method or assailant) and alert the college to the potential danger. In the event the victim is unable to report a crime, we encourage any member of the college community to do so on their behalf.

We encourage the college community to report criminal activity and suspicious behaviors by calling the college emergency number **919-866-5911**. The vigilance of everyone on campus assists the College in evaluating whether a Campus Security Alert should be issued and in collecting valuable information about criminal activity.

The college will protect the confidentiality of victims and other necessary parties by: Completing publicly available records, including Clery Act reporting and disclosures, without the inclusion of personally identifiable information about the victim; and maintaining as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the college to provide the accommodations or protective measures; and redact any information from a publicly available report that could lead to the identification of the victim or necessary party.

As allowed by the Clery Act, pastoral and professional counselors who receive confidential reports are not required to report these crimes to the Campus Police Department for inclusion into the annual disclosure of crime statistics or for the purpose of a timely warning. These positions are defined as follows:

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

#### **Professional Counselor –**

a person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of his/her license or certification.

Pastoral and Professional Counselors, if and when they deem it appropriate, are encouraged to inform the persons they are counseling of the procedure to report crime to the Wake Tech Campus Police Department or a Campus Security Authority for inclusion in the annual disclosure of crime statistics. Wake Tech does not utilize pastoral counseling on campus and students are referred to the Student Assistance Program offered through New Leaf Behavioral Health <https://nlbh.org/> for off-site professional counseling.

## Response to Crime Reports and Emergencies

Upon receiving the report of a crime or an emergency at Wake Technical Community College, a campus police officer will respond to investigate. The investigation may include a written report, taking witness statements, pursuing warrants, arrests or school judicial referral.

## Monitoring and Recording Criminal Activity at Satellite and Non-Campus Locations

The College relies on its close working relationships with local law enforcement agencies to obtain crime statistics involving our campuses and satellite locations. The Campus Police Department will actively investigate any information it receives concerning or involving a member of the campus community. If the Campus Police Department is notified of a situation in which a campus community member is the victim of a crime, the department may issue a Campus Safety Alert, detailing the incident and providing tips so that other community members may avoid similar incidents. Wake Tech Community College has no officially recognized student organizations with non-campus locations.

## Annual Fire Safety Report and Missing Student Policy

Wake Technical Community College is a non-residential institution of higher education. Therefore, the college is not required by the Campus Safety and Security Reporting Act to maintain a fire report or to have a missing student policy.

## Access to Campus Facilities

Access to campus buildings and grounds is a privilege extended to students, faculty, staff, and authorized guests. The College encourages an open environment with limited constraints to ensure the reasonable protection of all members of the community. Most campus facilities are normally open during business hours. During non-business hours access to all College facilities is by key, if issued, or by admittance via the Campus Police Department. Individuals who wish to access College buildings or property during non-business hours or for special events should contact the appropriate department administrator, Events Planning Services, or Campus Police Department. On Sundays, Holidays and days in which the College is closed admittance to Campus must be requested 72 hours in advance and given prior approval. This procedure will be strictly adhered to.

## Security Considerations in the Maintenance of Campus Facilities

### Campus Lighting and Landscape Control

Wake Technical Community College is committed to campus safety and security. Exterior lighting and landscape control is a critical part of that commitment. Police Officers, Facility Services personnel, and the Wake Tech Department of Environmental, Health and Safety (EHS) continually conduct security surveys to ensure campus lighting is adequate and that the landscape is appropriately controlled. Police Officers conduct routine inspections of lighting on campus during regularly assigned patrol duties. If lights are out or dim, officers will initiate an immediate work order, which is acted upon by Duke Energy Progress or a representative of Facility Services, usually within 24 hours or the next business day. We encourage community members to report any deficiency in lighting through the "Eagle Assist" work request system.

### Physical security and emergency phones

Any community member who has a concern about physical security should contact the Police Department at **866-5911**. The Campus Police Department and Facility Services work together to identify inoperative locking mechanisms. We encourage community members to promptly report any locking mechanism deficiency by submitting an "Eagle Assist" work request. Officers also conduct inspections of all elevator and blue light phones to ensure they are working properly. Any inoperable phones are immediately reported. Officers and Facility Services maintenance staff are available to respond to calls for service regarding unsafe facility conditions or for personal safety and property protection. These conditions also may include unsafe steps or handrails, unsafe roadways on campus, and unsecured equipment.

## Alerting Wake Tech Community and Community at Large

### Wake Tech Warn

Wake Tech Campus police utilize an Emergency Notification System called **“Wake Tech Warn”** to notify students, faculty and staff in the event of emergencies. **“Wake Tech Warn”** has the technology to let us rapidly notify individuals via email, text and voice messages. All students, staff and faculty are encouraged to set up a **“Wake Tech Warn”** account through the link titled **“Wake Tech Warn”** on the school’s web page. All students, faculty and staff will receive **“Wake Tech Warn”** emails at their waketech.edu email address automatically. Individuals, parents and organizations outside of the campus community can sign up for **“Wake Tech Warn”**; In addition, Wake Tech’s public information department sends information out on social media platforms and through the media.

### Timely Warning Notices

In the event that a situation arises involving Clery Act crimes or other emergency situations, either on or off campus, that, in the judgment of the Chief of Police or his designee, constitutes an ongoing or continuing threat to health or safety, a campus wide “timely warning” will be issued. Members of the college who know of a crime or other serious incident should report the incident immediately by phone (**919-866-5911**) to the Wake Tech Campus Police Department so that a Campus Safety Alert can be issued, if warranted. This information will be sent to all currently registered students and current employees using the college email system and **“Wake Tech Warn”**. Students and employees should take responsibility for checking their email accounts frequently. Timely warnings will be issued based on the nature of the crime or emergency, if the crime or emergency is a continuing danger to the college community, and if the notification does not pose a risk to law enforcement efforts.

### Immediate Notification

Upon notification of a crisis, emergency or disaster, the Wake Tech Campus police department will dispatch officers to confirm the validity and significance of the situation. Upon confirmation of a true emergency, Wake Technical Community College will immediately without delay, and considering the safety of the community, determine the content of the notification, and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, comprise efforts to assist a victim or to contain, response to or otherwise mitigate the emergency. The Campus Police Chief or his designee will determine the content of notification and initiate the notification process. All available methods of emergency communication will be utilized should such an event arise. The Wake Tech Campus Police Department will send emergency text messages, computer “pop-up” messages, telephone notification to all employees and postings on the college website for all students and employees.

## Emergency Response and Evacuation Procedures

This Emergency Response Plan and Evacuation Procedures have been established to cope with major incidents that may endanger the safety and well-being of our students, staff, faculty and visitors. These procedures are intended as a guide for our college and cannot address every conceivable situation. However, it does provide the basic administrative guidelines necessary to identify and ensure continuous leadership to cope with most campus emergencies throughout their duration. This evacuation plan has been established to cope with crises and emergencies that may endanger health, safety, property or the ability of the college to function. A crisis, emergency or disaster is any event that adversely affects normal operations of the College. Disasters can affect operations in widely varying ways. Different sites maintained by the College may or may not be affected by a particular event. Wake Tech has a standing Crisis Management Team comprised of members from every department of the College to facilitate activation of the College Business Continuity Plan in the event of an emergency affecting the health and safety of the college community. The Business Continuity Plan contains the College’s Emergency Response Plan which can be seen at [www.waketech.edu](http://www.waketech.edu).

Evacuation procedures are included in the Emergency Response Plan and the Emergency Response Checklist is posted in all classrooms and office suites throughout each campus. Various tests of the Emergency Plan and evacuation procedures such as active threat, fire, bomb threats, earthquake, gas leak, shelter in place and tornado drills are conducted periodically on all campuses. Tests of the evacuation procedures may be announced or unannounced. During the required annual announced emergency and evacuation response test, the

Emergency Response Plan is included in the email notification. In addition, the emergency medical protocols, the emergency response checklist and the severe weather guide are posted in all classrooms and office areas.

## Testing Emergency Response and Evacuation Procedures

Training and conducting exercises are essential to improving Wake Tech's ability to activate its Emergency Response Plan and ensures that evacuation procedures are correctly followed. Various tests of the Emergency Plan and evacuation procedures such as active threat, fire, shelter-in-place and/or tornado drills are conducted periodically on all campuses. Tests of the evacuation procedures may be announced or unannounced. During the required annual announced emergency and evacuation response test, the Emergency Response Plan is included in the email notification. College leaders who hold leadership roles within the Business Continuity Plan and Emergency Response team held multiple table-top exercises that were conducted by an outside consultant in 2017. Wake Tech Campus Police Officers received "active shooter" response training (single officer and multiple officer response) that was conducted by the FBI's ALERT team trainers. Campus Police, along with Environmental, Health and Safety staff, conduct evacuation and lock-down walk through's for many different divisions of the college as requested along with professional development training. Wake Tech continues to annually evaluate its Emergency Response plan as part of an ongoing evaluation of best practices and the use of new technologies.

### Evacuation Procedures

1. Anyone observing smoke or fire in a building should activate the fire alarm.
2. When an alarm sounds all occupants are required by law to evacuate the building. Alarms may be activated manually at pull stations or automatically through sensors. Orders to evacuate may also be given verbally for emergencies such as bomb threats or gas leaks in to order to ensure a safe egress.
3. The following guidelines should be followed for evacuations:
  - a. Occupants should move quickly and quietly a safe distance from the building and emergency vehicle access areas.
  - b. Staff and faculty members have the duty and responsibility for directing students and visitors to a safe distance from the building.
  - c. Take the shortest route to an exit except when it is blocked by fire, debris or other hazards.
  - d. DO NOT use elevators when evacuating.
  - e. If the building is consumed by smoke, evacuees should get as close to the floor as possible and crawl to the nearest exit.
  - f. All personal belongings should be taken if time permits.
  - g. All doors should be closed upon exiting the room/building.

### Evacuation procedures for people with disabilities

1. Some people have conditions that can be aggravated or triggered if they are moved incorrectly. Emergency conditions such as fire, smoke, loss of electricity must be considered in evacuation decisions. If people with mobility impairments cannot exit, they should be moved to a safer area, e.g., most enclosed stairwells.
2. Attempt a rescue evacuation only when the disabled person is in immediate danger and cannot wait for professional assistance.
3. In some multi-story buildings, the disabled person may be moved to the "Area of Rescue" located in the stairwells to await rescue by emergency personnel. The area of rescue has an intercom system for communication with emergency personnel. For buildings that do not have an "Area of Rescue" the disabled must be moved to the nearest stairwell to await rescue.
4. Notify campus police or fire personnel immediately about any people waiting to be rescued.
5. Two physically capable occupants should be invited to volunteer to assist the disabled to evacuate. If a volunteer is not available, designate two people to assist who are willing to accept the responsibility. Ask the

disabled person how he or she can best be assisted or moved, and whether they require any special considerations or items that need to come with the person.

6. DO NOT use elevators, unless authorized to do so by fire department personnel. Elevators could fail during a fire or other disaster.
7. If disabled people are in immediate danger and cannot be moved to a safer area to wait for assistance, it may be necessary to evacuate them using a carry technique. Proper lifting techniques (e.g. bending the knees, keeping the back straight, holding the person close before lifting, and using leg muscles to lift) should be used to avoid injury to the rescuers. Certain lifts may need to be modified depending on the person's disability. Remember that two-person rescues are preferable.
8. DO NOT evacuate disabled people in their wheelchairs. This is standard practice to ensure the safety of disabled people and volunteers. Wheelchairs will be evacuated later if possible.

### **Evacuation procedures for people with blindness or visual impairment**

1. Give verbal instructions to advise about the safest exit route, direction and distance using words such as "right, left, forward, backwards and turn around." Allow the blind individual to use their cane as you talk them through evacuation. Provide other verbal instructions or information such as "elevators cannot be used."
2. DO NOT grasp a visually impaired person's arm. Ask if he or she would like to hold onto your arm as you exit, especially if there is debris or a crowd.
3. Give other verbal instructions or information (e.g., elevators cannot be used).

### **Evacuation procedures for people with hearing disabilities**

1. Get the attention of a person with a hearing impairment by touch and eye contact. Clearly state the problem. Gestures and pointing are helpful but be prepared to write a brief statement if the person does not seem to understand.
2. Offer visual instructions to advise the safest route or direction by pointing toward exits or evacuation maps.

## **Crime Log**

The Wake Tech Campus Police maintains a Crime Log that records, by the date the incident occurred, all crimes and other serious incidents that occur on campus, in a non-campus building or property, on public property, or within the Division's patrol jurisdiction. The Crime Log is available for public inspection at the Dispatch Center office located in Building E on North campus at 6600 Louisburg Rd, Raleigh, NC 27612. Additionally, the Wake Tech Campus Police Department publishes a daily crime log on their website. The Daily Crime Log includes the nature, date, time, and general location of each crime reported to the department, as well as the disposition of the complaint, if this information is known at the time the log is created. The department posts specific incidents in the Crime Log immediately after receiving the officer's incident report and reserves the right to exclude reports from the log in certain circumstances.

## **Crime Prevention Education and Awareness**

### **Preventing crime through collaboration, cooperation and training** **College fire prevention information**

Crime prevention is a top priority of our agency. Together with other campus offices, our agency provides programs to enhance personal safety, teach proactive crime-reduction strategies, and help community members develop self-esteem, which contributes to a healthy community. The campus's crime-prevention strategy rests on

a multilayered foundation of a proactive area patrol of campus buildings and parking lots, crime prevention education and identification of potential criminal activity. This approach relies on the dual concepts of eliminating or minimizing criminal opportunities, whenever possible, and encouraging community members to take responsibility of their own and other's safety. The College Police Chief is available to assist any individual or group in planning, presenting, and coordinating programs of interest or concern. Campus Police, jointly with the Department of Environmental Health and Safety, provide a 2-hour training class through Wake Tech's Professional Development program several times a year for faculty and staff. This training covers medical emergencies, weather related emergencies, evacuations, fires, use of fire extinguishers, emergency communications, and active shooter situations. This class is also taught to students at the specific request of instructors. Students and employees may access the following safety videos: RUN, HIDE, FIGHT and SHOTS FIRED on the Campus Police Homepage by clicking on the Emergency Procedures link.

## College fire prevention information

All campus buildings have smoke detectors, and some are equipped with sprinkler systems. All buildings have a Fire Alarm Control Panel which identifies the area of the building that is in alarm. Newer buildings have alarm panels which automatically call the fire department when activated. Officers respond to all alarms, assist in the evacuation of the building and direct responding emergency services personnel to the scene. The Environmental Health and Safety Division conducts periodic fire drills (evacuations) on all campuses during the academic year. The College requires complete evacuation of buildings during a fire alarm. Ignoring fire alarms is a violation of fire codes and could result in appropriate action against the responsible person. Since false alarms may lower the evacuation response from the college community, the Agency, with the help of Facility Services will investigate the cause or causes of false alarms and work to reduce their occurrence. By reducing the number of false alarms, we hope to maintain everyone's diligence in responding.

### Crime prevention and safety initiatives

The Campus Police Department periodically posts safety and security tips on the College's web site. Additionally, security "alerts" are transmitted whenever immediate attention is warranted for a situation.

### Campus escort program

If you must walk alone on campus at night, Campus Police will provide an escort upon request. A request can be made by calling the college non-emergency number, **919-866-5943**.

### Security concerns

The Wake Tech Campus Police Department is open to security, safety concerns, and suggestions from the College community, including staff, faculty, students and visitors. The primary goal is to identify areas of the campus that may present vulnerabilities to one's safety. The department works with the appropriate college department to address and eliminate any potential hazard.

## Emergency Phones

### Emergency Call Telephones

Emergency Call Telephones (and "Blue Light Phones") are located in parking decks and near many elevators or areas of rescue. These devices contact Campus Police Communications in the event of an emergency. Emergency phones are also located in elevators across all campuses that connect to Campus Police Communications.

## TITLE OF THE POLICY

Title IX (Sexual Discrimination, Harassment, and Misconduct)

## PURPOSE OF THE POLICY

Title IX of the Education Amendments of 1972 states: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

Wake Technical Community College (also referred to as “Wake Tech” or “College”) has a responsibility to ensure compliance by demonstrating that college programs and activities operate in a manner consistent with Title IX regulations and provisions.

## APPLICABILITY

This policy applies to all members of the college community (i.e. students, faculty, staff, etc.).

## POLICY STATEMENT

Wake Technical Community College adheres to all federal, state, and local civil rights laws prohibiting discrimination in employment and education. The College does not discriminate in its admissions practices (except as permitted by law), in its employment practices, or in its educational programs or activities on the basis of sex.

As a recipient of federal financial assistance for education activities, the College is required by Title IX of the Education Amendments of 1972 to ensure that all of its education programs and activities do not discriminate on the basis of sex. Sex includes sex, sex stereotypes, gender identity, gender expression, sexual orientation, and pregnancy or parenting status. Sexual harassment, sexual assault, dating and domestic violence, and stalking are forms of sex discrimination, which are prohibited under Title IX and by the College policy.

Any member of the campus community, guest, or visitor who acts to deny, deprive, or limit the educational, employment, or social access, opportunities and/or benefits of any member of the College community on the basis of sex is in violation of the Title IX Policy.

The College values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

When the Respondent is a member of the College community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the College community. This community includes, but is not limited to, students, student organizations, faculty, administrators, staff, and third parties such as guests, visitors, and volunteers.

For the purpose of this policy, the College refers to “student” as an individual moved to the status of student by the College’s Admissions Department and/or the Workforce Continuing Education Registrar Office’s process and maintains an ongoing relationship with the College in one or more of the following categories:

- (1) eligible to register for courses
- (2) registered for a credit or non-credit bearing course
- (3) enrolled in a credit or non-credit bearing course

The procedures below may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this policy.

## DEFINITIONS/GLOSSARY (as applicable to the Title IX Policy)

Advisor	A person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.
Complainant	An individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.
Complaint (formal)	A document signed by a Complainant or signed by the Title IX Coordinator alleging harassment or discrimination based on a protected class or retaliation for engaging in a protected activity against a Respondent and requesting that Wake Technical Community College investigate the allegation.
Confidential Resource	An employee who is not a Mandated Reporter of notice of harassment, discrimination, and/or retaliation, irrespective of Clery Act Campus Security Authority status.
Day	A business day when the College is in normal operation.
Decision-maker	The person, panel, and/or Chair who hears evidence, determines relevance, and makes the Final Determination of whether this policy has been violated and/or assigns sanctions.
Directly Related Evidence	Evidence connected to the complaint, but is neither inculpatory (tending to prove a violation) nor exculpatory (tending to disprove a violation) and cannot be relied upon by the investigation report or Decision-maker. Compare to Relevant Evidence, below.
Education program or activity	Locations, events, or circumstances where the College exercises substantial control over both the Respondent and the context in which the sexual harassment, discrimination, and/or retaliation occurs and also includes any building owned or controlled by a student organization that is officially recognized the College.
Final Determination	A conclusion by the standard of proof that the alleged conduct did or did not violate policy.
Finding	A conclusion by the standard of proof that the conduct did or did not occur as alleged as in a “finding of fact”).



Formal Grievance Process	“Process A,” a method of formal resolution designated by the College to address conduct that falls within the policies included below, and which complies with the requirements of the Title IX regulations (34 CFR §106.45).
Grievance Process Pool	Any investigators, hearing Decision-makers, appeal officers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).
Hearing Decision-maker or Panel	Those who have decision-making and sanctioning authority within the College’s Formal Grievance process.
Investigator	The person or persons charged by the College with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.
Mandated Reporter	An employee of the College who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator and/or their supervisor.
Notice	An employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
Official with Authority (OWA)	An employee of the College explicitly vested with the responsibility to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of the College.
Parties	The Complainant(s) and Respondent(s), collectively.
Process A	The Formal Grievance Process detailed below and defined above.
Process B	The administrative resolution procedures as detailed in Appendix D that apply only when Process A does not, as determination by the Title IX Coordinator.
Relevant Evidence	Evidence that tends to prove or disprove an issue in the complaint.
Remedies	Post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to Wake Technical Community College’s educational program.
Respondent	An individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.

Resolution	The result of an informal or Formal Grievance Process.
Sanction	A consequence imposed by the College on a Respondent who is found to have violated this policy.
Sexual Harassment	The umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence. See Section 17.b. for greater detail.
Title IX Coordinator	At least one official designated by Wake Technical Community College to ensure compliance with Title IX and the College's Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.
Title IX Team	The Title IX Coordinator, Deputy Coordinators, Investigators, and any member of the Grievance Process Pool.

### Training Materials

The following link offers training materials for the College's Title IX Team inclusive of training and certification events, select webinars, and online trainings provided by the Association of Title IX Administrators (ATIXA). The Title IX Team has participated in training relevant to each member's responsibilities and designated roles.

<https://atixa.org/2020-regulations-requirement-posting-of-training-materials/>

### Title IX Coordinator

Laura Bethea serves as the Title IX Coordinator and oversees coordination and implementation of Wake Technical Community College's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remedy, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy. All parties will be provided with a comprehensive [electronic] brochure detailing options and resources, which the Title IX Coordinator may also go over in person with the parties, as appropriate.

### Independence and Conflict-of-Interest

The Title IX Coordinator manages the Title IX Team and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this policy and these procedures. The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias or conflict of interest, reports of misconduct, or discrimination by the Title IX Coordinator, contact Benita Clark, the College's Vice President of Human Resources and College Safety at [biClark@waketech.edu](mailto:biClark@waketech.edu) or 919-866-7894 or other designee.

Concerns of bias, a potential conflict of interest, reports of misconduct or discrimination by any other Title IX Team member should be reported to the Title IX Coordinator.

## **Administrative Contact Information**

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and procedures, may be made internally to the Office of Title IX:

### **Title IX Coordinator**

Laura Bethea  
Title IX Coordinator  
Southern Wake Campus  
9101 Fayetteville Road  
Raleigh, NC 27603  
919-866-6361  
[lcbethea@waketech.edu](mailto:lcbethea@waketech.edu)

### **Title IX Deputy Coordinators/Pool**

Karen Phinazee  
Title IX Deputy Coordinator  
Southern Wake Campus  
9101 Fayetteville Road  
Raleigh, NC 27603  
[kbphinazee@waketech.edu](mailto:kbphinazee@waketech.edu)  
919-866-6169

Benita Clark  
Title IX Deputy Coordinator  
Southern Wake Campus  
9101 Fayetteville Road  
Raleigh, NC 27603  
[biclark@waketech.edu](mailto:biclark@waketech.edu)  
919-866-7894

### **Title IX Investigators/Pool**

Anthony Garnes  
Title IX Investigator  
Scott Northern Wake Campus  
6600 Louisburg Road  
Raleigh, NC 27616  
[agarnes@waketech.edu](mailto:agarnes@waketech.edu)  
919-866-6873

Kathy Reaves  
Title IX Investigator  
Southern Wake Campus  
9101 Fayetteville Road  
Raleigh, NC 27603  
[kpreaves@waketech.edu](mailto:kpreaves@waketech.edu)  
919-866-5881

Kris Ross  
Title IX Investigator  
Southern Wake Campus  
9101 Fayetteville Road  
Raleigh, NC 27603  
[kcross@waketech.edu](mailto:kcross@waketech.edu)  
919-866-5940

Paul Jenkins  
Title IX Investigator  
Scott Northern Wake Campus  
6600 Louisburg Road  
Raleigh, NC 27616  
[pfjenkins@waketech.edu](mailto:pfjenkins@waketech.edu)  
919-532-5557

Wake Tech Campus Police & Security  
[campuspolice@waketech.edu](mailto:campuspolice@waketech.edu)  
919-866-5911

The College has determined that the College President, Executive Vice President, and Vice Presidents are Officials with Authority (OWA) to address and correct harassment, discrimination, and/or retaliation. In addition to the Title IX Team members listed above, these OWA listed below may also accept notice or complaints on behalf of the College.

Dr. Scott Ralls  
President  
[sralls@waketech.edu](mailto:sralls@waketech.edu)  
919-866-5141

Dr. Gayle Greene  
Executive Vice President & Chief Operations Officer  
[dggreene@waketech.edu](mailto:dggreene@waketech.edu)  
919-866-5143

Dr. Nicole Reaves  
Executive Vice President & Chief Programs Officer  
[Nreaves1@waketech.edu](mailto:Nreaves1@waketech.edu)  
919-532-5705

Anthony Caison  
Vice President, Workforce Continuing Education  
[amcaison@waketech.edu](mailto:amcaison@waketech.edu)  
919-866-6101

Jeffery Carter  
Vice President, Facilities  
[jjcarter@waketech.edu](mailto:jjcarter@waketech.edu)  
919-866-5148

Laurie Clowers  
Vice President, Communications and Marketing  
[lcclowers@waketech.edu](mailto:lcclowers@waketech.edu)  
919-866-5929

Sandra Dietrich  
Vice President, Curriculum Education Services & Chief Academic Officer  
[sldietrich@waketech.edu](mailto:sldietrich@waketech.edu)  
919-866-5674

Brian Gann  
Vice President, Enrollment and Student Services  
[bwgann@waketech.edu](mailto:bwgann@waketech.edu)  
919-866-5701

Bryan Ryan  
Senior Vice President, Effectiveness and Innovation  
[bkryan@waketech.edu](mailto:bkryan@waketech.edu)  
919-866-5146

Dr. Ryan Schwiebert  
Vice President, Information Technology Services  
[rschwiebert@waketech.edu](mailto:rschwiebert@waketech.edu)  
919-866-5108

Matthew Smith  
Vice President, Development and Strategic Partnerships  
[mbsmith9@waketech.edu](mailto:mbsmith9@waketech.edu)  
919-866-5988

Marla Tart  
Vice President, Finance and Business Services  
[mltart@waketech.edu](mailto:mltart@waketech.edu)  
919-866-5901

The College has also classified **all employees** as Mandated Reporters of any knowledge they have that a member of the community is experiencing harassment, discrimination, and/or retaliation. The section below on Mandated Reporting details which employees have this responsibility and their duties, accordingly.

Inquiries may be made externally to:

Office for Civil Rights (OCR)  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100  
Customer Service Hotline #: 1-800-421-3481  
Fax: 202-453-6012  
TDD: 877-521-2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)

North Carolina Office for Civil Rights (OCR):  
1 S. Wilmington Street  
Raleigh, NC 27601  
919-508-1808  
Fax: 919-508-1814

North Carolina Department of Justice  
Main Campus  
114 West Edenton Street  
Raleigh, NC 27603  
919-716-6400  
Fax: 919-716-6750

## **Notice/Complaints of Sex Discrimination, Harassment, and/or Retaliation**

Notice or complaints of sex discrimination, harassment, and/or retaliation may be made using any of the following options:

1. File a complaint with, or give verbal notice to, the Title IX Coordinator (or deputy/deputies/Officials with Authority as noted above). Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator or any other Title IX Team Member, or OWA listed above.
2. Report online, using the Maxient reporting form posted at <https://bit.ly/TitleIXform>. Anonymous reports are accepted but can give rise to a need to investigate to determine if the parties can be identified. If not, no further formal action is taken, though measures intended to protect the community may be enacted. The Recipient tries to provide supportive measures to all Complainants, which may be impossible with an anonymous report that does not identify the Complainant. Because reporting carries no obligation to initiate a formal response, and because the Recipient respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of confidentiality by making a report that allows the College to discuss and/or provide supportive measures.
3. Report to any supervisor and/or instructor. The information will be relayed to the appropriate College authorities.

## **Supportive Measures**

The College will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and as reasonably available. They are offered without fee or charge to the parties to restore or preserve access to the Recipient's education program or activity, including measures designed to protect the safety of all parties and/or the Recipient's educational environment, and/or to deter harassment, discrimination, and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, the College will inform the Complainant, in writing, that they may file a formal complaint with the College either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Complainant to ensure

that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

The College will maintain confidentiality of the supportive measures, provided that confidentiality does not impair the College's ability to provide those supportive measures. The College will act to ensure as minimal an academic/occupational impact on the parties as possible. The College will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

1. Referral to counseling, medical, and/or other healthcare services
2. Referral to community-based service providers
3. Visa and immigration assistance
4. Student financial aid counseling
5. Education to the institutional community or community subgroup(s)
6. Altering work arrangements for employees or student-employees
7. Safety planning
8. Providing campus safety escorts
9. Providing transportation accommodations
10. Implementing contact limitations (no contact orders) between the parties
11. Academic support, extensions of deadlines, or other course/program-related adjustments
12. Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders
13. [Timely warnings](#)
14. Class schedule modifications, withdrawals, or leaves of absence
15. Increased security and monitoring of certain areas of the campus
16. Any other actions deemed appropriate by the Title IX Coordinator

Violations of no contact orders or other restrictions will be referred to appropriate student or employee conduct processes for enforcement.

## **Emergency Removal**

The College can act to remove a student Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator in conjunction with the Behavioral Assessment Team (also known as BAT) using its standard objective violence risk assessment procedures.

In all cases in which an emergency removal is imposed, the student or employee will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so.

This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX.

There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline within the student or employee conduct processes, which may include expulsion or termination.

The College will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: temporarily re-assigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure a minimal academic impact as possible on the parties.

When the Respondent is an employee, existing provisions for interim action are applicable instead of the above emergency removal process.

## **Promptness**

All allegations are acted upon promptly by the College once it has received notice or a formal complaint. Complaints can take 60-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the College will avoid all undue delays within its control.

Any time the general timeframes for resolution outlined in the College's procedures will be delayed, the College provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

## **Confidentiality/Privacy**

Every effort is made by the College to preserve the confidentiality of reports. The College will not share the identity of any individual who has made a report or complaint of harassment, discrimination, or retaliation; any Complainant; any individual who has been reported to be the perpetrator of sex discrimination; any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

For the purpose of this policy, privacy and confidentiality have distinct meanings.

**Privacy** means that information related to a complaint will be shared with a limited number of



College employees who “need to know” in order to assist in the assessment, investigation, and resolution of the report. All employees who are involved in the College’s response to notice under this policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (“FERPA”), as outlined in the College’s FERPA policy. The privacy of employee records will be protected in accordance with Human Resources policies.

**Confidentiality** exists in the context of laws that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses. The College has designated individuals who have the ability to have privileged communications as Confidential Resources as noted in the glossary.

When information is shared by a Complainant with a Confidential Resource, the Confidential Resource cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when: (i) the individual gives written consent for its disclosure; (ii) there is a concern that the individual will likely cause serious physical harm to self or others; or (iii) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or individuals with disabilities. Non-identifiable information may be shared by Confidential Resources for statistical tracking purposes as required by the federal Clergy Act. Other information may be shared as required by law.

The College reserves the right to designate which College officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the complaint, including but not limited to: the College’s Police, Curriculum Education Services, Wellness Services, and the Behavioral Assessment Team. Information will be shared as necessary with Title IX Investigators, Hearing Panel members/Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties’ rights and privacy.

The College may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk, but will usually consult with the student first before doing so.

Confidentiality and mandated reporting are addressed more specifically in the mandating reporting section.

## **Jurisdiction of Wake Technical Community College**

This Policy applies to the educational programs and activities of the College, to conduct that takes place on the campus or on property owned or controlled by the College, at College-sponsored events, and in buildings owned or controlled by the College’s recognized student organizations. The Respondent must be a member of the College’s community in order for this Policy to apply.

This Policy can also be applicable to the effects of off-campus misconduct that effectively deprive a person of access to the College’s educational program. The College may also extend jurisdiction to off-campus and/or online conduct when the Title IX Coordinator determines that the conduct affects a substantial interest to the College.

Regardless of where the conduct occurred, the College will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial interest to the College includes:

- a. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- b. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student, employee, or other individual;
- c. Any situation that significantly impinges upon the rights, property, or achievements of oneself or others, significantly breaches the peace, and/or causes social disorder; and/or
- d. Any situation that substantially interferes with the educational interests or mission of Wake Technical Community College.

If the Respondent is unknown or is not a member of the College community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options. If criminal conduct is alleged, the College can assist in contacting local or campus law enforcement if the individual would like to file a police report.

Further, even when the Respondent is not a member of the College community, supportive measures, remedies, and resources may be provided to the Complainant by contacting the Title IX Coordinator.

In addition, the College may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from the College's property and/or events.

All vendors serving the College through third-party contracts are subject to the policies and procedures of their employers and/or to these policies and procedures to which their employer has agreed to be bound by their contracts.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

Similarly, the Title IX Coordinator may be able to assist and support a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to the College where sexual harassment policies and procedures of the facilitating or host organization may give recourse to the Complainant.

### **Time Limits on Reporting**

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the College's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or provide remedies, and/or engage in informal or formal action, as appropriate.

When a notice/complaint is affected by a significant time delay, the College will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint.

Typically, this Policy is only applied to incidents that occurred after August 14, 2020. For incidents that occurred prior to August 14, 2020, previous versions of this Policy will apply. Those versions are available from the Title IX Coordinator.

## **Online Harassment and Misconduct**

The policies of Wake Technical Community College are written and interpreted broadly to include online and cyber manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on the College's education program and activities or when they involve the use of the College's networks, technology, or equipment.

Although the College may not control websites, social media, and other venues through which harassing communications are made, when such communications are reported to the College, it will engage in a variety of means to address and mitigate the effects.

Members of the College community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via Snaps or other social media, unwelcome sexual or sex-based messaging, distributing or threatening to distribute revenge pornography, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the College community.

Public Recipients: Any online posting or other electronic communication by students, including cyberbullying, cyber-stalking, cyber-harassment, etc., occurring completely outside of the College's control (e.g., not on the College's networks, websites, or between College email accounts) will only be subject to this Policy when such online conduct can be shown to cause a substantial in-program disruption or infringement on the rights of others.

Otherwise, such communications are considered speech protected by the First Amendment. Supportive measures for Complainants will be provided, but protected speech cannot legally be subjected to discipline.

Off-campus harassing speech by employees, whether online or in person, may be regulated by the College only when such speech is made in an employee's official or work-related capacity.

## **DISABILITY DISCRIMINATION AND ACCOMMODATION POLICY**

Wake Technical Community College is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal, state, and local laws and regulations pertaining to individuals with disabilities.

Under the ADA and its amendments, a person has a disability if they have a physical or mental impairment that substantially limits a major life activity.

The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by the College, regardless of whether they currently have a disability. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for

oneself.

Angelita Ragland has been designated as Wake Technical Community College's ADA Coordinator/504 Officer and responsible for overseeing efforts to comply with these disability laws, including responding to grievances and conducting investigations of any allegation of noncompliance or discrimination based on disability.

Grievances related to disability status and/or accommodations will be addressed using the procedures below. For details relating to disability accommodations in the College's resolution process, see previous section.

#### a. Students with Disabilities

Wake Technical Community College is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs, facilities, and activities of the College.

All accommodations are made on an individualized basis. A student requesting any accommodation should first contact Angelita Ragland, the Director of Disability Support Services, who coordinates services for students with disabilities.

The Director of Disability Support Services reviews documentation provided by the student and, in consultation with the student, determines which accommodations are appropriate for the student's particular needs and academic program(s) in accordance with the College's applicable policies.

#### b. Employees with Disabilities

Pursuant to the ADA, the College will provide reasonable accommodation(s) to all qualified employees with known disabilities when their disability affects the performance of their essential job functions, except when doing so would be unduly disruptive or would result in undue hardship to the College.

An employee with a disability is responsible for submitting a request for an accommodation to the ADA Coordinator/504 Officer and providing necessary documentation. The ADA Coordinator/504 Officer will work with the employee's supervisor to identify which essential functions of the position are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties.

## **SEXUAL HARASSMENT POLICY**

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the state of North Carolina regard Sexual Harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice.

The College has adopted the following definition of sexual harassment in order to address the unique environment of an academic community, which consists not only of employer and employees, but of students as well.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

Conduct on the basis of sex/gender or that is sexual in nature that satisfies one or more of the following:

1) Quid Pro Quo:

- i. an employee of the College,
- ii. conditions the provision of an aid, benefit, or service of the College,
- iii. on an individual's participation in unwelcome sexual conduct; and/or

2) Sexual Harassment:

- i. unwelcome conduct,
- ii. determined by a reasonable person,
- iii. to be so severe, and
- iv. pervasive, and,
- v. objectively offensive,
- vi. that it effectively denies a person equal access to the College's education program or activity.
  - Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is below the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

3) Sexual assault, defined as:

a) Sex Offenses, Forcible:

- Any sexual act directed against another person,
- without the consent of the Complainant,
- including instances in which the Complainant is incapable of giving consent.

b) Sex Offenses, Non-forcible:

- Incest:
  1. Non-forcible sexual intercourse,
  2. between persons who are related to each other,
  3. within the degrees wherein marriage is prohibited by North Carolina law.
- Statutory Rape:
  1. Non-forcible sexual intercourse,
  2. with a person who is under the statutory age of consent of North Carolina.

4) Dating Violence, defined as:

- a. violence,
- b. on the basis of sex,
- c. committed by a person,
- d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
  - i. The existence of such a relationship shall be determined based on the Complainant'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.
  - ii. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

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

5) Domestic Violence\*, defined as:

- a. violence,
- b. on the basis of sex,
- c. committed by a current or former spouse or intimate partner of the Complainant,
- d. by a person with whom the Complainant shares a child in common, or
- e. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- f. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of North Carolina or
- g. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of North Carolina.

\*To categorize an incident as Domestic Violence under this policy, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

6) Stalking, defined as:

- a. engaging in a course of conduct,
- b. on the basis of sex,
- c. directed at a specific person, that
  - i. would cause a reasonable person to fear for the person's safety, or
  - ii. the safety of others; or
  - iii. Suffer substantial emotional distress.
- (i) Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent 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.
- (ii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- (iii) Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

The College reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this policy. The most serious offenses are likely to result in suspension/expulsion/termination, where warranted.

d. Force, Coercion, Consent, and Incapacitation

As used in the offenses above, the following definitions and understandings apply:

**Force:** Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you," which elicits the response, "Okay, don't hit me, I'll do what you want.>").

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is

not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

**Coercion:** Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

### Consent is:

- knowing, and
- voluntary, and
- clear permission
- by word or action
- to engage in sexual activity.

Individuals may perceive and experience the same interaction in different ways; therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the Wake Technical Community College to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar and previous patterns that may be evidenced.

Consent in relationships must also be considered in context. When parties consent to bondage, discipline/dominance, submission/sadism, and masochism (BDSM) or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, so the College’s evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

**Incapacitation:** A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. "Should have known" is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the "who, what, when, where, why, and how" of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

## Other Civil Rights Offenses

In addition to the forms of sexual harassment described above, which are covered by Title IX, the College additionally prohibits the following offenses as forms of discrimination that may be within or outside of Title IX when the act is based upon the Complainant's actual or perceived membership in a protected class.

- Sexual Exploitation, defined as: an individual taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under this Policy. Examples of Sexual Exploitation include, but are not limited to:
  - Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
  - Invasion of sexual privacy
  - Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent), including the making or posting of revenge pornography
  - Prostituting another person
  - Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease (STD) or infection (STI), without informing the other person of the virus, disease, or infection
  - Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
  - Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections
  - Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
  - Knowingly soliciting a minor for sexual activity
  - Engaging in sex trafficking
  - Knowing creation, possession, or dissemination of child pornography



- Threatening or causing physical harm, extreme verbal, emotional, or psychological abuse; other conduct which threatens; or endangers the health or safety of any person;
- Discrimination, defined as actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities, including disparate treatment;
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the College community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity;
- Bullying, defined as:
  - Repeated and/or severe
  - Aggressive behavior
  - Likely to intimidate or intentionally hurt, control, or diminish another person, physically and/or mentally
  - That is not speech or conduct otherwise protected by the First Amendment

Violation of any other College policies may constitute a Civil Rights Offense when a violation is motivated by actual or perceived membership in a protected class, and the result is a discriminatory limitation or denial of employment or educational access, benefits, or opportunities.

Sanctions for the above-listed Civil Rights Offenses range from reprimand through expulsion/termination.

## UNETHICAL RELATIONSHIPS/CONSENSUAL RELATIONSHIPS POLICY

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as faculty member and student or supervisor and employee). These relationships may, in reality, be less consensual than perceived by the individual whose position confers power or authority. Similarly, the relationship also may be viewed in different ways by each of the parties, particularly in retrospect.

Circumstances may change, and conduct that was once welcomed may, at some point in the relationship, become unwelcomed.

The College does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the College. However, for the personal protection of members of this community, relationships are prohibited in which power differentials and professional responsibility are inherent.

Employees may refer to the College's [Employee Handbook](#) for further details regarding personal relationships with others in the College community.

### Retaliation

Protected activity under this policy includes reporting an incident that may implicate this policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. The College will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation.

The College and any member of the College community are prohibited from taking or attempting to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy and procedure.

Filing a complaint within Process B could be considered retaliatory if those charges could be applicable under Process A, when the Process B charges are made for the purpose of interfering with or circumventing any right or privilege provided or afforded within Process A that is not provided by Process B. Therefore, the College vets all complaints carefully to ensure this does not happen, and to ensure that complaints are routed to the appropriate process.

Charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure does not constitute retaliation, provided that the determination of responsibility, by itself, is not sufficient to conclude that any party has made a materially false statement in bad faith.

## Mandated Reporting

All College employees (faculty, staff, and administrators) are expected to report actual or suspected discrimination, harassment, and/or retaliation to appropriate officials immediately, although there are some limited exceptions.

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality and are not required to report actual or suspected discrimination or harassment in a way that identifies the parties. They may offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report crimes and/or policy violations, and these employees will immediately pass reports to the Title IX Coordinator (and/or police, if desired by the Complainant), who will take action when an incident is reported to them.

The following sections describe the reporting options at the College for a Complainant or third-party (including parents/guardians when appropriate):

### **a. Confidential Resources**

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with:

- On-campus/virtual (employees) licensed professional counselors (Wellness Services)
- Off-campus/virtual (non-employees):
  - Licensed professional counselors and other medical providers
  - Local rape crisis counselors
  - Domestic violence resources
  - Local or state assistance agencies
  - Clergy/Chaplains
  - Attorneys

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials, or official designation, except in extreme cases of immediacy of threat or danger or abuse of a minor/elder/individual with a disability, or when required to disclose by law or court order.

College licensed professional counselors associated with the College's Wellness Services (students) are available to help free of charge and may be consulted on an emergency basis during normal business hours as outlined below.

Wellness Services (students and student referrals only) [wellness@waketech.edu](mailto:wellness@waketech.edu)

Amanda C. Allen  
 M.Ed., NCC, LPCA  
 919-866-5405  
[acallen@waketech.edu](mailto:acallen@waketech.edu)

Elaine  
 Rodriguez,  
 MSW, LCSWA  
 919-532-5796  
[erodriguez@waketech.edu](mailto:erodriguez@waketech.edu)

College employees who have confidential privilege as described above, and who receive reports within the scope of their confidential roles will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their service participant or client.

## **b. Anonymous Notice to Mandated Reporters**

At the request of a Complainant, notice may be given by a Mandated Reporter to the Title IX Coordinator anonymously, without identification of the Complainant. The Mandated Reporter cannot remain anonymous themselves.

If a Complainant has requested that a Mandated Reporter maintain the Complainant's anonymity, the Mandated Reporter may do so unless it is reasonable to believe that a compelling threat to health or safety could exist. The Mandated Reporter can consult with the Title IX Coordinator on that assessment without revealing personally identifiable information.

Anonymous notice will be investigated by the College to the extent possible, both to assess the underlying allegation(s) and to determine if supportive measures or remedies can be provided.

However, anonymous notice typically limits the College's ability to investigate, respond, and

provide remedies, depending on what information is shared.

When a Complainant has made a request for anonymity, the Complainant's personally identifiable information may be withheld by a Mandated Reporter, but all other details must be shared with the Title IX Coordinator.

Mandated reporters may not be able to maintain requests for anonymity for Complainants who are minors, elderly, and/or disabled, depending on state reporting of abuse requirements.

### c. Mandated Reporters and Formal Notice/Complaints

All employees the College (including student employees), with the exception of those who are designated as Confidential Resources, are Mandated Reporters and must promptly share with the Title IX Coordinator all known details of a report made to them in the course of their employment.

Employees must also promptly share all details of behaviors under this policy that they observe or have knowledge of, even if not reported to them by a Complainant or third-party.

Complainants may want to carefully consider whether they share personally identifiable details with non-confidential Mandated Reporters, as those details must be shared with the Title IX Coordinator.

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, events, marches, or speak-outs do not provide notice that must be reported to the Title IX Coordinator by employees, unless the Complainant clearly indicates that they desire a report to be made or seek a specific response from the College.

Supportive measures may be offered as the result of such disclosures without formal action by the College.

Failure of a Mandated Reporter, as described above in this section, to report an incident of harassment or discrimination of which they become aware is a violation of the College's policy and can be subject to disciplinary action for failure to comply.

Though this may seem obvious, when a Mandated Reporter is engaged in harassment or other violations of this policy, they still have a duty to report their own misconduct, though the College is technically not on notice when a harasser is also a Mandated Reporter unless the harasser does in fact report themselves.

Finally, it is important to clarify that a Mandated Reporter who is themselves a target of harassment or other misconduct under this policy is not required to report their own experience, though they are, of course, encouraged to do so.

### When a Complainant Does Not Wish to Proceed

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, and/or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Title IX Coordinator has ultimate discretion over whether the College proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to

initiate a grievance process usually upon completion of an appropriate violence risk assessment.

The Title IX Coordinator's decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires the College to pursue formal action to protect the community.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. The College may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and the College's ability to pursue a Formal Grievance Process fairly and effectively.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy.

When the College proceeds, the Complainant (and/or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant, though this does not extend to the provision of evidence or testimony.

Note that the College's ability to remedy and respond to notice may be limited if the Complainant does not want the College to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing the College's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow the College to honor that request, the College may offer informal resolution options (see below), supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by the College, and to have the incidents investigated and properly resolved through these procedures. Please consider that delays may cause limitations on access to evidence, or present issues with respect to the status of the parties.

## **Federal Timely Warning Obligations**

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, the College must issue timely warnings for incidents reported that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

The College will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

## **False Allegations and Evidence**

Deliberately false and/or malicious accusations under this policy, are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence after being directed to preserve such evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under the appropriate College policies.

### Amnesty for Complainants and Witnesses

The College community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to College officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the College community that Complainants choose to report misconduct to College officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, the College maintains a policy of offering parties and witnesses amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty to a Respondent is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to Respondent with respect to a Complainant.

**Students:** The College maintains a policy of amnesty for students who offer help to others in need. Although policy violations cannot be overlooked, the College may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.

**Employees:** The College may, at its discretion, offer employee Complainants amnesty from such policy violations (typically more minor policy violations) related to the incident. Amnesty may also be granted to Respondents and witnesses on a case-by-case basis.

### Federal Statistical Reporting Obligations

Certain campus officials – those deemed Campus Security Authorities – have a duty to report the following for federal statistical reporting purposes (Clery Act):

1. All “primary crimes,” which include homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
2. Hate crimes, which include any bias motivated primary crime as well as any bias motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property;
3. VAWA-based crimes, which include sexual assault, domestic violence, dating violence, and stalking; and
4. Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug abuse-related law violations.

All personally identifiable information is kept private, but statistical information must be shared with

campus police regarding the type of incident and its general location (on or off-campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log.

Campus Security Authorities include: student services/student conduct staff, campus law enforcement, local police, coaches, athletic directors, student activities staff, human resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities.

## **Preservation of Evidence**

The preservation of evidence in incidents of sexual assault is critical to potential criminal prosecution and to obtaining restraining orders and is particularly time sensitive. The College will inform the Complainant of the importance of preserving evidence by taking the following actions:

1. Seek forensic medical assistance at a local hospital, ideally within 120 hours of the incident (sooner is better).
2. Avoid showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.
3. Try not to urinate.
4. If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
5. If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence) or secure evidence container.
6. Seeking medical treatment can be essential even if it is not for the purposes of collecting forensic evidence. During the initial meeting between the Complainant and the Title IX Coordinator, the importance of taking these actions will be reiterated, if timely.

## **INTERIM RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE POLICY (KNOWN AS PROCESS “A”)**

### **1. Overview**

The College will act on any formal or informal notice/complaint of violation of the policy that is received by the Title IX Coordinator or any other Official with Authority by applying these procedures, known as “Process A.”

The procedures below apply only to qualifying allegations of sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) involving students, staff, administrators, or faculty members.

If other Policy definitions are invoked, such as policies on protected class harassment or discrimination as defined above, the procedures will be applicable to the resolution of such offenses, known as “Process B.”

Process B can also apply to sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) when jurisdiction does not fall within Process A, as determined by the Title IX Coordinator.

The procedures below may be used to address collateral misconduct arising from the investigation of or occurring in conjunction with reported misconduct (e.g., vandalism, physical abuse of another), when alleged violations of the Policy are being addressed at the same time. All other allegations of misconduct unrelated to incidents covered by the Policy will be addressed through procedures described in the student, faculty, and staff handbooks.

## 2. Notice/Complaint

Upon receipt of a complaint or notice to the Title IX Coordinator of an alleged violation of the Policy, the Title IX Coordinator initiates a prompt initial assessment to determine the next steps the College needs to take.

The Title IX Coordinator will initiate at least one of three responses:

1. Offering supportive measures because the Complainant does not want to file a formal complaint and/or
2. An informal resolution (upon submission of a formal complaint); and/or
3. A Formal Grievance Process including an investigation and a hearing (upon submission of a formal complaint);

The College uses the Formal Grievance Process to determine whether or not the Policy has been violated. If so, the College will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, or their effects.

## 3. Initial Assessment

Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator engages in an initial assessment, typically one to five business days. The steps in an initial assessment can include:

- I. The Title IX Coordinator seeks to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired.
  - If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint themselves because a violence risk assessment indicates a compelling threat to health and/or safety.
- II. If a formal complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- III. The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- IV. The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.
- V. The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
  - If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes, assess their requests, and implements accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
  - If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, which informal mechanism may serve the situation best or is available, and may seek to determine if the Respondent is also willing to engage in informal resolution.
  - If a Formal Grievance Process is preferred by the Complainant, the Title IX Coordinator determines if the misconduct alleged falls within the scope of the 2020 Title IX regulations:
    - If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address:
      - an incident, and/or
      - a pattern of alleged misconduct, and/or



- a culture/climate issue, based on the nature of the complaint.
- If it does not, the Title IX Coordinator determines that Title IX does not apply (and will “dismiss” that aspect of the complaint, if any), assesses which policies may apply, which resolution process is applicable, and will refer the matter accordingly, including referring the matter for resolution under Process B, if applicable. Please note that dismissing a complaint under the 2020 Title IX regulations is solely a procedural requirement under Title IX which does not limit the College’s authority to address a complaint with an appropriate process and remedies.

## a. Risk Assessment Tool for Behaviors of Concern

In some cases, the Title IX Coordinator may determine that a risk assessment tool for behaviors of concern should be conducted by the [Behavioral Assessment Team \(BAT\)](#) as of the initial assessment. Threat assessment is the process of evaluating the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat.

This assessment can aid in critical and/or required determinations, including:

- Emergency removal of a Respondent on the basis of immediate threat to an individual or the community’s physical health/safety;
- Whether the Title IX Coordinator should pursue/sign a formal complaint absent a willing/able Complainant;
- Whether the scope of the investigation should include an incident, and/or pattern of misconduct and/or climate of hostility/harassment;
- To help identify potential predatory conduct;
- Whether it is reasonable to try to resolve a complaint through informal resolution, and if so, what approach may be most successful;
- Whether to permit a voluntary withdrawal by the Respondent;
- Whether to impose transcript notation or communicate with a transfer institution about a Respondent;
- Assessment of appropriate sanctions/remedies (to be applied post-hearing); and/or
- Whether a Clery Act Timely Warning/Trespass order is needed.

The risk assessment tool requires specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, or other BAT members. The risk assessment authorized by the Title IX Coordinator should occur in collaboration with the BAT. Where a risk assessment is required by the Title IX Coordinator, a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process.

For the purpose of this policy, the risk assessment tool is not an evaluation for an involuntary behavioral health hospitalization nor is it a psychological or mental health assessment. A risk assessment assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

## b. Dismissal (Mandatory and Discretionary)

These dismissal requirements are mandated by the 2020 Title IX Regulations, 34 CFR Part 106.45. The College must dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

- 1) The conduct alleged in the formal complaint would not constitute sexual harassment as defined above, even if proved; and/or

- 2) The conduct did not occur in an educational program or activity controlled by the Wake Technical Community College (including buildings or property controlled by recognized student organizations), and/or the College does not have control of the Respondent; and/or
- 3) The conduct did not occur against a person in the United States; and/or
- 4) At the time of filing a formal complaint, a Complainant is not participating in or attempting to participate in the education program or activity of the College.

The College may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

- 1) A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or
- 2) The Respondent is no longer enrolled in or employed by the College; or
- 3) Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

Upon any dismissal, the College will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision is appealable by any party under the procedures for appeal below. The decision not to dismiss is also appealable by any party claiming that a dismissal is required or appropriate. A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

#### 4. Counterclaims

The College is obligated to ensure that the grievance process is not abused for retaliatory purposes. The College permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by the Respondent may be made in good faith, but are, on occasion, also made for purposes of retaliation. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims by a Respondent may be made in good faith, but are, on occasion, made for purposes of retaliation, instead. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

#### 5. Right to an Advisor

The parties may each have an Advisor of their choice present with them for all meetings, interviews and hearings, within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available.

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-

interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker(s).

The College may permit parties to have more than one Advisor upon special request to the Title IX Coordinator. The decision to grant this request is at the sole discretion of the Title IX Coordinator and will be granted equitably to all parties.

#### **a. Who Can Serve as an Advisor**

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the College community.

The Title IX Coordinator will also offer to assign a trained Advisor to any party if the party so chooses. If the parties choose an Advisor from the pool available from the College, the Advisor will have been trained by the College and be familiar with the College's resolution process.

If the parties choose an Advisor from outside the pool of those identified by the College, the Advisor may not have been trained by the College and may not be familiar with College policies and procedures.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

#### **b. Advisor's Role in Meetings and Interviews**

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. The College cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, the College is not obligated to provide an attorney. Where applicable under state law or College policy, Advisors or attorneys are permitted to fully represent their advisees or clients in resolution proceedings, including all meetings, interviews, and hearings. Although the College prefers to hear from parties directly, in these cases, parties are entitled to have evidence provided by the chosen representatives.

#### **c. Advisors in Hearings/College-Appointed Advisor**

Under U.S. Department of Education regulations for Title IX, a form of indirect questioning is required during the hearing, but must be conducted by the parties' Advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, the College will appoint a trained Advisor for the limited purpose of conducting any questioning of the other party(ies) and witness.

#### **d. Pre-Interview Meetings**

Advisors and their advisees may request to meet with the investigators conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and the College's policies and procedures.

#### **e. Advisor Violations of the College's Policy**

All Advisors are subject to the same College policies and procedures, whether they are attorneys or not, and whether they are selected by a party or assigned by the Recipient. Advisors are expected to

advise their advisees without disrupting proceedings. Advisors should not address the College's officials or investigators in a meeting or interview unless invited to do so (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s) except during a hearing proceeding, during questioning.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisor should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this Policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting/interview/hearing will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

#### **f. Sharing Information with the Advisor**

The College expects that the parties may wish to have the College share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process.

The College also provides a consent form that authorizes the College to share such information directly with their Advisor. The parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor before the College is able to share records with an Advisor.

If a party requests that all communication be made through their attorney or Advisor, the College will not comply with that request. The College will engage in communication directly with a party's Advisor.

#### **g. Privacy of Records Shared with Advisor**

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the College. Advisors will be asked to sign Non-Disclosure Agreements (NDAs). The College may restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the College's privacy expectations.

#### **h. Expectations of an Advisor**

The College generally expects an Advisor to adjust their schedule to allow them to attend the College's meetings when planned, but the College may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

The College may also make reasonable provisions to allow an Advisor who cannot be present in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

## i. Expectations of the Parties with Respect to Advisors

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least three (3) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor should be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least three (3) business days before the hearing.

## j. Assistance in Securing an Advisor

Parties may choose their own Advisors. The College does not endorse any attorney or legal team. Following are resources for Complainants and Respondents.

Legal Aid of North  
Carolina  
224 S.  
Dawson Street  
Raleigh, NC  
27611  
1-866-219-LANC (5262)

For representation, Respondents may wish to contact organizations such as:

- [FACE](#)
- [SAVE](#)

Complainants may wish to contact organizations such as:

- The Victim Rights [Law](#) Center
- The National Center for Victims of [Crime](#), which maintains the Crime Victim's Bar Association
- The Time's Up Legal Defense [Fund](#)

## 6. Resolution Processes

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with the College's Policy. Although there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose, with the expectation of information the parties agree not to disclose related to Informal Resolution, discussed below. The College encourages parties to discuss with their Advisors any sharing of information before doing so.

The Formal Grievance Process is the Recipient's primary resolution approach, unless Informal Resolution is elected by all parties and the Recipient. Three options for Informal Resolution are detailed in this section, and the Formal Grievance Process is detailed starting in the next section.

### a. Informal Resolution

Informal Resolution can include three different approaches:

- **Supportive Resolution.** When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) to remedy the situation.
- **Alternative Resolution.** When the parties agree to resolve the matter through an alternate resolution mechanism s described below, including mediation, usually before a formal investigation takes place, see discussion below in b., below.
- **Accepted Responsibility.** When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process (similar to above, but usually occurs post-investigation); see below in c., below.

To initiate Informal Resolution, a Complainant must submit a formal complaint, as defined above. A Respondent who wishes to initiate Informal Resolution, they should contact the Title IX Coordinator. The parties may agree as a condition of engaging in Informal Resolution that statements made or evidence shared during the Informal Resolution process will not be considered in the Formal Grievance Process unless all parties consent.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, the College will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the College.

The College will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

## b. Alternative Resolution Approaches

Alternative Resolution is an informal approach (including mediation, restorative practices, facilitated dialog, etc.) by which the parties reach a mutually agreed upon resolution of an allegation. All parties must consent to the use of Alternative Resolution approach.

The Title IX Coordinator may look to the following factors to assess whether Alternative Resolution is appropriate, or which form of Alternative Resolution may be most successful for the parties:

- The parties' amenability to Alternative Resolution;
- Likelihood of potential resolution, taking into account any power dynamics between the parties;
- The parties' motivation to participate;
- Civility of the parties;
- Results of a risk assessment/ongoing risk analysis;
- Disciplinary history;
- Whether an emergency removal is needed;
- Skill of the Alternate Resolution facilitator with this type of allegation;
- Complaint complexity;
- Emotional investment/capability of the parties;
- Rationality of the parties;
- Goals of the parties;
- Adequate resources to invest in Alternative Resolution (time, staff, etc.)

The ultimate determination of whether Alternative Resolution is available or successful is to be made by the Title IX Coordinator. The Title IX Coordinator is authorized to negotiate a resolution that is acceptable to all parties, and/or to accept a resolution that is proposed by the parties, usually through their Advisors. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution or Alternative Resolution are not appealable.

### c. Respondent Accepts Responsibility for Alleged Violations

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the

resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria in that section above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and the College are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of the College's Policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

### d. Negotiated Resolution

The Title IX Coordinator, with the consent of the parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and the College. Negotiated Resolutions are not appealable.

## 7. Grievance Process Pool

The Formal Grievance Process relies on a pool of administrators ("the Pool") to carry out the process. This pool is comprised of the College's Title IX Investigators and Deputy Coordinators. Other pool members may be included as deemed appropriate by the Title IX Coordinator. Members of the Pool are announced in an annual distribution of this Policy to all students, parents/guardians of students, employees, prospective students, and prospective employees.

### a. Pool Member Roles

Members of the Pool are trained annually, and can serve in the following roles, at the direction of the Title IX Coordinator:

- To provide appropriate intake of and initial guidance pertaining to complaints

- To act as an Advisor to the parties
- To serve in a facilitation role in Informal Resolution or Alternate Resolution, if appropriately trained in appropriate resolution modalities
- To perform or assist with initial assessment
- To investigate complaints
- To serve as a hearing facilitator (process administrator, no decision-making role)
- To serve as a Decision-maker regarding the complaint
- To serve as an Appeal Decision-maker

## b. Pool Member Appointment and Membership

The Title IX Coordinator appoints the Pool, which acts with independence and impartiality. This Pool may undergo an application and/or interview/selection process. Although members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different cases, the College

can also designate permanent roles for individuals in the Pool, using others as substitutes or to provide greater depth of experience when necessary. This process of role assignment may be the result of particular skills, aptitudes, or talents identified in members of the Pool that make them best suited to particular roles.

Pool members are usually appointed to semester-to-semester basis. Individuals who are interested in serving in the Pool are encouraged to contact the Title IX Coordinator.

## c. Pool Member Training

The Pool members receive annual training. This training includes, but is not limited to:

- The scope of the College's Title IX Policy and Procedures
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability
- Implicit bias
- Disparate treatment and impact
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, timely and impartial manner by individuals who receive annual training in conducting investigations of sexual harassment, trauma-informed practices, and impartiality
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by the College with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- Any technology to be used at a live hearing



- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment, discrimination, and/or retaliation allegations
- Recordkeeping

Specific training is also provided for all Pool members. All Pool members are required to attend these trainings annually.

#### d. Pool Membership

The Pool includes [this is just an example]:

- 4 or more chairs: one representative from HR and one from Student Affairs, etc., who respectively Chair hearings for allegations involving student and employee Respondents
- 3 or more members of the Academic Affairs administration and/or faculty
- 3 or more members of the administration/staff
- 1 representative from Campus Safety
- 2 representatives from Human Resources
- 1 representative from Athletics

Pool members are usually appointed to annual terms. Individuals who are interested in serving in the Pool are encouraged to contact the Title IX Coordinator.

### 8. Formal Grievance Process: Notice of Investigation and Allegations

The Title IX Coordinator will provide written notice of the investigation and allegations (the “NOIA”) to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent’s ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who will be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- I. A meaningful summary of all of allegations,
- II. The identity of the involved parties (if known),
- III. The precise misconduct being alleged,
- IV. The date and location of the alleged incident(s) (if known),
- V. The specific policies implicated,
- VI. A description of the applicable procedures,
- VII. A statement of the potential sanctions/responsive actions that could result,
- VIII. A statement that the College presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- IX. A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- X. A statement about the College’s Policy on retaliation,
- XI. Information about the confidentiality of the process,
- XII. Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor,
- XIII. A statement informing the parties that the College’s Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- XIV. Detail on how the party may request disability accommodations during the interview process,

- XV. The College's [VAWA](#) information
- XVI. The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process to the Title IX Coordinator, any conflict of interest that the Investigator(s) may have, and
- XVII. An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the parties as indicated in official College records, or emailed to the parties' college-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

## 9. Resolution Timeline

The College will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business day time period, including appeal if any, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

## 10. Appointment of Investigators

Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints Pool members to conduct the investigation (typically using a team of two Investigators), usually within three (3) business days of determining that an investigation should proceed.

## 11. Ensuring Impartiality

Any individual materially involved in the administration of the resolution process including the Title IX Coordinator, Investigator(s), and Decision-maker(s) may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator(s) for impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. At any time during the resolution process, the parties may raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with Benita Clark, the Vice President, Human Resources and College Safety.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence that supports that the Respondent engaged in a policy violation and evidence that supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

The College operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof.

## 12. Investigation Timeline

Investigations are completed expeditiously, normally within thirty (30) business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

The College will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

### 13. Delays in the Investigation Process and Interactions with Law Enforcement

The College may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include, but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions.

The College will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary. The College will promptly resume its investigation and resolution process as soon as feasible. During such a delay, the College will implement supportive measures as deemed appropriate.

The College's action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

### 14. Steps in the Investigation Process

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record. Recordings of interviews are/are not provided to the parties, and/but the parties will have the ability to review the transcript/summary of the interview once the investigation report is compiled.

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

- a. Determine the identity and contact information of the Complainant
- b. In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures
- c. Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
- d. Assist the Title IX Coordinator, if needed, with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation
- e. Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties
- f. Meet with the Complainant to finalize their interview/statement, if necessary
- g. Work with the Title IX Coordinator, as necessary, to prepare the initial Notice of

Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations

- i. Notice should inform the parties of their right to have the assistance of an Advisor, who could be a member of the Pool or an Advisor of their choosing present for all meetings attended by the party
- h. Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings
- i. Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- j. When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- k. Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- l. Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions.
- m. Complete the investigation promptly and without unreasonable deviation from the intended timeline.
- n. Provide regular status updates to the parties throughout the investigation.
- o. Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding
- p. Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- q. The Investigator(s) gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report.
- r. Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the College does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, Respondent's Advisor).
- s. The Investigator(s) may elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses
- t. The Investigator(s) will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period
- u. The Investigator(s) shares the report with the Title IX Coordinator and/or legal counsel for their review and feedback.

- v. The Investigator will incorporate any relevant feedback, and the final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report

## 15. Role and Participation of Witnesses in the Investigation

Witnesses (as distinguished from the parties) who are employees of the College are strongly encouraged to cooperate with and participate in the College's investigation and resolution process. Student witnesses and witnesses from outside the College community are encouraged to cooperate with College investigations and to share what they know about a complaint.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Microsoft Teams, Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews, if the Investigator(s) determine that timeliness, efficiency, or other reasons dictate a need for remote interviewing. The College will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred. If a witness submits a written statement, but does not intend to be and is not present for questioning at a hearing, their written statement may not be used as evidence.

## 16. Recording of Interviews

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved parties should be made aware of audio and/or video recording.

## 17. Evidentiary Considerations in the Investigation

The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; or 2) the character of the parties; or 3) questions and evidence about the Complainant's prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

## 18. Referral for Hearing

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing.

The hearing cannot be held less than ten (10) business days from the conclusion of the investigation – when the final investigation report is transmitted to the parties and the Decision-maker – unless all parties and the Decision-maker agree to an expedited timeline.

The Title IX Coordinator will select an appropriate Decision-maker from the Pool depending on whether the Respondent is an employee or a student, and provide a copy of the investigation report. Allegations involving student-employees in the context of their employment will be directed to the

appropriate Decision-maker depending the context and nature of the alleged misconduct.

## 19. Hearing Decision-maker Composition

The College will designate a three-member panel from the Pool, at the discretion of the Title IX Coordinator. The single Decision-maker will also Chair the hearing. With a panel, one of the three members will be appointed as Chair by the Title IX Coordinator.

The Decision-maker(s) will not have had any previous involvement with the investigation. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the hearing process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any party may not serve as Decision-makers in that matter.

The Title IX Coordinator may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this facilitator role. The hearing will convene at a time and venue determined by the Chair or designee.

## 20. Evidentiary Considerations in the Hearing

Any evidence that the Decision-maker(s) determine(s) is relevant and credible may be considered. The hearing does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) questions and evidence about the Complainant's sexual predisposition; or 3) questions and evidence about the Complainant's prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the

Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility, assuming the College uses a progressive discipline system. This information is only considered at the sanction stage of the process and is not shared until then.

The parties may each submit a written impact statement prior to the hearing for the consideration of the Decision-maker(s) at the sanction stage of the process when a determination of responsibility is reached. After post-hearing deliberation, the Decision-maker(s) render(s) a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

## 21. Notice of Hearing

No less than ten (10) business days prior to the hearing, the Title IX Coordinator or the Chair will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- I. A description of the alleged violation(s), a list of all policies allegedly violated, a description of

- the applicable hearing procedures, and a statement of the potential sanctions/responsive actions that could result.
- II. The time, date, and location of the hearing.  
Description of any technology that will be used to facilitate the hearing.
  - III. Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.
  - IV. A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker(s) on the basis of demonstrated bias or conflict of interest. This must be raised with the Title IX Coordinator at least three (3) business days prior to the hearing.
  - V. Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
  - VI. A statement that if any party or witness does not appear at the scheduled hearing, the hearing may proceed in their absence, and the party's or witness's testimony and any statements given prior to the hearing will not be considered by the Decision-maker(s). For compelling reasons, the Chair may reschedule the hearing.
  - VII. Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an Advisor, and the College will appoint one. Each party must have an Advisor present. There are no exceptions.
  - VIII. A copy of all the materials provided to the Decision-maker(s) about the matter, unless they have been provided already.
  - IX. An invitation to each party to submit to the Chair an impact statement pre-hearing that the Decision-maker(s) will review during any sanction determination.
  - X. An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.
  - XI. Notification that parties cannot bring mobile phones/devices into the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the College and remain within the 60-90 business day goal for resolution.

In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this Policy is not in good standing to graduate.

## [22. Alternative Hearing Participation Options](#)

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator or the Chair at least five (5) business days prior to the hearing.

The Title IX Coordinator or the Chair can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator or the Chair know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

## [23. Pre-Hearing Preparation](#)

After any necessary consultation with the parties, the Chair will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least seven (7) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) or have proffered a written statement or answered written questions, unless all parties and the Chair assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Chair do not assent to the admission of evidence newly offered at the hearing, the Chair may delay the hearing and/or instruct that the investigation needs to be re-opened to consider that evidence.

The parties will be given a list of the names of the Decision-maker(s) at least five (5) business days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than two days prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Title IX Coordinator will give the Decision-maker(s) a list of the names of all parties, witnesses, and Advisors at least three (3) business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at a pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.

## 24. Pre-Hearing Meetings

The Chair may convene a pre-hearing meeting(s) with the parties and/or their Advisors and invite them to submit the questions or topics they (the parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing to provide recommendations for more appropriate phrasing.

However, this advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or from asking for a reconsideration on a pre-hearing ruling by the Chair based on any new information or testimony offered at the hearing. The Chair must document and share with each party their rationale for any exclusion or inclusion at a pre-hearing meeting.

The Chair, only with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.

At each pre-hearing meeting with a party and their Advisor, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Chair may consult with legal counsel and/or the Title IX Coordinator or ask either or both to attend pre-hearing meetings.

The pre-hearing meeting(s) will not be recorded. The pre-hearing meetings may be conducted as separate meetings with each party/advisor, with all parties/advisors present at the same time,



remotely, or as a paper-only exchange. The Chair will work with the parties to establish the format.

## **25. Hearing Procedures**

At the hearing, the Decision-maker(s) has the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the discrimination, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the policy on Equal Opportunity, Harassment, and Nondiscrimination.

Participants at the hearing will include the Chair, any additional panelists, the hearing facilitator, the Investigator(s) who conducted the investigation, and the parties (or three (3) organizational representatives when an organization is the Respondent). Advisors to the parties, any called witnesses, the Title IX Coordinator and anyone providing authorized accommodations, interpretation, and/or assistive services.

The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-maker(s) and the parties and the witnesses will then be excused.

## **26. Joint Hearings**

In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

## **27. The Order of the Hearing – Introductions and Explanation of Procedure**

The Chair explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-maker(s) on the basis of bias or conflict of interest. The Chair will rule on any such challenge unless the Chair is the individual who is the subject of the challenge, in which case the Title IX Coordinator will review and decide the challenge.

The Chair and/or hearing facilitator then conducts the hearing according to the hearing script. At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process are managed by a non-voting hearing facilitator/case manager appointed by the Title IX Coordinator. The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

## **28. Investigator Presents the Final Investigation Report**

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-maker(s) and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing

process, but not during deliberations.

Neither the parties nor the Decision-maker(s) should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions for Investigators about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

## 29. Testimony and Questioning

Once the Investigator(s) present(s) the report and are questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The hearing will facilitate questioning parties and witnesses will submit to questioning by the Decision-maker(s) and then by the parties through their Advisors.

All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request if agreed to by all parties and the Chair), the proceeding will pause to allow the Chair to consider the question, (and state it if it has not already been stated aloud) and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may invite explanations or persuasive statements explore arguments regarding relevance with the Advisors, if the Chair so chooses. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask Advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the Advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

## 30. Refusal to Submit to Questioning: Inferences

Cross-examination is an all or nothing proposition, meaning that if any relevant question is refused, no statements of that party or witness are admissible. Only if a party or witness is willing to submit to cross-examination, and answers all questions, will their statements prior to or at the hearing be fully admissible. If a party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Decision-maker(s) may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. The Decision-maker(s) must disregard all such statements. Evidence provided that is something other than a statement by the party or witness may be considered.

Whether a party or witness does or does not answer questions from the Decision-maker, their statements will be admissible as long as they are willing to submit to cross-examination questions, even if they are not asked such questions. The Decision-maker(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

If collateral charges of policy violations other than sexual harassment are considered at the same hearing, the Decision-maker(s) may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for questioning is afforded to all parties through their Advisors, and may draw reasonable inferences from any decision by any party or witness not to participate or respond to questions. If a party's Advisor of choice refuses to comply with the Recipient's established rules of decorum for the hearing, the Recipient may require the party to use a different Advisor. If a recipient-provided Advisor refuses to comply with the rules of decorum, the Recipient may provide that party with a different Advisor to conduct questioning on behalf of that party.

An Advisor may not be called as a witness at a hearing to testify to what their advisee has told them during their role as an Advisor unless the party being advised consents to that information being shared. It is otherwise considered off-limits, and an Advisor who is an institutional employee is temporarily alleviated from mandated reporter responsibilities related to their interaction with their advisee during the resolution process.

### 31. Recording Hearings

Hearings (but not deliberations) are recorded by the College for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Decision-maker(s), the parties, their Advisors, and appropriate administrators of the College will be permitted to listen to the recording or review a transcript of the recording, in a controlled environment determined by the Title IX Coordinator, upon request. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

### 32. Deliberation, Decision-making, and Standard of Proof

The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used. The hearing facilitator may be invited to attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decision-maker(s) may then consider the previously submitted party impact statements in determining appropriate sanction(s).

The Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Decision-maker(s) may – at their discretion – consider the statements, but they are not binding.

The Decision-maker(s) will review the statements and any pertinent conduct history provided by the Office of Student Conduct will recommend the appropriate sanction(s) in consultation with other appropriate administrators, as required.

The Chair will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence not relied upon in its determination, credibility assessments, and any sanctions or recommendations.

This report is typically three (3) to five (5) pages in length and must be submitted to the Title IX Coordinator within three (3) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

### 33. Notice of Outcome

Using the deliberation statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome. The Notice of Outcome will then be reviewed by legal counsel, as appropriate. The Title IX Coordinator will then share the outcome letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within seven (7) business days of receiving the Decision-maker(s)' deliberation statement.

The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official College records, or emailed to the parties' college-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will articulate the specific policy(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by the College from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent the College is permitted to share such information under state or federal law; any sanctions issued which the College is permitted to share according to state or federal law; and whether remedies will be provided to the Complainant designed to ensure access to the College's educational or employment program or activity.

The Notice of Outcome will also include information on when the results are considered by the College to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

### 34. Statement of the Rights of the Parties

View Appendix C for the full statement.

### 35. Sanctions

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- I. The nature, severity of, and circumstances surrounding the violation(s)
- II. The Respondent's disciplinary history
- III. Previous allegations or allegations involving similar conduct
- IV. The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- V. The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- VI. The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- VII. The impact on the parties
- VIII. Any other information deemed relevant by the Decision-maker(s)

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this Policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

### a. Student Sanctions: [Examples](#)

The following are sanctions that may be imposed upon students or organizations singly or in combination:

- I. *Warning*: A formal statement that the conduct was unacceptable and a warning that further violation of any Wake Technical Community College policy, procedure, or directive will result in more severe sanctions/responsive actions.
- II. *Required Counseling*: A mandate to meet with and engage in either college-sponsored or external counseling to better comprehend the misconduct and its effects.
- III. *Probation*: A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- IV. *Suspension*: Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at Wake Technical Community College.
- V. *Expulsion*: Permanent termination of student status and revocation of rights to be on campus for any reason or to attend College-sponsored events. This sanction will be noted permanently as a Conduct Expulsion on the student's official transcript, subject to any applicable expungement policies.
- VI. *Withholding Diploma*: The College may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending or as a sanction if the student is found responsible for an alleged violation.
- VII. *Revocation of Degree*: The College reserves the right to revoke a degree previously awarded from the College for fraud, misrepresentation, and/or other violation of the College's policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- VIII. *Organizational Sanctions*: Deactivation, loss of recognition, loss of some or all privileges (including College's registration) for a specified period of time.
- IX. *Other Actions*: In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

### b. Employee Sanctions/Responsive/Corrective Actions

Responsive actions for an employee who has engaged in sex/gender-based harassment, discrimination, and/or retaliation include:

- *Warning – Verbal or Written*
- *Performance Improvement Plan/Management Process*
- *Enhanced supervision, observation, or review*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Denial of Pay Increase/Pay Grade*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Transfer*

- *Reassignment*
- *Delay of faculty rank progression*
- *Assignment to supervisor*
- *Restriction of stipends, research, and/or professional development resources*
- *Suspension with pay*
- *Suspension without pay*
- *Termination*
- *Other Actions:* In addition to or in place of the above sanctions/responsive actions, the Collegemay assign any other responsive action as deemed appropriate.

### 36. Withdrawal or Resignation While Charges Pending

- a. Students: Should a Respondent decide not to participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from the College, the resolution process ends with a dismissal, as the College no longer has disciplinary jurisdiction over the withdrawn student.
- b. However, the College will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation. The student who withdraws or leaves while the process is pending may not return to the College in any capacity. Admissions and Human Resources will be notified, accordingly. Such exclusion applies to all campuses of the College.
- c. If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely and that student is not permitted to return to College unless and until all sanctions, if any, have been satisfied.
- d. During the resolution process, the College may put a hold on a responding student's transcript or place a notation on a responding student's transcript or dean's disciplinary certification that a disciplinary matter is pending.
- e. Employees: Should an employee Respondent resign with unresolved allegations pending, the resolution process ends with dismissal, as the College no longer has disciplinary jurisdiction over the resigned employee.
- f. However, the College will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination and/or retaliation.
- g. The employee who resigns with unresolved allegations pending is not eligible for admissions or rehire with the College, and the records retained by the Title IX Coordinator will reflect that status.
- h. All College responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

### 37. Appeals

Any party may file a request for appeal ("Request for Appeal"), but it must be submitted in writing to the Title IX Coordinator within five (5) business days of the delivery of the Notice of Outcome.

A three-member appeal panel chosen from the Pool will be designated by the Title IX. No appeal panelists will have been involved in the process previously, including in any dismissal appeal that may have been heard earlier in the process. A voting Chair of the Appeal panel will be designated.

The Request for Appeal will be forwarded to the Appeal Chair or designee for consideration to determine if the request meets the grounds for appeal (a Review for Standing).

This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

#### a. Grounds for Appeal

Appeals are limited to the following grounds:

- (A) Procedural irregularity that affected the outcome of the matter;
- (B) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- (C) The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Chair, and the parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Chair will notify the other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s).

The other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s) will be mailed, emailed, and/or provided a hard copy of the request for an appeal with the approved grounds and then be given five (5) business days to submit a response to the portion of the appeal that was approved and involves them. All responses, if any, will be forwarded by the Chair to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed to determine if it meets the grounds on this Policy by the Appeal Chair and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Decision-maker(s), as necessary, who will submit their responses, if any, in five (5) business days, which will be circulated for review and comment by all parties. If not approved, the parties will be notified accordingly, in writing.

Neither party may submit any new requests for appeal after this time period. The Appeal Chair will collect any additional information needed and all documentation regarding the approved grounds for appeal and the subsequent responses will be shared with the Appeal Panel/Chair, and the Panel will render a decision in no more than five (5) business days, barring exigent circumstances. All decisions are by majority vote and apply the preponderance of the evidence OR the clear and convincing evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which the College is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the College is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records,

or emailed to the parties' college-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

## b. Sanctions Status During the Appeal

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, then emergency removal procedures (detailed above) for show cause meeting on the justification for doing so must be permitted within 48 hours of implementation.

The College may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

## c. Appeal Considerations

- Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- An appeal is not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the finding and/or sanction(s).
- The Appeal Chair/Decision-maker may consult with the Title IX Coordinator and/or legal counsel on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
- Appeals granted based on new evidence should normally be remanded (or partially remanded) to the original Investigator(s) and/or Decision-maker(s) for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing). When appeals result in no change to the finding or sanction, that decision is final. When an appeal results in a new finding or sanction, that finding or sanction can be appealed one final time on the grounds listed above and in accordance with these procedures.
- In rare cases where an error cannot be cured by the original Decision-maker(s) (as in cases of bias), the appeal Chair/Panel may order a new investigation with new investigators and/or a new hearing with a new Decision-maker(s).
- The results of a remand to a Decision-maker(s) cannot be appealed. The results of a new hearing can be appealed. The results of a new hearing can be appealed, once, on any of the three available appeal grounds.
- In cases in which the appeal results in reinstatement to the College or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

## 38. Long-Term Remedies/Other Actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the harassment, discrimination, and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:



- I. Referral to counseling and health services
- II. Referral to the Employee Assistance Program
- III. Education to the individual and/or the community
- IV. Permanent alteration of housing assignments
- V. Permanent alteration of work arrangements for employees
- VI. Provision of campus safety escorts
- VII. Climate surveys
- VIII. Policy modification and/or training
- IX. Provision of transportation accommodations
- X. Implementation of long-term contact limitations between the parties
- XI. Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedies owed by the College to the Respondent to ensure no effective denial of educational access.

The College will maintain the confidentiality of any long-term remedies/actions/measures, provided confidentiality does not impair the College's ability to provide these services.

### 39. Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s) (including the Appeal Chair/Panel).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from the College and may be noted on a student's official transcript.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

### 40. Recordkeeping

The College will maintain for a period of at least seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary sanctions imposed on the Respondent;
3. Any remedies provided to the Complainant designed to restore or preserve equal access to the College's education program or activity;
4. Any appeal and the result therefrom;
5. Any Informal Resolution and the result therefrom;
6. All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. The College will make these training materials publicly available on the College's website; and
7. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
  - a. The basis for all conclusions that the response was not deliberately indifferent;

- b. Any measures designed to restore or preserve equal access to the College's education program or activity; and
- c. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

The College will also maintain any and all records in accordance with state and federal laws.

#### **41. Disabilities Accommodations in the Resolution Process**

The College is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the College's resolution process.

Anyone needing such accommodations or support should contact the Director of Disability Support Services who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

#### **42. Revision of this Policy and Procedures**

This Policy and procedures supersede any previous policy(ies) addressing sex discrimination, sexual harassment, sexual misconduct, and/or retaliation for incidents occurring on or after August 14, 2020, under Title IX and will be reviewed and updated annually by the Title IX Coordinator. The College reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect. During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.

If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be construed to comply with the most recent government laws or regulations or court holdings.

This document does not create legally enforceable protections beyond the protection of the protections of the background state and federal laws which frame such policies and codes, generally.

This Policy and procedures are effective August 14, 2020.

### **Additional Campus Resources**

#### **Student Advocacy and Support**

Wake Tech assist students with easier access to a wide range of resources and benefits.  
919-866-5066

#### **Ombuds Office**

An impartial resource for students, faculty, staff, and administrators to assist in finding options for addressing concerns, resolving conflicts, and handling a variety of institutional issues as they arise, in a confidential and informal manner.  
919-866-5479

## **Additional Community**

[ResourcesAlliance](#)

### **Behavioral Health**

Provider network for mental health, developmental disability, and substance abuse services.

[Provider Directory](#)

### **Assessment and Crisis Centers**

#### **InterAct**

A non-profit United Way Agency that provides services to survivors of domestic violence and rape/sexual assault. Services include short-term counseling, court assistance, support groups, information and referrals.

919-828-7501

#### **Ncbon-Approved Sexual Assault Nurse Examiner (Sane) Programs**

These N.C. based programs offer support from sexual assault nurse examiners (SANE) trained in the collection of forensic evidence and can check for injuries and exposure to sexually transmitted diseases.

#### **Solace Center**

A resource located at InterAct of Wake County at 1012 Oberlin Road, is a designated area for the forensic examination and treatment of survivors of rape/sexual assault.

919-828-3067

#### **Raleigh Police Department**

919-996-3335

## PREGNANT AND PARENTING POLICY

### GLOSSARY (as applicable to the Title IX Policy)

Caretaking	Caring for and providing for the needs of a child.
Medical Necessity	Determination made by a health care provider (of the student's choosing) that a certain course of action is in the patient's best health interests.
Parenting	The raising of a child by the child's parents in the reasonably immediate postpartum period.
Pregnancy and Pregnancy-Related Conditions	Include (but are not limited to) pregnancy, childbirth, false pregnancy, termination of pregnancy, conditions arising in connection with pregnancy, and recovery from any of these conditions.
Pregnancy Discrimination	Treating an individual affected by pregnancy or a pregnancy-related condition less favorably than similar individuals not so affected and includes a failure to provide legally mandated leave or accommodations.
Pregnant Student/Birth-Parent	The student who is or was pregnant. This Policy and its pregnancy-related protections apply to all pregnant persons, regardless of gender identity or expression.
Pregnant Student/Birth-Parent	(For the purposes of this Policy) refers to changes in the academic environment or typical operations that enables pregnant students or students with pregnancy-related conditions to continue to pursue their studies and enjoy the equal benefits of the College.
Reasonable Accommodations	(For the purposes of this Policy) refers to changes in the academic environment or typical operations that enables pregnant students or students with pregnancy-related conditions to continue to pursue their studies and enjoy the equal benefits of the College.

## COMPLIANCE

### Reporting

Any member of the Wake Technical Community College community may report a violation of this Policy to any supervisor, manager, or to the Title IX Coordinator. All mandated reporters are responsible for promptly forwarding such reports to the Title IX office.

### Administrative Contact Information

The Title IX Coordinator is responsible for overseeing complaints of discrimination involving pregnant and parenting students. Additionally, the Title IX Team is tasked with supporting these duties. Contact information is available in section 6 for the Title IX Coordinator and Title IX Team.

Complaints may be filed online, using the available [form](#).

## POLICY STATEMENT

Wake Technical Community College is committed to creating and maintaining a community where all individuals enjoy freedom from discrimination, including discrimination on the basis of sex, as mandated by Title IX of the Education Amendments of 1972 (Title IX). Sex discrimination, which can include discrimination based on pregnancy, marital status, or parental status, is prohibited and illegal in admissions, educational programs and activities, hiring, leave policies, employment policies, and health insurance coverage.

The College hereby establishes a policy and associated procedures for ensuring the protection and equal treatment of pregnant individuals, persons with pregnancy-related conditions, and new parents. Under the Department of Education's (DOE) Title IX regulations, an institution that receives federal funding "shall not discriminate against any student, or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom."

According to the DOE, appropriate treatment of a pregnant student includes granting the student leave "for so long a period of time as is deemed medically necessary by the student's physician," and then effectively reinstating the student to the same status as was held when the leave began. This generally means that pregnant students should be treated by the College the same way as someone who has a temporary disability, and will be given an opportunity to make up missed work wherever possible. Extended deadlines, make-up assignments (e.g., papers, quizzes, tests, and presentations), tutoring, independent study, online course completion options, and incomplete grades that can be completed at a later date, should all be employed, in addition to any other ergonomic and assistive supports typically provided by Disability Support Services.

To the extent possible, the College will take reasonable steps to ensure that pregnant students who take a leave of absence or medical leave return to the same position of academic progress that they were in when they took leave, including access to the same course catalog that was in place when the leave began. The Title IX Coordinator has the authority to determine that such accommodations are necessary and appropriate, and to inform faculty members of the need to adjust academic parameters accordingly.

As with disability accommodations, information about pregnant students' requests for accommodations will be shared with faculty and staff only to the extent necessary to provide the reasonable accommodation. Faculty and staff will regard all information associated with such requests as private and will not disclose this information unless necessary. Administrative responsibility for these accommodations lies with the Title IX Coordinator, who will maintain all appropriate documentation related to accommodations.

In situations such as clinical rotations, performances, labs, and group work, the institution will work with the student to devise an alternative path to completion, if possible. In progressive curricular and/or cohort-model programs, medically necessary leaves are sufficient cause to permit the student to shift course order, substitute similar courses, or join a subsequent cohort when returning from leave.

Students are encouraged to work with their faculty members and the College's support systems to devise a plan for how to best address the conditions as pregnancy progresses, anticipate the need for leaves, minimize the academic impact of their absence, and get back on track as efficiently and comfortably as possible. The Title IX Coordinator will assist with plan development and implementation as needed.

## **SCOPE OF POLICY**

This Policy applies to all aspects of the College's programs, including, but not limited to, admissions, educational programs and activities, extracurricular activities, hiring, leave policies, employment policies, and health insurance coverage.

## **Reasonable Accommodations of Students Affected by Pregnancy, Childbirth, or Related Conditions**

- a. The College and its faculty, staff, and other employees will not require students to limit their studies as the result of pregnancy or pregnancy-related conditions.
- b. The benefits and services provided to students affected by pregnancy will be no less than those provided to students with temporary medical conditions.
- c. Students with pregnancy-related disabilities, like any student with a short-term or temporary disability, are entitled to reasonable accommodations so that they will not be disadvantaged in their courses of study or research, and may seek assistance from the Title IX office.
- d. No artificial deadlines or time limitations will be imposed on requests for accommodations, but the College is limited in its ability to impact or implement accommodations retroactively.
- e. Reasonable accommodations may include, but are not limited to:
  1. Providing accommodations requested by a pregnant student to protect the health and safety of the student and/or the pregnancy (such as allowing the student to maintain a safe distance from hazardous substances);
  2. Making modifications to the physical environment (such as accessible seating);
  3. Providing mobility support;
  4. Extending deadlines and/or allowing the student to make up tests or assignments missed for pregnancy-related absences;
  5. Offering remote learning options;
  6. Excusing medically necessary absences (this must be granted, irrespective of classroom attendance requirements set by a faculty member, department, or division);
  7. Implementing incomplete grades for classes that will be resumed at a future date; or
  8. Allowing breastfeeding students reasonable time and space to pump breast milk in a location that is private, clean, and reasonably accessible. Bathroom stalls do not satisfy this requirement.

Nothing in this Policy requires modification to the essential elements of any academic program. Pregnant students cannot be channeled into an alternative program or school against their wishes.

## **Modified Academic Responsibilities Policy for Parenting Students**

- a. Students with child caretaking/parenting responsibilities who wish to remain engaged in their

coursework while adjusting their academic responsibilities because of the birth or adoption of a child or placement of a foster child may request an academic modification period during the same semester the child entered the home. Extensions may be granted when additional time is required by medical necessity or extraordinary caretaking/parenting responsibilities.

- b. During the modification period, the student's academic requirements will be adjusted and deadlines postponed as appropriate, in collaboration among the Title IX office, the student's academic advisor, and the appropriate academic department(s).
- c. Students seeking a period of modified academic responsibilities may consult with their Academic Advisor or with the Title IX office to determine appropriate academic accommodations requests. The Title IX office will communicate all requests under this Policy to students' academic advisors and coordinate accommodation-related efforts with the advisors unless the students specifically request that their advisors be excluded. Students are encouraged to work with their advisors and faculty members to reschedule course assignments, lab hours, examinations, or other requirements, and/or to reduce their overall course load, as appropriate, once authorization is received from the Title IX office. If, for any reason, caretaking/parenting students are not able to work with their advisors/faculty members to obtain appropriate modifications, students should alert the Title IX office as soon as possible, and the office will help facilitate needed accommodations and modifications.
- d. In timed degree, certification or credentialing programs, students who seek modifications upon the birth or placement of their child will be allowed an extension to prepare for and take preliminary and qualifying examinations, and an extension toward normative time to degree while in candidacy, to the extent those deadlines are controlled by the College. Extensions may be granted when additional time is required by medical necessity or extraordinary caretaking/parenting responsibilities.
- e. Students can request modified academic responsibilities under this Policy regardless of whether they elect to take a leave of absence.
- f. While receiving academic modifications, students will remain registered and retain benefits accordingly.

## Student-Employee Leave

All student-employees will be entitled to the protections of the Family and Medical Leave Act. Pregnancy and related conditions will be treated as any other temporary disability for job purposes, including leave and benefits.

## Retaliation and Harassment

Harassment of any member of the College community based on sex, gender identity, gender expression, pregnancy, or parental status is prohibited.

Faculty, staff, and other College employees are prohibited from interfering with students' right to a period of leave, seek reasonable accommodation, or otherwise exercise their rights under this Policy.

Faculty, staff, and other College employees are prohibited from retaliating against students for exercising their rights articulated by this Policy, including imposing or threatening to impose negative educational outcomes because students request leave or accommodation, file a complaint, or otherwise exercise their rights under this Policy.

## Dissemination of the Policy and Training

A copy of this Policy will be made available to faculty, staff, and employees in annually required training and posted on the College's website. The College will alert all new students about this Policy and the location of this Policy as part of orientation. The Title IX office will make educational materials available to all members of the College community to promote compliance with this Policy and familiarity with its procedures.

## Pregnancy and Parenting Students' Resources

Department of Education Resources

- The Pregnancy Discrimination Act (PDA) is an amendment to Title VII of the Civil Rights Act of 1964. Discrimination on the basis of pregnancy, childbirth or related medical conditions constitutes unlawful sex discrimination under Title VII. More information may be viewed on the U.S. Equal Employment Opportunity Commission's [website](#).
- Title IX of the Education Amendments of 1972 ("Title IX"), 20 U.S.C. §1681 et seq., is a Federal civil rights law that prohibits discrimination on the basis of sex—including pregnancy and parental status—in educational programs and activities. View more details on [rights](#) provided by the U.S. Department of Education.

## Lactation Support Policy

The College promotes supports for working parents with the transition back to work and school following childbirth. This includes support of nursing mothers wishing to express breast milk periodically during the work/school day. In accordance with provisions of the federal Fair Labor Standards Act (FLSA), upon request, suitable space must be provided for lactation support. Information about the NC State Government policy can be found via the Office of State Human Resources [website](#).

## Campus Locations

The College provides lactation rooms college-wide. The list of campus lactation rooms includes the locations of the rooms, information on how to reserve the rooms, and contact information for accessing the rooms.

## Gender-Neutral/Single Stall Restrooms

As part of its commitment to creating welcoming and inclusive spaces, Wake Tech provides gender-neutral restrooms college-wide. These facilities are open to people of all genders at all [campus locations](#).



## APPENDIX A: POLICY EXAMPLES

### Examples of Sexual Harassment

- A professor offers for a student to have sex or go on a date with them in exchange for a good grade. This constitutes sexual harassment regardless of whether the student accedes to the request and irrespective of whether a good grade is promised or a bad grade is threatened.
- A student repeatedly sends graphic, sexually oriented jokes and pictures around campus via social media to hundreds of other students. Many don't find it funny and ask them to stop, but they do not. Because of these jokes, one student avoids the sender on campus and in the residence hall in which they both live, eventually asking to move to a different building and dropping a class they had together.
- A professor engages students in class in discussions about the students' past sexual experiences, yet the conversations are not in any way germane to the subject matter of the class. The professor inquires about explicit details and demands that students answer them, though the students are clearly uncomfortable and hesitant.
- An ex-partner widely spreads false stories about their sex life with their former partner to the clear discomfort and frustration of the former partner, turning the former partner into a social pariah on campus.
- A student has recently transitioned from male to non-binary, but primarily expresses as a female. Since their transition, the student has noticed that their professor, pays them a lot more attention. The student is sexually attracted to the professor and believes the attraction is mutual. The student decides to act on the attraction. One day, the student visits the professor during office hours, and after a long conversation about being non-binary, the student kisses the professor. The professor is taken aback, stops the kiss, and tells the student not to do that. The professor explains to the student that they are not interested in the student sexually or romantically. The student takes it hard, crying to the professor about how hard it is to find someone who is interested in them now based on their sexual identity. The professor feels sorry for the student and softens the blow by telling them that no matter whether they like the student or not, faculty-student relationships are prohibited by the College. The student takes this as encouragement. One night, the student goes to a gay bar some distance from campus and sees the professor there. The student tries to buy the professor a drink and, again, tries to kiss the professor. The professor leaves the bar abruptly. The next day, the student makes several online posts that out the professor as gay and raise questions about whether they are sexually involved with students. The professor contacts the Title IX Office and alleges sexual harassment by the student.

### Examples of Stalking

- Students A and B were "friends with benefits". Student A wanted a more serious relationship, which caused student B to break it off. Student A could not let go, and pursued student B relentlessly. Student B obtained a campus no-contact order. Subsequently, Student B discovered their social media accounts were being accessed, and things were being posted and messaged as if they were from them, but they were not. Whoever accessed their account posted a picture of a penis, making it look as if Student B had sent out a picture of themselves, though it was not their penis. This caused them considerable embarrassment and social anxiety. They changed their passwords, only to have it happen again. Seeking help from the Title IX Coordinator, Student B met with the IT department,

which discovered an app on their phone and a keystroke recorder on their laptop, both of which were being used to transmit their data to a third party.

- A graduate student working as an on-campus tutor received flowers and gifts delivered to their office. After learning the gifts were from a student they recently tutored, the graduate student thanked the student and stated that it was not necessary and would appreciate it if the gift deliveries stopped. The student then started leaving notes of love and gratitude on the tutor's car, both on-campus and at home. Asked again to stop, the student stated by email, "You can ask me to stop, but I'm not giving up. We are meant to be together, and I'll do anything to make you have the feelings for me that I have for you." When the tutor did not respond, the student emailed again, "You cannot escape me. I will track you to the ends of the earth. If I can't have you, no one will."

### Examples of Sexual Assault

- Students A and B meet at a party. They spend the evening dancing and getting to know each other. Student A convinces Student B to come up to their room. From 11:00 p.m. until 3:00 a.m., Student A uses every line they can think of to convince Student B to have sex, but Student B adamantly refuses. Despite her clear communications that Student B is not interested in doing anything sexual, Student A keeps questioning about religious convictions and accusations of being "a prude." Student A brings up several rumors that were heard about how Student B performed oral sex on a number of other guys. Finally, it seems to Student A that Student B's resolve is weakening, and convinces Student B to "jerk him off" (hand to genital contact). Student B would have never done it but for Student A's incessant coercion.
- Student A is a junior. Student B is a sophomore. Student A comes to Student B's residence hall room with some mutual friends to watch a movie. Student A and B, who have never met before, are attracted to each other. After the movie, everyone leaves, and Students A and B are alone. They hit it off, soon become more intimate, and start to make out. Student A verbally expresses their desire to have sex with Student B. Student B, who was abused by a babysitter at the age of five and avoids sexual relations as a result, is shocked at how quickly things are progressing. As Student A takes Student B by the wrist over to the bed, lays down, undresses Student B, and begins to have intercourse with Student B, Student B has a severe flashback to childhood trauma. Student B wants to tell Student A to stop but cannot. Student B is stiff and unresponsive during the intercourse. Although sex has progressed for several minutes, Student B requests Student A to stop. Student A refuses to do so.
- Students A and B are at a party. Student A is not sure how much Student B has been drinking, but is pretty sure it's a lot. After the party, Student A walks Student B to their apartment and ultimately engages in sexual activity. Student A asks Student B if they are really up to this, and Student B says yes. They remove each other's clothes, and they end up in bed. Suddenly, Student B runs for the bathroom. Upon returning, Student B's face is pale, resulting from potential vomiting. Student B gets back into bed, and they begin to have sexual intercourse. Student A is having a good time, though can't help but notice that Student A seems pretty groggy and passive and thinks Student B may have even passed out briefly during the sex, but came to again. When Student A runs into Student B the next day, and thanks for the great night. Student B remembers nothing and decides to make a report to the Dean.

### Examples of Retaliation

- Student-athlete A alleges sexual harassment by a coach; the coach subsequently cuts the student-athlete's playing time without a legitimate justification.

- A faculty member alleges gender inequity in pay within her department; the Department Chair then revokes approval for the faculty member to attend a national conference, citing the faculty member's tendency to "ruffle feathers."
- A student from Organization A participates in a sexual harassment investigation as a witness whose testimony is damaging to the Respondent, who is also a member of Organization A; the student is subsequently removed as a member of Organization A because of their participation in the investigation.

## APPENDIX B: AN ATIXA FRAMEWORK FOR INFORMAL RESOLUTION (IR)

The College utilizes the professional guidance of the Association of Title IX Administrators (ATIXA) for its Informal Resolution (IR) process.

ATIXA has framed a process for IR that includes:

1. A response based on supportive measures; and/or
2. A response based on a Respondent accepting responsibility; and/or
3. A response based on alternative resolution, which could include various approaches and/or facilitation of dialogue.

Alternative resolution approaches such as mediation, restorative practices, and transformative justice are likely to be used more and more often by colleges and universities. ATIXA does not endorse these approaches as better or worse than other formal or informal approaches.

ATIXA believes that if they are to be used in, and are effective for, sex offenses, they need to be designed and executed carefully and thoughtfully and be facilitated by well-trained personnel who take the necessary time to prepare and lay a foundation for success. Although no approach is a panacea, the framework below can help to lay that foundation, regardless of which approach(es) are used.

Here are the principles to be considered in supporting various approaches to informal resolution:

- IR can be applied in any sex/gender-based interpersonal conflict but may not be appropriate or advisable in cases involving violent incidents (sexual violence, stalking, domestic and dating violence, severe sexual harassment, sexual exploitation, etc.)
- Situations involving dangerous patterns or significant ongoing threat to the community should not be resolved by IR.
- The determination of whether to permit an IR-based resolution is entirely at the discretion of the Title IX Coordinator (TIXC) and in line with the requirements for IR laid out in the Title IX regulations.
- Any party can end IR early-, mid-, or late-process for any reason or no reason.
- IR can be attempted before and in lieu of formal resolution as a diversionary resolution (although a formal complaint must be filed if you are within Section 106.30, per OCR).
- Alternative approaches can inform formal resolution, as in a formal resolution model infused with restorative practices.
- IR could be deployed after formal resolution, as an adjunct healing/catharsis opportunity (that could potentially mitigate sanctions or be a form of sanction).
- Alternative Resolution approaches to IR must be facilitated by the College or a third-party. There may be value in creating clearly agreed-upon ground rules, which the parties must sign in advance and agree to abide by, otherwise the informal resolution process may be deemed to have failed.
- Technology-facilitated IR can be made available, should the parties not be able or willing to meet in person.
- If IR fails, a formal resolution can take place thereafter. No evidence elicited within the “safe space” of the IR facilitation is later admissible in the formal resolution unless all parties consent.

- With cases involving violence, the preferred alternative approach typically involves a minimal number of essential parties and is not a restorative circle approach with many constituents in order to ensure confidentiality.
- Some approaches require a reasonable gesture toward accountability (this could be more than an acknowledgement of harm) and some acceptance, or at least recognition, by the Respondent that catharsis is of value and likely the primary goal of the Complainant. A full admission by the Respondent is not a prerequisite. This willingness needs to be vetted carefully in advance by the Title IX before determining that an incident is amenable/appropriate for resolution by IR.
- IR can result in an accord or agreement between the parties (Complainant, Respondent, and the College) which is summarized in writing by and enforced by the College. This can be a primary goal of the process.
- IR can result in the voluntary imposition of safety measures, remedies, and/or agreed-upon resolutions by the parties, that are enforceable by the College. These can be part of the accord/agreement.
- As a secondary goal, IR can result in the voluntary acceptance of “sanctions,” meaning that a Respondent could agree to withdraw, self-suspend (by taking a leave of absence), or undertake other restrictions/transfers/online course options that would help to ensure the safety/educational access of the Complainant, in lieu of formal sanctions that would create a formal record for the Respondent. These are enforceable by the College as part of the accord/agreement, as may be terms of mutual release, non-disparagement, and/or non-disclosure.
- Although a non-disclosure agreement (NDA) could result from IR, it would have to be mutually agreed-upon by the parties in an environment of non-coercion verified by the Title IX Coordinator.
- Institutions must develop clear rules for managing/facilitating the conference/meeting/dialogue of alternative resolution approaches, to ensure they are civil, age-appropriate, culturally-competent, reflective of power imbalances, and maximize the potential for the resolution process to result in catharsis, restoration, remedy, etc., for the harmed party(ies).

## **APPENDIX C: STATEMENT OF RIGHTS OF THE PARTIES**

- The right to an equitable investigation and resolution of all credible allegations of prohibited harassment or discrimination made in good faith to College officials.
- The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.
- The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.
- The right to be informed in advance of any public release of information by the College regarding the allegation(s) or underlying incident(s), whenever possible.
- The right not to have any personally identifiable information released by the College to the public without consent provided, except to the extent permitted by law.
- The right to be treated with respect by College officials.
- The right to have College Policy and these procedures followed without material deviation.
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
- The right not to be discouraged by College officials from reporting sexual harassment, discrimination, and/or retaliation to both on-campus and off-campus authorities.
- The right to be informed by College officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by the College authorities in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report.
- The right to have allegations of violations of this Policy responded to promptly and with sensitivity by the College's law enforcement and/or other College officials.
- The right to be informed of available interim actions and supportive measures, such as counseling, advocacy, health care, student financial aid, visa, immigration assistance, and/or other services, both on campus and in the community.
- The right to a college-implemented no-contact order or a no-trespass order against a non-affiliated third party when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct that presents a danger to the welfare of the party or others.
- The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either campus or criminal, needs to occur before this option is available. Such actions may include, but are not limited to:
  - Relocating an on-campus student's housing to a different on-campus location
  - Assistance from the College's staff in completing the relocation

- Changing an employee's work environment (e.g., reporting structure, office/workspace relocation)
- Transportation accommodations
- Visa/immigration assistance
- Arranging to dissolve a housing contract and provide a pro-rated refund
- Exam, paper, and/or assignment rescheduling or adjustment
- Receiving an incomplete in, or a withdrawal from, a class (may be retroactive)
- Transferring class sections
- Temporary withdrawal/leave of absence (may be retroactive)
- Campus safety escorts
- Alternative course completion options

The right to have the College maintain such actions for as long as necessary and for supportive measures to remain confidential, provided confidentiality does not impair the College's ability to provide the supportive measures.

The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible.

The right to have the Investigator(s), Advisors, and/or Decision-maker(s) to identify and question relevant available witnesses, including expert witnesses.

The right to provide the Investigator(s)/Decision-maker(s) with a list of questions that, if deemed relevant by the Investigator(s)/Decision-maker(s), may be asked of any party or witness.

The right not to have inadmissible prior sexual predisposition/history or irrelevant character admitted as evidence.

The right to know the relevant and directly related evidence obtained and to respond to that evidence.

The right to fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.

The right to receive a copy of the final investigation report, including all factual, policy, and/or credibility analyses performed, and to have at least (10) business days to review and comment on the report prior to the hearing.

The right to respond to the investigation report, including comments providing any additional relevant evidence after the opportunity to review the investigation report, and to have that response on the record.

The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.

The right to regular updates on the status of the investigation and/or resolution.

The right to have reports of alleged policy violations addressed by Investigators, Title IX Coordinators, and Decision-maker(s) who have received relevant annual training.

The right to a Hearing Panel that is not single sex in its composition, if a panel is used.

- The right to preservation of confidentiality/privacy, to the extent possible and permitted by law.

- The right to meetings, interviews, and/or hearings that are closed to the public.
- The right to petition that any College representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
- The right to have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process.
- The right to the use of the appropriate standard of evidence, preponderance of the evidence, to make a finding after an objective evaluation of all relevant evidence.
- The right to be present, including presence via remote technology, during all testimony given and evidence presented during any formal grievance hearing.
- The right to have an impact statement considered by the Decision-maker(s) following a determination of responsibility for any allegation, but prior to sanctioning.
- The right to be promptly informed in a written Notice of Outcome letter of the finding(s) and sanction(s) of the resolution process and a detailed rationale of the decision (including an explanation of how credibility was assessed), delivered simultaneously (without undue delay) to the parties.
- The right to be informed in writing of when a decision by the College is considered final and any changes to the final determination or sanction(s) that occur post Notification of Outcome.
- The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the College.
- The right to a fundamentally fair resolution as defined in these procedures.



## APPENDIX D: PROCESS B

Process B is applicable when the Title IX Coordinator determines Process A is inapplicable, or offenses subject to Process A have been dismissed.

If Process A is applicable, Process A must be applied in lieu of Process B.

Recipients can substitute any alternative process instead of Process B, if desired.

VAWA Section 304 requirements apply to Process B or any alternative process for reports that fall under VAWA.

Title IX requirements outside of Section 106.30 (based on the original 1975 regulations, the 2001 Revised Guidance, etc.) may also be applicable to Process B.

# Drug and Alcohol Policy

## TITLE OF THE POLICY

*Drug & Alcohol Policy*

## PURPOSE OF THE POLICY

This policy implements the Drug-Free Schools and Communities Act (as articulated in the Education Department General Administrative Regulations, 34 C.F.R. Part 86) and the Drug-Free Workplace Act of 1988 (41 U.S.C. 701).

## APPLICABILITY

This policy applies to all members of the Wake Tech Community College community.

## POLICY STATEMENT

The college, in partnership with its students and employees, strives to prevent the illegal use of alcohol and other drugs on our campuses. This policy provides guidance for responsible behavior related to drugs and alcohol use and information regarding available resources.

### Policy on Illegal Drugs

In compliance with the requirements of the Crime Awareness and Campus Security Act of 1990, Wake Tech's Board of Trustees adopted a Policy on Illegal Drugs. Every student and employee of the college is responsible for being familiar with and complying with the terms of this policy. Under the policy, students and employees at Wake Tech are held responsible as a citizen for knowing and complying with federal and North Carolina laws that make it a crime to possess, sell, deliver, or manufacture any illegal drug. Any member of the college community who violates these laws may be subject both to criminal prosecution and punishment by the Justice System and to a disciplinary proceeding by the college. The penalties imposed by the college for students or employees found to have violated applicable law or college policies concerning illegal drugs will vary depending upon the nature and seriousness of the offense and may include a range of disciplinary actions up to and including expulsion from enrollment or discharge from employment.

### Alcohol Policy

Wake Tech's Alcohol Policy establishes the college policy on the sale, use and consumption of alcoholic beverages on campus and at Wake Tech sponsored events, as well as College enforcement responses for violations of this policy. Under North Carolina state law, it is unlawful for any person less than twenty-one (21) years of age to purchase or possess any alcoholic beverage and further that it is against the law to sell or give any alcoholic beverage to a person under age 21 or aide or abet such person in selling, purchasing or possessing any alcoholic beverage. Any student or employee in violation of Wake Tech's alcohol policy or North Carolina State Law may be subject to disciplinary measures by the college.

### Drug-Free Workplace

As a precondition for receiving any federally funded grants or contracts, Wake Tech is required to certify that it is providing a drug-free 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 Wake Tech's Policy on Illegal Drugs, the college is required to adhere to all federal policies. As a condition of employment any faculty, staff or student must notify the college of any criminal drug conviction for a violation occurring in the workplace no later than five (5) days after such conviction. It is extremely important that you comply with the policies on illegal drugs and alcohol, which had been implemented by the federal government and the college's governing bodies. Maintaining an alcohol and drug-free workplace will benefit us all.

### Health Concerns

The use of illegal drugs and the misuse of alcohol or prescription drugs are potentially harmful to a person's health. Health risks of using illegal drugs and misusing alcohol or prescription drugs include physical, emotional and psychological effects. Synthetically produced drugs often have unpredictable emotional and physical side effects that constitute an extreme health hazard. Frequent use of alcohol and illegal drugs may lead to:

- relationship problems with friends, family, and coworkers

- substance use disorders
- impaired learning ability, memory, ability to solve complex problems
- hindrance of neurological development
- increased risk of sexually transmitted infections (STI's)
- complications due to the combination of prescription medication and other drugs/alcohol
- death, coma or toxic reactions, especially when combining alcohol with any other drug, including over-the-counter medication or prescriptions
- guilt/regret over activities performed while under the influence of alcohol/drugs. i.e., regretting sexual encounters, fighting, excessive risk-taking, legal and employment difficulties
- damage to brain, cardiovascular system, liver, and other organs
- increased risk of cancer
- fetal alcohol spectrum disorder, birth or genetic defects
- psychosis (hallucinations, loss of contact with reality, extreme changes in personality)
- other physiological, psychological or interpersonal problems

Members of the college community are encouraged to research the health effects of drugs and alcohol abuse through reputable scientific sources, such as the National Institute on Drug Abuse [www.nida.nih.gov](http://www.nida.nih.gov), the National Institute on Alcohol Abuse and Alcoholism [www.niaaa.nih.gov/](http://www.niaaa.nih.gov/), and the Centers for Disease Control([www.cdc.gov](http://www.cdc.gov) ).

### Available Substance Use Programs

Because of the strong potential of unwanted consequences involved in drug and alcohol misuse, administrative, medical, and psychiatric help for students and employees having alcohol or other drug problems are available on a confidential basis. The Wake Tech Student Wellness Counselor, Academic Advisor, Dean of Student Life & Student Success can be contacted regarding assistance for students need with treatment, counseling, and referrals for those with substance abuse concerns. The college offers the Wake Tech Employee Assistance Program (EAP) and it is a great benefit provided by the college. Please visit [www.guidanceresources.com](http://www.guidanceresources.com) for valuable resources for work and personal use for the employee and dependents. Persons who are experiencing problems with substance or alcohol use, either themselves or through their families are encouraged to contact these resources through the college or use other resources such as family physicians, county mental health centers, Alcoholics or Narcotics Anonymous, and/or Al-Anon Family Groups. The college hopes that through our education and referral efforts we will be able to provide an effective means of dealing with the difficulty's substance abuse can bring.

### Laws Related to Unlawful Possession or Distribution of Illegal Drugs and Alcohol

The unlawful manufacture, distribution, 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. A summary of North Carolina alcohol and drug laws is available below. The information provided below is illustrative, not exhaustive or a definitive statement of all applicable laws, but rather it indicates the types of conduct that are against the law and the range of legal sanctions that can be imposed for such conduct. More detailed and current information is available from Wake Tech's Campus Police and the North Carolina Statutes.

A further overview of federal laws and governing the manufacture, possession, use and distribution of alcohol and illegal drugs is available at [https://www.dea.gov/sites/default/files/drug\\_of\\_abuse.pdf](https://www.dea.gov/sites/default/files/drug_of_abuse.pdf) .

## NC DRUG LAWS

### Laws Related to the Unlawful Possession or Distribution of Illegal Drugs and Alcohol

The unlawful manufacture, distribution, possession, and/or use of a controlled substance or alcohol, including underage drinking, is regulated by a number of federal, state and local laws. These laws impose sanctions for both misdemeanor and felony convictions. A summary of North Carolina alcohol and drug laws is available in the

chart below. This information is not an exhaustive or definitive statement of all applicable laws but rather illustrates the range of legal sanctions that can be imposed for violating these state statutes.

## NC DRUG LAWS

Types of Drugs	Possession	Possession with intent to Sell or Deliver; To Manufacture; or to Sell and/or Deliver	North Carolina Statute
<b>Schedule I:</b> Heroin, LSD, Peyote, Mescaline, Psilocybin (Shrooms), other Hallucinogens, Methaqualone (Quaaludes), Phencyclidine (PCP), and MDA	<b>Maximum Penalty:</b> Five (5) years in prison and/or fine (felony)	<b>Maximum Penalty:</b> Ten (10) years in prison and/or fine (felony)	§90-89
<b>Schedule II:</b> Morphine, Demerol, Codeine, Percodan, Percocet, Fentanyl, Dilaudid, Secondal, Nembutal, Cocaine, Amphetamines and other opium and opium extracts and narcotics	<b>Maximum Penalty:</b> 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 <b>Maximum Penalty:</b> Five (5) years in prison and/or fine (felony)	<b>Maximum Penalty:</b> Ten (10) years in prison and/or fine (felony)	§90-90
<b>Schedule III:</b> Certain barbiturates such as amobarbitol and codeine containing medicine such as Fiorinal #3, Doriden, Tylenol #3, Empirin #3, and codeine- based cough suppressants such as Tussionex and Hycomine, and all anabolic steroids	<b>Maximum Penalty:</b> 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)	<b>Maximum Penalty:</b> Five (5) years in prison and/or fine (felony)	§90-91
<b>Schedule IV:</b> Barbiturates, narcotics, and stimulants including Valium, Talwin, Librium, Equanil, Darvon, Darvocet, Placidyl, Tranzene, Serax, Ionamin (yellow jackets)	<b>Maximum Penalty:</b> Same as Schedule III	<b>Maximum Penalty:</b> Five (5) years in prison and/or fine (felony)	§90-92
<b>Schedule VI:</b> Marijuana, THC, Hashish, Hash Oil, Tetrahydrocannabinol	<b>Maximum Penalty:</b> Possession of less than 1/2 ounce of Marijuana or 1/20 ounce Hashish: Thirty (30)	<b>Maximum Penalty:</b> Five (5) years in prison and/or fine (felony)	§90-94

	<p>days in prison and/or \$100 fine (misdemeanor)</p> <p>Possession of more than 1/2 ounce of Marijuana or 1/20 ounce Hashish: Two (2) years in prison and/or fine (misdemeanor)</p> <p>Possession of more than 1 1/2 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)</p>		
Drug Paraphernalia	<p><b>Maximum Penalty:</b> One hundred twenty (120) days in prison and/or fine. (misdemeanor)</p>	<p><b>Maximum Penalty:</b> One hundred twenty (120) days in prison and/or fine. (misdemeanor)</p> <p>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: One (1) year in prison and/or fine. (felony)</p> <p>It is unlawful for any person to purchase or otherwise procure an advertisement in any newspaper, magazine, handbill, or other publication, or purchase or otherwise procure an advertisement on a billboard, sign, or other outdoor display, when he knows that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Sixty (60) days in prison and/or fine. (misdemeanor)</p>	§90-90

## NC ALCOHOL LAWS

State Law	Penalty	North Carolina Statute
To possess, attempt to purchase or purchase, sell or give beer, wine, liquor, or mixed beverages to anyone under the age of 21.	<b>Maximum Penalty:</b> Imprisonment for a term up to 120 days and/or community service and fines up to \$1,000 (Class 1 misdemeanor)	M§18B-302- 18B302.1
A person under 21 years of age who aids and abets to purchase or to attempt to purchase, purchase or to possess; sell or give, alcohol to a person who is under 21 years of age	<b>Maximum Penalty:</b> Imprisonment for a term up to 60 days and/or community service and fines (Class 2 misdemeanor)	§18B-302 - 18B-302.1
A person over 21 years of age who aids and abets to purchase or to attempt to purchase, purchase or to possess; sell or give, alcohol to a person who is under 21 years of age	<b>Maximum Penalty:</b> Imprisonment for a term up to 120 days and/or community service and fines up to \$1,000 (Class 1 misdemeanor)	§18B-302- 18B302.1
Operating a motor vehicle upon any highway, any street, or any public vehicular area within this State: while under the influence of an impairing substance; after having consumed sufficient alcohol that he has, at any relevant time after the driving, an alcohol concentration of 0.08 or more; or with any amount of a Schedule I controlled substance.	1 <sup>st</sup> Offense: Jail, 24 hours; Fine, \$200; License suspended, 60 days to 1 year. 2 <sup>nd</sup> Offense: Jail, 4 days; Fine, varies; License Suspension, 1-4 years. 3 <sup>rd</sup> Offense: Jail, 14 days to 2 years; Fine, varies; License Suspension, 1 year to permanent.	§20-138.1
Operating a motor vehicle on a highway or public vehicular area by a person less than 21 years old while consuming alcohol or at any time while he has remaining in his body any alcohol or controlled substance previously consumed.	Maximum of 20 days in jail and \$200. If driving while impaired offense is also charged, then: 1 <sup>st</sup> Offense: Jail, 24 hours; Fine, \$200; License suspended, 60 days to 1 year. 2 <sup>nd</sup> Offense: Jail, 4 days; Fine, varies; License Suspension, 1-4 years. 3 <sup>rd</sup> Offense: Jail, 14 days to 2 years; Fine, varies; License Suspension, 1 year to permanent.	§20-138.1 & 20-138.3
Possessing an alcoholic beverage other than in the unopened manufacturer's original container, or consume an alcoholic beverage, in the passenger area of a motor vehicle while the motor vehicle is on a highway or the right-of-way of a highway.	<b>Maximum Penalty:</b> Imprisonment for a term up to 60 days and/or community service and fines up to \$1,000 (Class 2 or 3 misdemeanor based on number of offenses).	§18B-301; §18B-401; §20- 138.7

# Campus Sex Crimes Prevention Act

## Obtaining information on registered sex offenders

In accordance to the “Campus Sex Crimes Prevention Act “ (CSCPA) of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act and the Jeanne Clery Act, Wake Technical Community College Campus Police Department is providing a link to the North Carolina Sex Offender and Public Protection Registry. This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student. North Carolina law requires sex offenders who have been convicted of certain offenses to register with their county sheriff. Information about offenders is then entered into the Registry database by the sheriff’s office and transmitted to the N.C. State Bureau of Investigation. The North Carolina State Bureau of Investigation collects information submitted by sheriffs in all 100 counties in the state and makes it available to the public via the Sex Offender and Public Protection Registry website. The website for North Carolina and websites for other state registries are listed below:

1. State websites: <http://www.fbi.gov/hq/cid/cac/states.htm>
2. National Sex Offender Public Registry: <http://www.nsopr.gov>
3. NC Sex Offender and Public Protection Registry: [www.ncfindoffender.gov](http://www.ncfindoffender.gov)

## Crime statistics

Wake Technical Community College is strictly a commuter college and does not provide residential facilities. The Campus Police Chief, Michael Penry, is responsible for compiling crime statistics for Wake Tech. The chief’s office is in Room 148, Holding Hall, on the Main campus at 9101 Fayetteville Road, Raleigh, NC 27601. The Chief can be reached at the college emergency number, 919-866-5911 or office, 919-866-5532. The Wake Tech Campus Police Department maintains a close relationship with local law enforcement agencies to ensure that it is notified of any crime report that is made directly to them. The Department will disclose any crime report made directly to any local law enforcement agency by a member of the campus community.

### How do we compile these statistics?

The Wake Tech Campus Police Department collects the crime statistics disclosed in the charts through a number of methods. Officers submit all incident reports to their supervisors prior to end of their shift. The supervisor reviews the report to ensure it is appropriately classified in the correct crime category. The department immediately enters the data into the crime log. The division 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). Crime statistics are also collected from local law enforcement agencies and are included in this report. Separate Reports are required for the Main, Health Sciences, Northern Wake, Public Safety Training Center, Vernon Malone College and Career Academy, Beltline Center, Eastern Wake and Western Wake Campuses. Crimes occurring on at satellite locations are reported in off campus property category.

## Definitions of Clery reportable crimes

### Criminal homicide

- **Murder and non-negligent manslaughter:** The willful (non-negligent) killing of one human being by another.
- **Negligent manslaughter:** The killing of another person through gross negligence.

## Forcible sex offenses

- **Forcible rape:** The carnal knowledge of a person, forcibly and/or against that person's will; no matter how slight; or not forcibly or against the person's will, where the victim is incapable of giving consent because of his or her temporary or permanent mental or physical incapacity (or because of his or her youth).
- **Forcible sodomy:** Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will, where the victim is incapable of giving consent because of his or her youth or because of his or her temporary or permanent mental or physical incapacity.
- **Sexual assault with an object:** The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will, where the victim is incapable of giving consent because of his or her youth or because of his or her temporary or permanent mental or physical incapacity.
- **Forcible fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will, where the victim is incapable of giving consent because of his or her youth or because of his or her temporary or permanent mental or physical incapacity.

## Non-forcible sex offenses

- **Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.

## 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.

## Aggravated assault

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

## Burglary

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

## Motor vehicle theft

The theft or attempted theft of a motor vehicle. (Motor vehicle theft is classified as any case where an automobile is taken by a person not having lawful access, even if the vehicle is later abandoned, including joy riding.)

## 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.

## Other offenses



- **Liquor law violations.** The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned activities. (Drunkenness and driving under the influence are not included in this definition.)
- **Drug abuse violations.** The violation of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs. The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).
- **Weapon law violations.** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: the manufacture, sale, or possession of deadly weapons; the carrying of deadly weapons, concealed or openly; the furnishing of deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned acts.

#### Violence Against Women Act (VAWA) Reportable Offense Definitions:

- **Dating Violence**  
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.
- **Domestic Violence**  
Asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, by a person with whom the victim shares a child in common, or anyone else protected under domestic or family law violence.
- **Stalking**  
A course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress

#### Hate Crimes

Commission of the crimes listed above as well as larceny-theft, simple assault, intimidation, and destruction, damage, or vandalism of property, and of other crimes involving bodily injury to any person that manifests evidence that the victim was intentionally selected because of the perpetrator's bias. The categories of bias are:

- **Race.** A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites).
- **Gender.** A preformed negative opinion or attitude toward a group of persons because those persons are male or female.
- **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. (e.g., Catholics, Jews, Protestants, atheists).
- **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 (e.g., gays, lesbians, heterosexuals).
- **Ethnicity/national origin.** A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions (e.g., Arabs, Hispanics).
- **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.
- **Gender Identity.** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals. 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.

- **National Origin.** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.

## Southern Wake Campus Crime Statistics

Type of Offense		On Campus	Non-Campus	Public Property
<b>Criminal Homicide</b>				
Murder/Non-negligent Manslaughter	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Manslaughter by Negligence	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
<b>Sex Offense</b>				
Rape	2020	0	0	0
	2021	0	0	0
	2022	1*	0	0
Incest	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Fondling	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Statutory Rape	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
<b>Robbery</b>				
	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
<b>Aggravated Assault</b>				
	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
<b>Burglary</b>				
	2020	5	0	0
	2021	16	0	0
	2022	0	0	0
<b>Motor Vehicle Theft</b>				
	2020	0	0	0
	2021	0	0	0
	2022	0	0	0

Arson				
	2020	0	0	0
	2021	0	0	0
	2022	0	0	0

\*One Clery Reportable Offense, Domestic Violence, Stalking, Dating Violence or Hate Crime was cleared unfounded

## Southern Wake Campus VAWA Statistics

Domestic Violence				
	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Stalking				
	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Dating Violence				
	2020	0	0	0
	2021	0	0	0
	2022	0	0	0

## Southern Wake Campus Hate Crimes

Hate Crimes				
Larceny - Theft	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Simple Assault	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Intimidation	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Destruction /damage/vandalism of property	2020	0	0	0
	2021	0	0	0
	2022	0	0	0

## Southern Wake Campus Arrests and Judicial Referrals

Other Offenses		On Campus	Non-Campus	Public Property
<b>Arrests</b>				
Liquor Law Violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Drug Abuse Violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Illegal Weapons Possession	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
<b>Judicial Referrals</b>				
Liquor Law Violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Drug Abuse Violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Illegal Weapons Possession	2020	0	0	0
	2021	0	0	0
	2022	0	0	0

## Perry Health Science Campus Crime Statistics

Type of Offense		On Campus	Public Property
<b>Criminal Homicide</b>			
Murder/Non-negligent Manslaughter	2020	0	0
	2021	0	0
	2022	0	0
Manslaughter by Negligence	2020	0	0
	2021	0	0
	2022	0	0
<b>Sex Offense</b>			
Rape	2020	0	0
	2021	0	0
	2022	0	0
Fondling	2020	0	0
	2021	0	0
	2022	0	0
Incest	2020	0	0
	2021	0	0
	2022	0	0
Statutory Rape	2020	0	0
	2021	0	0
	2022	0	0
<b>Robbery</b>			
	2020	0	0
	2021	0	0
	2022	0	0
<b>Aggravated Assault</b>			
	2020	0	0
	2021	0	0
	2022	0	0
<b>Burglary</b>			
	2020	0	0
	2021	3	0
	2022	0	0
<b>Motor Vehicle Theft</b>			
	2020	0	0
	2021	0	0
	2022	0	0
<b>Arson</b>			
	2020	0	0
	2021	0	0
	2022	0	0

## Perry Health Science Campus VAWA Statistics

Domestic Violence			
	2020	0	0
	2021	0	0
	2022	0	0
Stalking			
	2020	0	0
	2021	0	0
	2022	0	0
Dating Violence			
	2020	0	0
	2021	0	0
	2022	0	0

## Perry Health Science Campus Hate Crimes

Hate Crimes			
Larceny Theft	2020	0	0
	2021	0	0
	2022	0	0
Simple Assault	2020	0	0
	2021	0	0
	2022	0	0
Intimidation	2020	0	0
	2021	0	0
	2022	0	0
Destruction/Damage/Vandalism of Property	2020	0	0
	2021	0	0
	2022	0	0

**\*No Clery Reportable Offenses, Domestic Violence, Stalking, Dating Violence or Hate Crimes were cleared unfounded**

## Perry Health Sciences Campus Arrests and Judicial Referrals

Other Offenses		On Campus	Public Property
<b>Arrests</b>			
Liquor Law Violations	2020	0	0
	2021	0	0
	2022	0	0
Drug Abuse Violations	2020	0	0
	2021	0	0
	2022	0	0
Illegal Weapons Possession	2020	0	0
	2021	0	0
	2022	0	0
<b>Judicial Referral</b>			
Liquor Law Violations	2020	0	0
	2021	0	0
	2022	0	0
Drug Abuse Violations	2020	0	0
	2021	0	0
	2022	0	0
Illegal Weapons Possession	2020	0	0
	2021	0	0
	2022	0	0



## Scott Northern Wake Campus Crime Statistics

Type of Offense		On Campus	Public Property
<b>Criminal Homicide</b>			
Murder/Non-negligent Manslaughter	2020	0	0
	2021	0	0
	2022	0	0
Manslaughter by Negligence	2020	0	0
	2021	0	0
	2022	0	0
<b>Sex Offense</b>			
Rape	2020	0	0
	2021	0	0
	2022	0	0
Fondling	2020	0	0
	2021	0	0
	2022	0	0
Incest	2020	0	0
	2021	0	0
	2022	0	0
Statutory Rape	2020	0	0
	2021	0	0
	2022	0	0
<b>Robbery</b>			
	2020	0	0
	2021	0	0
	2022	0	0
<b>Aggravated Assault</b>			
	2020	0	0
	2021	0	0
	2022	0	0
<b>Burglary</b>			
	2020	3	0
	2021	3	0
	2022	0	0
<b>Motor Vehicle Theft</b>			
	2020	0	0
	2021	0	0
	2022	0	0

Arson			
	2020	0	0
	2021	0	0
	2022	0	0

## Scott Northern Wake Campus VAWA Statistics

Domestic Violence			
	2020	0	0
	2021	0	0
	2022	0	0
Stalking			
	2020	1	0
	2021	1	0
	2022	0	0
Dating Violence			
	2020	0	0
	2021	0	0
	2022	0	0

## Scott Northern Wake Campus Hate Crimes

Hate Crimes			
Larceny Theft	2020	0	0
	2021	0	0
	2022	0	0
Simple Assault	2020	0	0
	2021	0	0
	2022	0	0
Intimidation	2020	0	0
	2021	0	0
	2022	0	0
Destruction/Damage/Vandalism of Property	2020	0	0
	2021	0	0
	2022	0	0

\*No Clery Reportable Offenses, Domestic Violence, Stalking, Dating Violence or Hate Crimes were cleared unfounded

## Scott Northern Wake Campus Arrests and Judicial Referrals

Other Offenses		On Campus	Public Property
<b>Arrests</b>			
Liquor Law Violations	2020	0	0
	2021	0	0
	2022	0	0
Drug Abuse Violations	2020	0	0
	2021	0	0
	2022	0	0
Illegal Weapons Possession	2020	0	0
	2021	1	0
	2022	0	0
<b>Judicial Referrals</b>			
Liquor Law Violations	2020	0	0
	2021	0	0
	2022	0	0
Drug Abuse Violations	2020	0	0
	2021	0	0
	2022	0	0
Illegal Weapons Possession	2020	1	0
	2021	0	0
	2022	0	0

## Western Wake Campus Crime Statistics

Type of Offense		On Campus	Public Property
<b>Criminal Homicide</b>			
Murder/Non-negligent Manslaughter	2020	0	0
	2021	0	0
	2022	0	0
Manslaughter by Negligence	2020	0	0
	2021	0	0
	2022	0	0
<b>Sex Offense</b>			
Rape	2020	0	0
	2021	0	0
	2022	0	0
Fondling	2020	0	0
	2021	0	0
	2022	0	0
Incest	2020	0	0
	2021	0	0
	2022	0	0
Statutory Rape	2020	0	0
	2021	0	0
	2022	0	0
<b>Robbery</b>			
	2020	0	0
	2021	0	0
	2022	0	0
<b>Aggravated Assault</b>			
	2020	0	0
	2021	0	0
	2022	0	0
<b>Burglary</b>			
	2020	0	0
	2021	0	0
	2022	0	0
<b>Motor Vehicle Theft</b>			
	2020	0	0
	2021	0	0
	2022	0	0

Arson			
	2020	0	0
	2021	0	0
	2022	0	0

## Western Wake Campus VAWA Statistics

Domestic Violence			
	2020	0	0
	2021	0	0
	2022	0	0
Stalking			
	2020	0	0
	2021	0	0
	2022	0	0
Dating Violence			
	2020	0	0
	2021	0	0
	2022	0	0

## Western Wake Campus Hate Crimes

Hate Crimes			
Larceny Theft	2020	0	0
	2021	0	0
	2022	0	0
Simple Assault	2020	0	0
	2021	0	0
	2022	0	0
Intimidation	2020	0	0
	2021	0	0
	2022	0	0
Destruction/Damage/Vandalism of Property	2020	0	0
	2021	0	0
	2022	0	0

\*No Clery Reportable Offenses, Domestic Violence, Stalking, Dating Violence or Hate Crimes were cleared unfounded

## Western Wake Campus Arrests and Judicial Referrals

Other Offenses		On Campus	Public Property
<b>Arrests</b>			
Liquor Law Violations	2020	0	0
	2021	0	0
	2022	0	0
Drug Abuse Violations	2020	0	0
	2021	0	0
	2022	0	0
Illegal Weapons Possession	2020	0	0
	2021	0	0
	2022	0	0
<b>Judicial Referrals</b>			
Liquor Law Violations	2020	0	0
	2021	0	0
	2022	0	0
Drug Abuse Violations	2020	0	0
	2021	0	0
	2022	0	0
Illegal Weapons Possession	2020	0	0
	2021	0	0
	2022	0	0

## Public Safety Education Campus Crime Statistics

Type of Offense		On Campus	Public Property
<b>Criminal Homicide</b>			
Murder/Non-negligent Manslaughter	2020	0	0
	2021	0	0
	2022	0	0
Manslaughter by Negligence	2020	0	0
	2021	0	0
	2022	0	0
<b>Sex Offense</b>			
Rape	2020	0	0
	2021	0	0
	2022	0	0
Fondling	2020	0	0
	2021	0	0
	2022	0	0
Incest	2020	0	0
	2021	0	0
	2022	0	0
Statutory Rape	2020	0	0
	2021	0	0
	2022	0	0
<b>Robbery</b>			
	2020	0	0
	2021	0	0
	2022	0	0
<b>Aggravated Assault</b>			
	2020	0	0
	2021	0	0
	2022	0	0
<b>Burglary</b>			
	2020	0	0
	2021	0	0
	2022	1	0
<b>Motor Vehicle Theft</b>			
	2020	0	0
	2021	0	0
	2022	0	0

Arson			
	2020	0	0
	2021	0	0
	2022	0	0

## Public Safety Education Campus VAWA Statistics

Domestic Violence			
	2020	0	0
	2021	0	0
	2022	0	0
Stalking			
	2020	0	0
	2021	0	0
	2022	0	0
Dating Violence			
	2020	0	0
	2021	0	0
	2022	0	0

## Public Safety Education Campus Hate Crimes

Hate Crimes			
Larceny Theft	2020	0	0
	2021	0	0
	2022	0	0
Simple Assault	2020	0	0
	2021	0	0
	2022	0	0
Intimidation	2020	0	0
	2021	0	0
	2022	0	0
Destruction/Damage/Vandalism of Property	2020	0	0
	2021	0	0
	2022	0	0

\*No Clery Reportable Offenses, Domestic Violence, Stalking, Dating Violence or Hate Crimes were cleared unfounded



## Public Safety Education Campus Arrests and Judicial Referrals

Other Offenses		On Campus	Public Property
<b>Arrests</b>			
Liquor Law Violations	2020	0	0
	2021	0	0
	2022	0	0
Drug Abuse Violations	2020	0	0
	2021	0	0
	2022	0	0
Illegal Weapons Possession	2020	0	0
	2021	0	0
	2022	1	0
<b>Judicial Referrals</b>			
Liquor Law Violations	2020	0	0
	2021	0	0
	2022	0	0
Drug Abuse Violations	2020	0	0
	2021	0	0
	2022	0	0
Illegal Weapons Possession	2020	0	0
	2021	0	0
	2022	0	0

## Beltline Education Center Crime Statistics

Type of Offense		On Campus	Public Property
<b>Criminal Homicide</b>			
Murder/Non-negligent Manslaughter	2020	0	0
	2021	0	0
	2022	0	0
Manslaughter by Negligence	2020	0	0
	2021	0	0
	2022	0	0
<b>Sex Offense</b>			
Rape	2020	0	0
	2021	0	0
	2022	0	0
Fondling	2020	0	0
	2021	0	0
	2022	0	0
Incest	2020	0	0
	2021	0	0
	2022	0	0
Statutory Rape	2020	0	0
	2021	0	0
	2022	0	0
<b>Robbery</b>			
	2020	0	0
	2021	0	0
	2022	0	0
<b>Aggravated Assault</b>			
	2020	0	0
	2021	0	0
	2022	0	0
<b>Burglary</b>			
	2020	0	0
	2021	2	0
	2022	0	0
<b>Motor Vehicle Theft</b>			
	2020	0	0
	2021	0	0
	2022	0	0

Arson			
	2020	0	0
	2021	0	0
	2022	0	0

## Beltline Education Center VAWA Statistics

Domestic Violence			
	2020	0	0
	2021	0	0
	2022	0	0
Stalking			
	2020	0	0
	2021	0	0
	2022	0	0
Dating Violence			
	2020	0	0
	2021	0	0
	2022	0	0

## Beltline Education Center Hate Crimes

Hate Crimes			
Larceny Theft	2020	0	0
	2021	0	0
	2022	0	0
Simple Assault	2020	0	0
	2021	0	0
	2022	0	0
Intimidation	2020	0	0
	2021	0	0
	2022	0	0
Destruction/Damage/Vandalism of Property	2020	0	0
	2021	0	0
	2022	0	0

**\*No Clery Reportable Offenses, Domestic Violence, Stalking, Dating Violence or Hate Crimes were cleared unfounded**

## Beltline Education Arrests and Judicial Referrals

Other Offenses		On Campus	Public Property
<b>Arrests</b>			
Liquor Law Violations	2020	0	0
	2021	0	0
	2022	0	0
Drug Abuse Violations	2020	0	0
	2021	0	0
	2022	0	0
Illegal Weapons Possession	2020	0	0
	2021	0	0
	2022	0	0
<b>Judicial Referrals</b>			
Liquor Law Violations	2020	0	0
	2021	0	0
	2022	0	0
Drug Abuse Violations	2020	0	0
	2021	0	0
	2022	0	0
Illegal Weapons Possession	2020	0	0
	2021	0	0
	2022	0	0

## Eastern Wake Education Center Crime Statistics

Type of Offense		On Campus	Public Property
<b>Criminal Homicide</b>			
Murder/Non-negligent Manslaughter	2020	0	0
	2021	0	0
	2022	0	0
Manslaughter by Negligence	2020	0	0
	2021	0	0
	2022	0	0
<b>Sex Offense</b>			
Rape	2020	0	0
	2021	0	0
	2022	0	0
Fondling	2020	0	0
	2021	0	0
	2022	0	0
Incest	2020	0	0
	2021	0	0
	2022	0	0
Statutory Rape	2020	0	0
	2021	0	0
	2022	0	0
<b>Robbery</b>			
	2020	0	0
	2021	0	0
	2022	0	0
<b>Aggravated Assault</b>			
	2020	0	0
	2021	0	0
	2022	0	0
<b>Burglary</b>			
	2020	0	0
	2021	0	0
	2022	0	0
<b>Motor Vehicle Theft</b>			
	2020	0	0
	2021	0	0
	2022	0	0
<b>Arson</b>			
	2020	0	0
	2021	0	0
	2022	0	0

## Eastern Wake Education Center VAWA Statistics

Domestic Violence				
		2020	0	0
		2021	0	0
		2022	0	0
Stalking				
		2020	0	0
		2021	0	0
		2022	0	0
Dating Violence				
		2020	0	0
		2021	0	0
		2022	0	0

## Eastern Wake Education Center Hate Crimes

Hate Crimes				
Larceny Theft		2020	0	0
		2021	0	0
		2022	0	0
Simple Assault		2020	0	0
		2021	0	0
		2022	0	0
Intimidation		2020	0	0
		2021	0	0
		2022	0	0
Destruction/Damage/Vandalism of Property		2020	0	0
		2021	0	0
		2022	0	0

**\*No Clery Reportable Offenses, Domestic Violence, Stalking, Dating Violence or Hate Crimes were cleared unfounded**

## Eastern Wake Education Center Arrests and Judicial Referrals

Other Offenses		On Campus	Public Property
<b>Arrests</b>			
Liquor Law Violations	2020	0	0
	2021	0	0
	2022	0	0
Drug Abuse Violations	2020	0	0
	2021	0	0
	2022	0	0
Illegal Weapons Possession	2020	0	0
	2021	0	0
	2022	0	0
<b>Judicial Referrals</b>			
Liquor Law Violations	2020	0	0
	2021	0	0
	2022	0	0
Drug Abuse Violations	2020	0	0
	2021	0	0
	2022	0	0
Illegal Weapons Possession	2020	0	0
	2021	0	0
	2022	0	0

## Vernon Malone College and Career Academy Crime Statistics

Type of Offense		On Campus	Public Property
<b>Criminal Homicide</b>			
Murder/Non-negligent Manslaughter	2020	0	0
	2021	0	0
	2022	0	0
Manslaughter by Negligence	2020	0	0
	2021	0	0
	2022	0	0
<b>Sex Offense</b>			
Rape	2020	0	0
	2021	0	0
	2022	0	0
Fondling	2020	0	0
	2021	0	0
	2022	0	0
Incest	2020	0	0
	2021	0	0
	2022	0	0
Statutory Rape	2020	0	0
	2021	0	0
	2022	0	0
<b>Robbery</b>			
	2020	0	0
	2021	0	0
	2022	0	0
<b>Aggravated Assault</b>			
	2020	0	0
	2021	0	0
	2022	0	0
<b>Burglary</b>			
	2020	0	0
	2021	1	0
	2022	0	0
<b>Motor Vehicle Theft</b>			
	2020	0	0
	2021	0	0
	2022	0	0
<b>Arson</b>			
	2020	0	0
	2021	0	0
	2022	0	0



## Vernon Malone College and Career Academy VAWA Statistics

Domestic Violence			
	2020	0	0
	2021	0	0
	2022	0	0
Stalking			
	2020	0	0
	2021	0	0
	2022	0	0
Dating Violence			
	2020	0	0
	2021	0	0
	2022	0	0

## Vernon Malone College and Career Academy Hate Crime Statistics

Hate Crimes			
Larceny Theft	2020	0	0
	2021	0	0
	2022	0	0
Simple Assault	2020	0	0
	2021	0	0
	2022	0	0
Intimidation	2020	0	0
	2021	0	0
	2022	0	0
Destruction/Damage/Vandalism of Property	2020	0	0
	2021	0	0
	2022	0	0

**\*No Clery Reportable Offenses, Domestic Violence, Stalking, Dating Violence or Hate Crimes were cleared unfounded**

## Vernon Malone College and Career Academy Arrests and Judicial Referrals

Other Offenses		On Campus	Public Property
<b>Arrests</b>			
Liquor Law Violations	2020	0	0
	2021	0	0
	2022	0	0
Drug Abuse Violations	2020	1	0
	2021	0	0
	2022	0	0
Illegal Weapons Possession	2020	0	0
	2021	0	0
	2022	0	0
<b>Judicial Referrals</b>			
Liquor Law Violations	2020	0	0
	2021	0	0
	2022	0	0
Drug Abuse Violations	2020	0	0
	2021	0	0
	2022	0	0
Illegal Weapons Possession	2020	0	0
	2021	0	0
	2022	0	0

## Northern Wake College and Career Academy Crime Statistics

Type of Offense		On Campus	Public Property
<b>Criminal Homicide</b>			
Murder/Non-negligent Manslaughter	2020	0	0
	2021	0	0
	2022	0	0
Negligent Manslaughter	2020	0	0
	2021	0	0
	2022	0	0
<b>Sex Offense</b>			
Rape	2020	0	0
	2021	0	0
	2022	0	0
Fondling	2020	0	0
	2021	0	0
	2022	0	0
Incest	2020	0	0
	2021	0	0
	2022	0	0
Statutory Rape	2020	0	0
	2021	0	0
	2022	0	0
<b>Robbery</b>			
	2020	0	0
	2021	0	0
	2022	0	0
<b>Aggravated Assault</b>			
	2020	0	0
	2021	0	0
	2022	0	0
<b>Burglary</b>			
	2020	0	0
	2021	0	0
	2022	0	0
<b>Motor Vehicle Theft</b>			
	2020	0	0
	2021	0	0
	2022	0	0
<b>Arson</b>			
	2020	0	0
	2021	0	0
	2022	0	0

## Northern Wake College and Career Academy VAWA Statistics

Domestic Violence				
		2020	0	0
		2021	0	0
		2022	0	0
Stalking				
		2020	0	0
		2021	0	0
		2022	0	0
Dating Violence				
		2020	0	0
		2021	0	0
		2022	0	0

## Northern Wake College and Career Academy Hate Crimes

Hate Crimes				
Larceny Theft		2020	0	0
		2021	0	0
		2022	0	0
Simple Assault		2020	0	0
		2021	0	0
		2022	0	0
Intimidation		2020	0	0
		2021	0	0
		2022	0	0
Destruction/Damage/Vandalism of Property		2020	0	0
		2021	0	0
		2022	0	0

**\*No Clery Reportable Offenses, Domestic Violence, Stalking, Dating Violence or Hate Crimes were cleared unfounded**

## Northern Wake College and Career Academy Arrests and Judicial Referrals

Other Offenses		On Campus	Public Property
<b>Arrests</b>			
Liquor Law Violations	2020	0	0
	2021	0	0
	2022	0	0
Drug Abuse Violations	2020	0	0
	2021	0	0
	2022	0	0
Illegal Weapons Possession	2020	0	0
	2021	0	0
	2022	0	0
<b>Judicial Referrals</b>			
Liquor Law Violations	2020	0	0
	2021	0	0
	2022	0	0
	2020	0	0
	2021	0	0
	2022	0	0
Illegal Weapons Possession	2020	0	0
	2021	0	0
	2022	0	0

## RTP Campus Crime Statistics

Type of Offense		On Campus	Public Property
<b>Criminal Homicide</b>			
Murder/Non-negligent Manslaughter	2020	0	0
	2021	0	0
	2022	0	0
Manslaughter by Negligence	2020	0	0
	2021	0	0
	2022	0	0
<b>Sex Offense</b>			
Rape	2020	0	0
	2021	0	0
	2022	0	0
Fondling	2020	0	0
	2021	0	0
	2022	0	0
Incest	2020	0	0
	2021	0	0
	2022	0	0
Statutory Rape	2020	0	0
	2021	0	0
	2022	0	0
<b>Robbery</b>			
	2020	0	0
	2021	0	0
	2022	0	0
<b>Aggravated Assault</b>			
	2020	0	0
	2021	0	0
	2022	0	0
<b>Burglary</b>			
	2020	0	0
	2021	3	0
	2022	0	0
<b>Motor Vehicle Theft</b>			
	2020	0	0
	2021	0	0
	2022	0	0

Arson			
	2020	0	0
	2021	0	0
	2022	0	0

## RTP Campus VAWA Statistics

Domestic Violence			
	2020	0	0
	2021	0	0
	2022	0	0
Stalking			
	2020	0	0
	2021	0	0
	2022	0	0
Dating Violence			
	2020	0	0
	2021	0	0
	2022	0	0

## RTP Campus Hate Crime Statistics

Hate Crimes			
Larceny Theft	2020	0	0
	2021	0	0
	2022	0	0
Simple Assault	2020	0	0
	2021	0	0
	2022	0	0
Intimidation	2020	0	0
	2021	0	0
	2022	0	0
Destruction/Damage/Vandalism of Property	2020	0	0
	2021	0	0
	2022	0	0

## RTP Campus Arrests and Judicial Referrals

Other Offenses		On Campus	Public Property
<b>Arrests</b>			
Liquor Law Violations	2020	0	0
	2021	0	0
	2022	0	0
Drug Abuse Violations	2020	0	0
	2021	0	0
	2022	0	0
Illegal Weapons Possession	2020	0	0
	2021	0	0
	2022	0	0
<b>Judicial Referrals</b>			
Liquor Law Violations	2020	0	0
	2021	0	0
	2022	0	0
Drug Abuse Violations	2020	0	0
	2021	0	0
	2022	0	0
Illegal Weapons Possession	2020	0	0
	2021	0	0
	2022	0	0

**\*No Clery Reportable Offenses, Domestic Violence, Stalking, Dating Violence or Hate Crimes were cleared unfounded**