

**NC STATE**



**Annual Security and Fire Safety Report  
October 2023**

## Table of Contents

<b>Introduction</b>	
Message from Chief	page 4
Clery Act Requirements	page 5
<b>Disclosure of Crime Statistics</b>	page 6
<b>NC State University, Raleigh</b>	page 7
<b>NC State European Center in Prague</b>	page 8
<b>Center for Marine Sciences and Technology</b>	page 9
<b>Emergency Communication and Response</b>	page 10
Alerting the NC State Community	page 10
WolfAlert System Methods	page 10
Timely Warnings	page 12
Emergency Notifications	page 12
Safety Notifications	page 13
Testing Emergency Response and Evacuation Procedure	page 13
<b>Missing Student Notification</b>	page 14
<b>Reporting of Criminal Offenses</b>	page 15
Who to report to	page 15
Campus Security Authorities at NC State	page 16
Voluntary and Anonymous reporting	page 18
<b>Security and Access</b>	
Residence Halls and Apartments	page 19
Campus Buildings	page 19
Maintenance	page 19
<b>University Police</b>	
Authority	page 20
Contract Security	page 23
Relationship with Local Agencies	page 23
<b>Crime Prevention and Security Awareness</b>	page 24
<b>Off-Campus Crime</b>	page 24
<b>Alcohol and Illegal Drugs</b>	
Chancellor's Statement	page 25
University Policies	page 25
Policy on Illegal Drugs	page 26
Alcohol Policy	page 26
Howl for Help	page 26
Drug-Free Workplace	page 27
Health Concerns	page 27
Available Substance Use Programs	page 27
Laws Related to Unlawful Possession or Distribution of Illegal Drugs and Alcohol	page 28
North Carolina Drug Laws	page 29
North Carolina Alcohol Laws	page 30
<b>Addressing Sexual Harassment, Sexual Assault and Interpersonal Violence at NC State</b>	

Chancellor's Statement	page 31
University Response to Sexual Misconduct, and Interpersonal Violence	page 36
Anonymous Reporting of Sexual Misconduct, or Interpersonal Violence	page 40
Prevention of Sexual Misconduct, or Interpersonal Violence	page 41
Role and Responsibility of the Counseling Center	page 41
North Carolina Sex Offender and Public Protection Registry	page 42
Interpersonal Violence Definitions	page 42
<b>Workplace Violence</b>	page 46
<b>Crime Victim Rights</b>	page 46
<b>Keeping Our University Safe and Secure</b>	page 47
<b>Fire Safety Report</b>	page 50
<b>Reporting a Fire</b>	page 50
<b>University Housing Rules on Appliances, Smoking &amp; Open Flames</b>	page 50
<b>Emergency Evacuation Policy</b>	page 50
Fire Protection and Command Procedures	page 51
Immediate Response Procedures	page 51
Evacuation Procedures	page 52
Evacuation Procedures for People with Disabilities	page 52
<b>Fire Statistics Regarding Fires in University Residential Facilities</b>	page 53
<b>Fire Systems in University Residential Facilities</b>	page 59
<b>Number of Emergency Residential Evacuation Drills</b>	page 61
<b>Fire and Life Safety Education</b>	page 61
<b>Appendix G Effective 8/14/20</b>	page 65
<b>Appendix G Applying to Reports Initiated before 8/14/20</b>	page 69
<b>Office for Civil Rights Blog Post Regarding the Title IX Rule Effective Date</b>	page 72
<b>Discrimination, Harassment and Retaliation Complaint Procedures August 11, 2020, and applying to reports initiated on or after the effective Date of August 14, 2020</b>	page 73
<b>Discrimination, Harassment and Retaliation Complaint Procedures Effective Date 8/12/14</b>	page 83
<b>Title IX Sexual Harassment Resolution Effective Date 8/14/20</b>	page 90

## Introduction

### Message from the Chief



It is truly a pleasure and an honor to serve the NC State Community as your Chief of Police. I have enjoyed my first full year back at NC State and look forward to many more. I am proud to be a part of the Wolfpack family.

The men and women of the NC State University Police Department work hard to ensure that we are doing everything in our power to keep the NC State community a safe environment where students, faculty and staff can prosper.

Our collaborative efforts to maintain a safe and secure environment rely on our ability to develop working relationships with the many communities that make up NC State. We believe that through partnering and problem solving, we can continue to be one of the safest universities in the nation. We have a commitment to community policing, and we are dedicated to assisting you in maintaining a safe and secure environment in order to enhance the quality of life here at NC State.

Safety is a shared responsibility and cannot happen without the active participation of everyone on campus. Crime prevention, identifying risks, reporting incidents, reporting potential threats and problem solving are the responsibility of everyone on campus. Working together, we can continue to keep our community safe.

The information contained in our Annual Security Report and Fire Safety Report provides the reader an understanding of the types of crimes that occur on campus, the safety programs the University offers, and resources available to our campus community.

We hope you find this report informative and helpful and that your stay at NC State University will be both rewarding and safe.

Daniel L. House Jr.  
Chief of Police



## Clery Act Requirements

In general, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (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 properties. The statistics must be gathered from University Police, local law enforcement, and other University 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".
- Provide "Emergency Notifications" for dangerous or emergency situations; and
- Disclose in a public crime log any crime that occurred on campus and is reported to the university police.
- Provide survivors of sexual assault, domestic violence, dating violence, and stalking with information on reporting, interim arrangement options, resources, and University disciplinary processes.
- Outline and disclose University policies and procedures within their annual security reports, including those related to disseminating timely warnings and emergency notifications, options for survivors of sexual assault, domestic violence, dating violence, and stalking, and campus crime reporting processes.

University Police is required by the Clery Act to report certain types of crimes on an annual basis. As a result, NC State reports all Part 1 Criminal Offenses, as well as Hate Crimes as required by the Clery Act, for crimes occurring on campus and certain non-campus properties. These crimes include:

- Criminal Homicide
- Sexual Assault, including Rape, Fondling, Incest, and Statutory Rape
- Stalking
- Domestic Violence
- Dating Violence
- Rape
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson
- Hate crimes
- Arrests and Disciplinary Referrals for Violations of Weapons, Drug, and Liquor Laws

The Annual Security Report (ASR) crime statistics are provided below, and are also available on the University Police website at the following link: <https://police.ehps.ncsu.edu/home/about-us/office-of-the-chief/clery-compliance/>.

University Police is responsible for preparing and distributing the ASR. University Police works with many other departments and units within the campus community to compile this information. Because they have local jurisdiction over some NC State locations, the Raleigh Police Department, Wake County Sheriff's

# NC STATE UNIVERSITY

Office, and other law enforcement agencies are asked to provide Clery Act reportable crime statistics for the required geographical locations.

We encourage members of the NC State community to use this report as a guide for safe practices on and off campus. For a hard copy of this information or alternative formats please contact the NC State University Police at (919) 515-3000.



## Disclosure of Crime Statistics

NC State crime statistics include those crimes reported to University Police, Campus Security Authorities (CSAs), and local law enforcement agencies. These statistics may include crimes that have occurred in private residences, including those maintained by university student organizations, and on certain other non-campus property.

Each year, an e-mail notification is made to all enrolled students, faculty and staff that provides the website to access the ASR. Prospective students can obtain a copy by visiting NC State's undergraduate and graduate admissions websites. All prospective employees can obtain a copy from the NC State Human Resources department by visiting <https://jobs.ncsu.edu>; the website address is part of the online employment application. Individuals with disabilities can request the ASR in an alternative format by contacting University Police.

# NC STATE UNIVERSITY

## NC State University, Raleigh Crime Statistics

OFFENSE	ON CAMPUS			RESIDENTIAL FACILITIES			NON-CAMPUS			PUBLIC PROPERTY			TOTAL					
	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	Unfounded	2021	Unfounded	2022	Unfounded
MURDER/NON-NEGLIGENT MANSLAUGHTER	1	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
RAPE	4*	5	18	4	5	13	0	0	0	0	0	0	4	0	5	0	18	0
FONDLING	2	10	108***	2	7	7	0	0	0	0	0	0	2	0	10	0	108***	0
INCEST	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
STATUTORY RAPE	1	0	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0
ROBBERY	1	3	1	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0
AGGRAVATED ASSAULT	8	6	0	1	4	0	1	1	0	0	0	0	9	0	7	0	0	0
BURGLARY	24	16	9	10	4	2	0	0	0	0	0	0	24	0	16	0	9	0
MOTOR VEHICLE THEFT	8	6	6	0	0	0	0	0	0	0	0	0	8	3	6	0	6	0
ARSON	4	0	0	4	0	0	0	0	0	0	0	0	4	0	0	0	0	0
ARRESTS: ILLEGAL WEAPONS	13	3	2	0	1	0	0	0	0	0	1	1	13	0	4	0	3	0
DISCIPLINARY REFERRALS: ILLEGAL WEAPONS	3	5	0	0	4	0	0	0	0	0	0	0	3	0	5	0	0	0
ARRESTS: DRUG ABUSE VIOLATIONS	45	17	11	13	7	3	1	0	0	2	3	11	48	0	20	0	22	0
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	83	82	69	34	43	40	0	0	0	0	1	3	83	0	84	0	72	0
ARRESTS: LIQUOR LAW VIOLATIONS	4	10	3	0	5	2	0	0	0	0	2	2	4	0	12	0	5	0
DISCIPLINARY REFERRALS: LIQUOR LAW VIOLATIONS	192	332	218	167	235	187	0	0	0	0	4	6	192	0	336	0	224	0
STALKING	14	12	39	4	4	15	0	0	0	0	0	0	14	0	12	0	39	0
DOMESTIC VIOLENCE	4	6	6	3	4	1	0	0	0	0	0	0	4	0	6	0	6	0
DATING VIOLENCE	3	12	9	3	5	3	0	0	0	0	0	0	3	0	12	0	9	0
HATE CRIMES**	3	0	0	1	0	0	0	0	0	0	0	0	3	0	0	0	0	0

The statistics for NC State's off-campus facilities at the NC State European Center in Prague, and Center for Marine Sciences and Technology (CMAST) in Morehead City, North Carolina (collectively, "Off-Campus Facilities") are provided separately.

\*In 2020, an individual reported to University Police that they had been raped in 1989, by another individual with whom they knew. Pursuant to the Clery Act, and its implementing regulations and guidelines, the university must include reported incidents in the year in which they were reported, not in the year in which they occurred.

\*\*Hate Crimes: All 3 Hate Crimes reported in 2020 were on the basis of Race; 2 were Damage to Property and 1 was a Simple Assault.

\*\*\* In 2022, a former student made a report alleging 75-100 incidents of fondling by a former athletic trainer during treatments between 2015 and 2017. Similarly, in 2022, a student alleged one incident of fondling by the former athletic trainer during treatment in 2019 or 2020. Pursuant to the Clery Act, and its implementing regulations and guidelines, the university must include reported incidents in the year in which they were reported, not in the year in which they occurred.

# NC STATE UNIVERSITY

## NC State European Center in Prague Crime Statistics

OFFENSE	ON CAMPUS			RESIDENTIAL FACILITIES			NON-CAMPUS			PUBLIC PROPERTY			TOTAL						
	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	Unfounded	2021	Unfounded	2022	Unfounded	
MURDER/NON-NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
RAPE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FONDLING	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
INCEST	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
STATUTORY RAPE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
BURGLARY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MOTOR VEHICLE THEFT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ARSON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ARRESTS: ILLEGAL WEAPONS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DISCIPLINARY REFERRALS: ILLEGAL WEAPONS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ARRESTS: DRUG ABUSE VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ARRESTS: LIQUOR LAW VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DISCIPLINARY REFERRALS: LIQUOR LAW VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
STALKING	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DOMESTIC VIOLENCE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DATING VIOLENCE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
HATE CRIMES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

# NC STATE UNIVERSITY

## Center for Marine Sciences and Technology Crime Statistics

OFFENSE	ON CAMPUS			RESIDENTIAL FACILITIES			NON-CAMPUS			PUBLIC PROPERTY			TOTAL						
	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	Unfounded	2021	Unfounded	2022	Unfounded	
MURDER/NON-NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
RAPE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FONDLING	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
INCEST	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
STATUTORY RAPE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
BURGLARY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MOTOR VEHICLE THEFT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ARSON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ARRESTS: ILLEGAL WEAPONS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DISCIPLINARY REFERRALS: ILLEGAL WEAPONS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ARRESTS: DRUG ABUSE VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ARRESTS: LIQUOR LAW VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DISCIPLINARY REFERRALS: LIQUOR LAW VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
STALKING	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DOMESTIC VIOLENCE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DATING VIOLENCE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
HATE CRIMES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

## Emergency Communication and Response

Generally, University Police is responsible for providing immediate emergency response, and will respond and confirm if there is a significant emergency on campus. University Police's response may be in conjunction with others, such as the university's Fire and Life Safety Office, University hazardous material officials, or the City of Raleigh Fire Department. In some cases, other University officials (such as members of NC State's Environmental Health and Safety Office) may recognize and confirm a dangerous or emergency situation involving an immediate threat to the health and safety of the campus.

Upon confirmation of an emergency, University Police supervisory personnel, in consultation with University administrators, as appropriate, will determine whether there is a significant emergency that requires notification through NC State's emergency notification system, which segment(s) of the campus community will be notified, and the content of the emergency notification. The Staff Duty Officer for University Police has the authority and capability to activate the university's emergency notification systems and decide which communications tools to use. When time allows, this will be done in consultation with the Chief of University Police, the Associate Vice Chancellor for Environmental Health and Public Safety, and the university's Emergency Communications Group.

However, if, in the professional judgment of University Police, issuing a notification potentially compromises efforts to assist a victim, investigate a crime, or to contain, respond to, or otherwise mitigate the emergency, NC State may elect to delay issuing an emergency notification. As soon as the condition that may compromise efforts is no longer present, the university will issue the emergency notification to the campus community.



### Alerting the NC State Community

NC State has an Emergency Notification System known as WolfAlert with multi-channel communication capabilities. WolfAlert is primarily intended to rapidly disseminate emergency information about an incident or emerging situation and provide instructions to the NC State campus community in Raleigh, NC. WolfAlert's uses include notifications for emergencies as well as non-emergency situations causing a significant and real or perceived threat to the campus community.

#### WolfAlert System Methods:

**Broadcast email:** A broadcast email goes to everyone who has a University email account and any affiliated individual who has provided an email address.

**Billboard:** Notifications can be delivered to electronic billboards located in common areas across campus.

**Desktop Notification:** Desktop alerting software allows NC State to relay critical emergency notifications and communications. The alert appears on an individual's laptop or personal computer as a pop-up window overlaying all other open windows on the computer. This software is available to all University classroom, lab, faculty and staff PC's logged onto the campus network. It is also available for download to personal

# NC STATE UNIVERSITY

laptops for all students, faculty and staff; but will only be activated when logged onto the campus network via Wi-Fi or Ethernet connection.



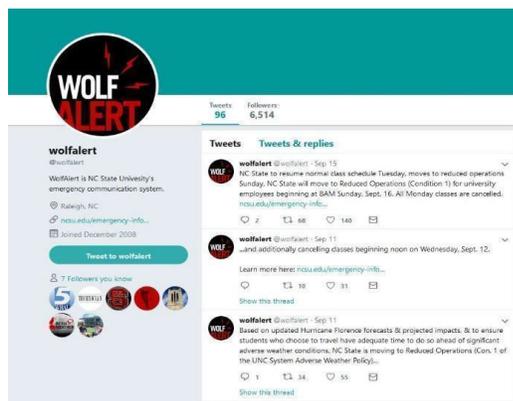
**Text Messaging:** NC State sends students, staff, and faculty a text message to their cell phone in the event of a campus emergency, University closing, and for information on the occurrence of certain crimes. An alert will be sent to everyone who has provided their text-enabled cell phone number in MyPack Portal. Messages will contain brief safety instructions and/or brief details on where to get more information about the alert, i.e. NC State's emergency website. This service is not intended for family member registration.

**WolfAlert Audible Alert System:** The WolfAlert Audible Alert System is an audible warning system which consists of speaker arrays mounted on poles or building roofs at various locations across campus. In the event of certain emergencies, either tones or brief messages will be broadcast over these speakers to notify persons located outside of buildings to take action. Typically, this action will be to seek shelter in a nearby building and tune in to the various media described above for further information. Additional information on the WolfAlert system is available at <https://emergency.ncsu.edu/>.

**Home Page:** NC State University Communications will post a black WolfAlert banner at the top of the university home page that will alert home page visitors of the situation and link to the NC State WolfAlert site for additional information regarding significant incidents impacting campus.

**OnCampus App:** OnCampus App is available for download via Apple Appstore or Android Google Play and open for faculty, staff, students and the general public for use. To receive emergency information, turn on "Enable WolfAlerts".

**Adverse Conditions Hotline:** NC State uses 919-513-8888 for a wide range of announcements, including adverse weather and emergency situations.



**Social Media:** NC State may use various forms of social media (Facebook, Google+, etc.) to alert the NC State community about emergencies as well as non-emergency situations causing a significant and real or perceived threat. In addition, WolfAlert social media pages are maintained by University Communications and only populated during an emergency.

The Staff Duty Officer for University Police will determine which communications tool to use and when to inform the campus community of a significant emergency, a serious or continuing threat, or dangerous situation. When time allows, this will be done in consultation with the Chief of Police, Associate Vice Chancellor for Environmental Health and Public Safety, and the university's Emergency Communications Group.

The WolfAlert System, campus sirens, SMS and email are tested on the first Monday of every month. Records are kept on file of the results of the testing process.

## Types of Notifications

### Timely Warnings

**WolfAlert Crime Warnings** are issued to notify the campus community for Clery crimes occurring anywhere on NC State's Clery geography that are considered to be, in the judgment of the University Police Chief or his designee, a serious or continuing threat to students and employees. Examples of crimes where crime warnings may be issued include, but are not limited to: sexual assaults, burglary, robbery, or aggravated assaults. Distribution of a WolfAlert Crime Warning is generally by broadcast email or text message from University Police to all students, faculty, and staff and may include social media by University Communications.

An example of a WolfAlert Crime Warning e-mail is:  
NC State WolfAlert - Crime Warning

NC State University Police have received a report of an Armed Robbery that occurred at 3501 Avent Ferry Road, Pi Kappa Phi Fraternity. It was reported that two subjects pointed a handgun at the victim and demanded they exit their vehicle. The two suspects then attempted to drive off with the vehicle but were unable to operate a manual transmission. They then exited the vehicle and left on foot with the victim's cellphone. The suspects then stole another vehicle a short time later on Gorman Street. The suspect descriptions provided by the victim are; suspect number one , dark clothing, short dread hairstyle, approximately 20 years of age, male, and wearing a blue surgical mask, Suspect number two was described as wearing dark clothing, short dread hairstyle, male wearing a dark ski mask. Both were described by the victim as black. There is no further information regarding the suspect(S) description at this time. Please contact University Police at 919-515-3000 with any information you have related to this crime.

#### [Crime Prevention Tips, Safety Information and Resources](#)

This information is being distributed in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 (Clery Act).

### Emergency Notifications

**WolfAlert Emergency Notifications** are issued to immediately notify the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus. Examples of such significant emergencies or dangerous situations include, but are not limited to, shooters on campus or tornado warnings. Emergency Notifications are issued by University Police or Emergency Management and Mission Continuity through a combination of methods that may include broadcast e-mail, audible alert, public media, campus billboards, desktop notifications, or text message. In addition, University Communications may issue emergency information via the university home page and social media. Follow up communications are directed by the Crisis Communications Team and the university's Chief Communications and Marketing Officer.

Students may also receive communications from University Housing staff either through email or direct communication in person. Students receive an annual email message highlighting the methods of emergency communication, with special emphasis on registering to receive emergency text messages and to review the information and resources found at <https://emergency.ncsu.edu/>.

## **Safety Notifications**

**WolfAlert Safety Notices** are communications to the campus community for crimes that do not occur on NC State's Clery geography but are determined to require the awareness of campus for safety purposes, or for situations that are not deemed an emergency or dangerous situation, but are determined to require the awareness of campus for notification reasons. Distribution of a WolfAlert Safety Notice is generally by broadcast e-mail by University Police or University Communications.

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

NC State conducts numerous announced drills and exercises each year and conducts follow-through activities designed for assessment and evaluation of emergency plans and capabilities. These drills and exercises simulate emergency scenarios that affect individual operating units or the campus community as a whole. Examples of drills and exercises conducted by NC State include live or tabletop exercises simulating: a tornado or other severe weather event, active shooter on campus, utility disruption, and hazardous material release. The university coordinates on average four or more announced drills or exercises each year, to test, assess, and evaluate the emergency response and evacuation procedures as well as decision-making capabilities. Emergency procedures and evacuation plans are publicized in conjunction with at least one of these tests. Emergency response drills and tabletop exercises are monitored by NC State's Department of Emergency Management and Mission Continuity, University Police, University Housing, and/or by other third party assessors where appropriate. Recommendations for improvements are submitted to the appropriate departments/offices for consideration. For each test, the university documents a description of the exercise, the date, and the time.

In the event of an emergency, NC State's Emergency Operations Plan will be activated. This plan is coordinated with other Wake County emergency response agencies and has been tested in joint training drills and exercises with these agencies. The university also constantly receives the most up-to-date information available on risks as well as threats, and prepares accordingly. NC State continues to evaluate its Emergency Operations Plan as part of an ongoing evaluation of best practices and the use of new technologies.

## **Campus Evacuations**

In a campus-wide emergency, the decision to implement evacuation procedures rests with the Incident Commander. When time permits, the decision to evacuate rests with the Chancellor or designee in consultation with the Associate Vice Chancellor for Environmental Health and Public Safety. The NC State campus encompasses approximately 2,500 acres and 15,000,000 square feet under roof. Depending on circumstances "evacuation" may or may not be practicable and would likely take in excess of two (2) hours. Information concerning campus-wide evacuations are communicated through WolfAlert Emergency Notifications.

In an emergency at one of NC State's Off-Campus Facilities (NC State's European Center in Prague or CMAST), the decision to implement evacuation procedures rests with the program or facility director, after consultation with University Police or local law enforcement authorities when possible.

## Building Evacuations

Building evacuations are coordinated through NC State's Fire and Life Safety and University Police. A building may be evacuated by order of First Responders or due to the activation of a building fire evacuation system. Other than the sounding of a fire alarm, First Responders may perform a scene assessment to determine if an evacuation or shelter-in-place order is appropriate. If the decision to evacuate is made, occupants will be moved to a safe area coordinated by First Responders.

Evacuation procedures for specific buildings are prepared with assistance from the Fire and Life Safety Office, are disseminated by building liaisons to building occupants, and included in unit Pack Ready Emergency Plans. Evacuation diagrams are posted near all elevators and in common areas. In general, evacuations follow the procedures set forth on p. 45 of this report.

### When directed to evacuate your building:

- Assist any person in immediate danger to safety, if it can be accomplished without risk to yourself
- Use prescribed evacuation routes
- Do not use elevators
- Do not re-enter the building until directed by first responders

Please contact your building liaison or the University Fire and Life Safety Office at 919-515-2568 for more information.

## Shelter-in-Place

Shelter-in-Place means selecting a small, interior room if possible, with no or few windows, and taking refuge there. It does not mean sealing off your entire building. If you are told to shelter-in-place, follow the instructions provided.

### Why You Might Need to Shelter-in-Place:

Adverse weather and other significant safety emergencies may occur when evacuation of a building or location is not recommended or possible. Should this occur, information will be provided by University authorities through WolfAlert Emergency Notifications. The important thing is for you to follow instructions of University authorities and know what to do if they advise you to shelter-in-place.

## Missing Student Notification

NC State RUL 11.31.02, Missing Student Notification, (<http://policies.ncsu.edu/rule/rul-11-31-02>) establishes the procedures for the NC State community regarding the reporting, investigation and required emergency notification when a student residing in on-campus housing is determined to be missing. A student shall be deemed missing when he or she is reported absent from the University for more than 24 hours without any known reason.

## Identifying a Contact Person

All NC State students residing in on-campus housing (including residence halls, Greek Village and university-owned apartments – E.S. King Village, Western Manor, Wolf Village, and Wolf Ridge) must register a contact person to be notified by NC State if NC State determines that the student is missing for more than 24 hours. This contact information will be registered confidentially and will not be disclosed except to authorized University officials and law enforcement personnel in furtherance of a missing person investigation. If a student is under 18 years of age and not an emancipated minor, NC State is required to notify a custodial parent or guardian, in addition to notifying any additional contact person designated by the student.

## Procedure for Identifying a Missing Student

Any person who believes that a student who resides in on-campus housing is missing should immediately report this information to University Housing or Fraternity and Sorority Life staff, or to University Police at 911 or 919-515-3000. Any missing student report received by University Housing or Fraternity and Sorority Life staff will be immediately referred to the University Police. In the event another university officer or employee other than a member of University Housing, Fraternity and Sorority Life or University Police receives a report of a missing student, that person shall immediately notify University Police of the report received.

Upon the report of a possible missing student, the University Police will immediately initiate a missing person investigation in accordance with North Carolina law and University Police General Order 500-13 (Missing Persons). If University Police determines that a student is missing, University Police will take the following actions:

- a. Notify the student's contact person within 24 hours of the determination that the student is missing;
- b. If the student is under 18 years of age and is not an emancipated minor, University Police will notify the student's custodial parent or guardian and any other designated contact person within 24 hours of the determination that the student is missing;
- c. Inform any other appropriate law enforcement agencies within 24 hours of the determination that the student is missing;
- d. University Police and any other appropriate law enforcement agencies will continue to investigate the missing person report.

Nothing in this rule prevents NC State from making notifications earlier than noted above if deemed appropriate under the circumstances. In addition, nothing in this rule shall restrict NC State from contacting other individuals if deemed necessary to prevent harm to a student or others, necessary to the investigation, or otherwise appropriate under the circumstances.

## Reporting of Criminal Offenses

### Who to Report To

All students, employees, and visitors should promptly report criminal incidents, accidents and other emergencies to University Police by dialing 911. For non-emergencies you may contact University Police at (919) 515-3000 or in person at 2610 Wolf Village Way. University Police is available 24 hours a day year round.

# NC STATE UNIVERSITY

The university has installed emergency call boxes (blue light phones) throughout campus for use when police assistance is needed. By pressing the red button on the phone, users can communicate directly with our Emergency Communications Center. The location of the emergency call box is digitally displayed to the Emergency Communications Officer.

## Campus Security Authorities at NC State

In accordance with the Clery Act, all university “campus security authorities” (CSAs) – those officials who have significant responsibility for student and campus activities – must report certain crimes to University Police.

CSAs are required to report the following crimes, occurring in certain geographic locations associated with NC State, in a timely manner to University Police:

- Criminal Homicide
- Sexual Assault (Rape, Fondling, Incest, Statutory Rape)
- Robbery
- Burglary
- Arson
- Stalking
- Dating Violence
- Domestic Violence
- Motor Vehicle Theft
- Aggravated Assault
- Liquor, drug and weapons arrests and disciplinary referrals



CSAs are also required to report whether the crimes listed above, or any other criminal offense such as larceny, simple assault, ethnic intimidation, and destruction, damage, or vandalism of property, were motivated by bias related to race, gender or gender identity, religion, sexual orientation, ethnicity, national origin or disability.

Given the nature of these reporting obligations, NC State recognizes that it would be unrealistic to expect all CSAs to be able to differentiate between similar crimes without significant legal and/or law enforcement training (e.g. knowing the difference between aggravated assault and simple assault or burglary and larceny) or even when a crime is motivated by bias. Therefore, the university believes that the most reasonable and effective way to manage NC State’s federal reporting requirement is to designate University Police as the central data collection unit for all crimes.

If someone reveals to a CSA that they have been the victim or perpetrator of, or witness to, any incident that might involve a crime (reportable or otherwise), CSAs must immediately contact University Police at (919) 515-3000 or complete the online CSA Incident Report Form found at: <https://police.ehps.ncsu.edu/home/compliance/clery-compliance/>. NC State’s CSAs complete annual training so that they are aware of their Clery reporting obligations. This training is delivered in two formats: in-person presentations facilitated jointly by University Police and the Office of General Counsel, and online through NC State’s REPORTER system. Completion of in-person or online CSA training is tracked and reported to University Police by a responsible administrator within each University division or unit.

# NC STATE UNIVERSITY

The following personnel have been identified as CSAs and are required to receive training and notify University Police of incidents or offenses occurring in certain geographic locations associated with NC State:

- **University Police**: All personnel
- **University Fire and Life Safety**: All Personnel
- **Division of Academic and Student Affairs**:
  - **Student Development, Health & Wellness**: Selected personnel as identified by the Senior Associate Vice Chancellor for Academic and Student Affairs (but does not include select personnel in Campus Health and Counseling Center licensed professional staff if these individuals receive a report in the performance of their job duties)
  - **University Housing**: Residence Life, Operations, Facilities, Finance, Administration and Occupancy management, and Residential Learning: All personnel
  - **ARTS NC State**: Selected personnel as identified by the Executive Director for ARTS NC State
  - **University College**: Selected personnel as identified by the Senior Associate Dean for Academic and Student Affairs
  - **Service and Leadership**: All faculty/staff advisors to registered/recognized student organizations, and selected personnel as identified by the Assistant Vice Chancellor for Academic and Student Affairs
  - **Academic Success**: Selected personnel as identified by the Associate Vice Chancellor for Academic and Student Affairs
  - **Academic Support Program for Student Athletes**: Selected personnel as identified by the Assistant Dean for Academic and Student Affairs
  - Other personnel as identified by the Vice Chancellor and Dean for Academic and Student Affairs
- **Park Scholarships**: All professional staff
- **Goodnight Scholars Program**: All professional staff
- **Caldwell Fellows**: All professional staff
- **Enrollment Management and Services**: Selected personnel as identified by Vice Provost for Enrollment Management & Services and University Registrar
- **Office of Global Engagement**: All professional staff
- **Office for Institutional Equity and Diversity**: Selected personnel as identified by Vice Provost for Institutional Equity and Diversity
- **Colleges and the Graduate School**: All Deans, Associate and Assistant Deans, Department Heads, Program Directors (including programs hosting minors), Student Career Counselors, and Directors of Graduate Programs
- **Athletics**: All Coaches, Directors, Managers, and Trainers



## Voluntary and Anonymous Reporting

Occasionally, victims of crime wish to report a crime but do not want to give their name and/or do not want to pursue action through the criminal justice system or the university conduct procedures. Anonymous reporting can be conducted online through the University Police website at <https://police.ehps.ncsu.edu/home/reports-forms/>

For those designated as CSAs, anonymous reports can be sent electronically to University Police through the Campus Security Authority Incident Report form. The web-based report form can be accessed via University Police's website at: <https://police.ehps.ncsu.edu/home/reports-forms/>. Before a report can be submitted, the CSA must provide certain information including: the date the incident occurred and actual date reported, the type of crime involved, the general location of the crime (campus building, non-campus property, etc.), and a description of the incident. The CSA must identify the individual who received the report and contact phone number. CSAs are trained annually on their duty to report and the reporting requirements.

University Police follow up on each anonymous report as appropriate, based upon the timeliness and substantiation of information provided, to determine if a reported incident represents an on-going threat to the campus community. If the investigating officer determines that the reported incident occurred and that it has not previously been reported, the officer will complete an incident report, and the crime will be included in NC State's crime log and, if applicable, the crime statistics recorded in the university's ASR.

Pursuant to the Clery Act, pastoral counselors and professional counselors are not required to report crimes to University Police for inclusion into the annual disclosure of crime statistics or for the purpose of a timely warning. A pastoral counselor is 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. A professional counselor is 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.

Certain other University departments may also accept reports from a victim. Such departments include the Office of Student Conduct, Women's Center (including the 24-hour Response Line), Office for Institutional Equity and Diversity, University Housing, Student Legal Services, Campus Health, and LGBTQ Pride Center. The Clery Act requires these departments to report the crime to University Police. This reporting allows the university to maintain accurate records on the number of incidents, determine if there is a pattern of crime with regard to a particular location, method or assailant, and alert the campus community of an ongoing threat if needed. University Police will investigate crimes that are reported.

## Security and Access

### Residence Halls and Apartments

Residence hall, Wolf Village Apartments and Wolf Ridge Apartments entrance doors are locked at all times. E.S. King Village and Western Manor Apartments are open communities with no doors between the exterior and the resident apartment doors. Residents have keys or card access to enable them to gain access to their hall. In accordance with the university's Residence Hall Visitation Regulation, REG 11.30.06, a visitor in the residence halls must be escorted at all times by the hosting student. Some university employees, such as housekeepers, maintenance staff and employees of University Housing, also have access to the residence halls to perform their job responsibilities.

During Winter Break - between Fall and Spring semesters - Residents must vacate their rooms unless they apply to remain on campus. All buildings with residents staying for winter break remain open. The locks on the entrance doors are card access and get turned off during semester break for residents who do not apply for break housing.

### Campus Buildings

NC State is a public institution and is generally open to the public. The university is research intensive and may restrict access to certain areas as needed. In order to maintain the safety of the campus community, the university has the ability to restrict, withhold, or remove a person's access to or presence on University property due to safety considerations relating to the university community.

### Maintenance

NC State is committed to campus safety and security. Exterior lighting and landscape control is a critical part of that commitment. Representatives from various departments continually conduct security surveys to ensure campus lighting is adequate and that the landscape is appropriately controlled. University Police officers conduct routine checks of lighting on campus during regularly assigned patrol duties. If lights are out or dim, officers will initiate a work order. We encourage community members to report any deficiency in lighting or physical security to the Facilities Customer Service Center at (919) 515-2991, or the safety hotline at (919) 515-5445.

The department and representatives from the university lock shops work together to identify inoperative locking mechanisms. We encourage community members to promptly report any locking mechanism deficiency to the facilities customer service center at (919) 515-2991 or to University Police at (919) 515-3000.

Maintenance staff persons 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.

## University Police

### Authority

University Police operate 365 days a year, 24 hours a day. The office is located at 2610 Wolf Village Way. N.C.G.S. § 116-40.5 grants University Police officers full law enforcement powers upon completion of state mandated training. Each officer must meet the same standards and training as all other statewide police agencies in order to obtain certification. University Police's territorial jurisdiction includes all property owned or leased by the university and that portion of any public road or highway passing through such property and immediately adjoining it, wherever located within the State of North Carolina.

University Police officers are granted by the City of Raleigh expanded jurisdiction within the City subject to certain limitations identified in the following agreement:

#### **AGREEMENT FOR EXPANSION OF TERRITORIAL JURISDICTION OF NORTH CAROLINA STATE UNIVERSITY POLICE DEPARTMENT**

**THIS AGREEMENT** ("Agreement") made and entered into on the date as of the last signature below, between by and between North Carolina State University ("University") and the City of Raleigh ("City").

**WHEREAS**, University has established a law enforcement agency on its campus pursuant to N.C.G.S. § 116-40.5(a) and Chapter 17C of the North Carolina General Statutes ("University Police"); and

**WHEREAS**, University Police is accredited by the Commission of Accreditation for Law Enforcement, and intends to maintain its accredited status; and

**WHEREAS**, pursuant to N.C.G.S. § 116-40.5(b) and 160A-288, University may enter into agreements that allow its law enforcement agency to extend the territorial jurisdiction beyond the perimeter of the campus; and

**WHEREAS**, University has authorized the Chief of University Police to enter into mutual aid agreements with other law enforcement agencies, and City has authorized the Chief of the Raleigh Police Department ("Raleigh Police") to enter into mutual aid agreements with other law enforcement agencies; and

**WHEREAS**, there has been a close working relationship between University and City in the function of law enforcement, which University and City wish to continue; and

**WHEREAS**, University and City desire to allow for expanded territorial jurisdiction of University Police officers in certain situations and locations as set forth in this agreement, but not to allow University officers to have general powers to conduct patrol outside of their original territorial jurisdiction under N.C.G.S. § 116-40.5(a).

**THEREFORE**, in consideration of these mutual interests, this Agreement, along with any and all incorporated attachments, shall define the working relationship between the University Police and the Raleigh Police and the parties agree as follows:

1. **Expansion of Territorial Jurisdiction.** University Police shall have expanded territorial jurisdiction beyond all real property owned by University subject to the following conditions and locations:
  - (a) University Police officers may conduct routine patrols, and take enforcement action based on these patrols, at off-campus buildings and locations occupied by students who are members of an organization recognized or registered by University.
  - (b) University Police officers may conduct an investigation of an offense alleged to have been committed on the property of those student-occupied, off-campus buildings and locations.
  - (c) University Police officers may conduct traffic safety operations, including but not limited to vehicle checkpoints for regulatory, safety, impaired driving, and informational purposes, in coordination and cooperation with Raleigh Police or with their knowledge and approval.
  - (d) When on-duty, University Police officers will have expanded territorial jurisdiction in the following circumstances:
    - (i) When a University Police officer has in his/her possession an arrest warrant, or has knowledge of an outstanding warrant, charging the individual with an offense that was committed on University-owned property. A routine, low risk arrest warrants may be served in the same manner a University Police officer would as if serving it on campus. If the arrest warrant the University Police officer is attempting to serve is considered an elevated risk, the University Police officer shall contact the on-duty Watch Commander with Raleigh Police, who will evaluate the situation and determine the need for assistance of the Raleigh Police.
    - (ii) When the University Police officer has in his/her possession a valid search warrant issued pursuant to a crime committed on University-owned property. Prior to serving or executing such a warrant, the University Police officer must contact the on-duty Watch Commander with Raleigh Police, who will evaluate the situation and determine the need for assistance of the Raleigh Police. The University Police officers may proceed with the service of the warrant only after receiving the express consent of the Watch Commander
    - (iii) When the University Police officer has probable cause to believe an individual has committed a misdemeanor or felony in the University Police officer's presence.
    - (iv) When a University Police officer is working any event that is hosted by the University of North Carolina System Office or the UNC Board of Governors, and that event is located within the city limits of City of Raleigh.

2. **Assistance to Raleigh Police.** University Police shall assist Raleigh Police in the following circumstances:
  - (a) Upon the request of a supervising official (watch commander, major, deputy chief or chief) with Raleigh Police, University Police officers may assist Raleigh Police in controlling disturbances, affecting an arrest, investigating or apprehending suspects for crimes that involve a breach of the peace, physical injury, theft of or damage to property.
  - (b) When acting upon the request of Raleigh Police, pursuant to this section, University Police officers shall have the same territorial and subject matter jurisdiction of a Raleigh Police officer, in accordance with N.C.G.S. § 116-50.4(b).
3. **Limitations.** Except where provided in this Agreement, University Police officers shall not conduct routine patrols or take enforcement action based on patrols that occur outside of University-owned property, or any area in which they do not have original territorial jurisdiction pursuant to N.C.G.S. § 116-40.5.
4. **Liability.**
  - (a) City assumes no liability for any actions taken by University Police officers while acting outside their ordinary territorial jurisdiction pursuant to any and all parts of this agreement.
  - (b) University assumes no liability for any actions taken by Raleigh Police officers while operating under this agreement.
5. **Implementation.** University Police shall establish guidelines, procedures, or rules, in consultation with Raleigh Police, in order to implement the provisions of this Agreement.
6. **Term.** The "Term" of the Agreement shall begin on the Effective Date and will remain in effect, unless terminated by either party.
7. **Entire Agreement.** This Agreement constitutes the entire agreement between the parties hereto and no other representations, warranties or agreements whether written or oral shall be binding on either of the parties. All changes, additions or deletions to this Agreement shall be in writing and can only be amended by the mutual consent of both parties' authorized representatives.

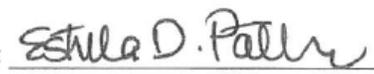
**IN WITNESS THEREOF**, the parties have executed this Agreement in duplicate originals, one of which is retained by each of the parties, as of the Effective Date below.

# NC STATE UNIVERSITY

NORTH CAROLINA STATE UNIVERSITY

CITY OF RALEIGH

By: 

By: 

Name: Daniel Lee House Jr.

Name: Estella D. Patterson

Title: Chief of Police

Title: Chief of Police

Date: April 7, 2023

Date: April 6, 2023

University Police respond to all emergency calls and requests for assistance. Officers are responsible for a full range of public safety services including crime reports, traffic accidents, investigations, medical and fire emergencies and enforcement of all state and local laws, as well as University policies. A daily activity log is available at <https://police.ehps.ncsu.edu/daily-crime-log/>.

All University Police officers can be easily identified. Police officers wear a standard uniform with navy pants and shirt. The uniform shirt is also identified with a police badge and the departmental patch on each shoulder. Criminal investigators and administrative staff, who do not wear uniforms, are required to display an identification tag at all times while on duty. The identification tag includes a color photo of the employee and their departmental affiliation.

If there is ever a doubt as to whether a person is affiliated with University Police, one is encouraged to inquire for one's own safety. All University Police employees will gladly provide proof of their association with the department. In most instances, when officers are working in a plain-clothes capacity, they will have their identification tag displayed on their outer clothing.

## Contract Security

University Police may employ contracted security agencies to assist as needed.

## Relationship with Local Agencies

University Police recognizes that it is vital to maintain a close working relationship with all local police, state agencies and other emergency response agencies, specifically those with joint or mutual jurisdiction considerations and responsibilities. As a result, the department has mutual aid agreements with various local police and emergency response agencies. Anyone interested in additional information regarding these agreements are encouraged to contact University Police at (919) 515-3000.

## Crime Prevention and Security Awareness

During orientation, students are informed of services offered by University Police. Video and slide presentations outline ways to maintain personal safety and safety in residential communities. Students are told about crime on-campus and in surrounding neighborhoods. Similar information is presented to new employees at new employee orientation. Crime prevention programs, including Interpersonal Violence and Workplace Violence Assault Prevention programs, are offered on a continual basis.

Periodically during the academic year, University Police, in cooperation with other university organizations and departments, presents crime prevention awareness sessions on sexual assault, date rape drugs, theft and vandalism, as well as educational sessions on personal safety and safety in residential communities. In addition to seminars, information is disseminated to students and employees through various campus media, crime prevention awareness literature, posters and displays. When time is of the essence, information is released to the university community through the university's electronic mail system.

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

## Off-Campus Crime

University Police may assist other law enforcement agencies when requested at off-campus locations. Local police are the primary responders to criminal activity occurring off campus. However, local police routinely work and communicate with University Police on incidents involving NC State students or in the immediate neighborhood and business areas surrounding campus.

The City of Raleigh Police monitor, respond to, and document criminal activity occurring at off-campus residences maintained by student organizations. Upon responding, Raleigh Police will notify University Police of any criminal incident, and may refer University students for discipline through NC State's Office of Student Conduct.



## Alcohol and Illegal Drugs

### Chancellor's Statement



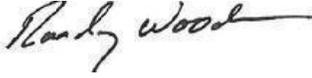
Office of the Chancellor

[ncsu.edu/chancellor](https://ncsu.edu/chancellor)

Campus Box 7001  
Holladay Hall, Suite A  
Raleigh, North Carolina 27695-7001  
P: 919.515.2191

### MEMORANDUM

TO: All University Faculty, Staff, and Students

FROM: W. Randolph Woodson, Chancellor 

SUBJECT: The Drug-Free Schools and Communities Act  
The Drug-Free Workplace Act

DATE: September 18, 2023

Illegal or misuse of drugs or alcohol by university faculty, staff, or students can adversely affect the educational environment and interfere with maximum achievement of personal, social, and educational goals. Therefore, it is the policy of North Carolina State University to maintain a drug-free workplace and campus. The unlawful manufacture, distribution, possession and/or use of controlled substances or the unlawful possession, use or distribution of alcohol is prohibited on NC State's campus, in the workplace, or as part of any of the university's activities. The workplace and campus include all NC State premises where the activities of the university are conducted. The information below provides NC State's policies, as well as the applicable state and federal laws, on illegal drugs and alcohol, and is intended to assist you in gathering information about alcohol and other drugs and the problems and concerns associated with their misuse. In addition, the below information is to make you aware of the many resources available if you, or a friend or family member, are needing help for a substance use problem. Furthermore, in compliance with the Drug-Free Schools and Communities Act and The Drug-Free Workplace Act, the university is providing you with this information as part of its annual notification designed to reduce drug and alcohol misuse, and to promote the health and safety of our students and employees.

### UNIVERSITY POLICIES

NC State expects its students and employees to maintain an environment that is safe and healthy. The university shall take actions necessary, consistent with state and federal law and applicable university policies, to eliminate illegal drugs from the university community and promote responsible alcohol use. As part of NC State's awareness of possible drug and alcohol misuse in the university community, policies have been adopted on the use of alcohol and other drugs. NC State holds its students and employees responsible for the consequences of their decisions, and students or employees who violate these policies will be subject to sanctions by the university in accordance with procedural safeguards of the applicable student or employee disciplinary procedures.

## **Policy on Illegal Drugs**

Pursuant to the direction of the Board of Governors, NC State's Board of Trustees adopted a Policy on Illegal Drugs. Every student and employee of the university is responsible for being familiar with and complying with the terms of this policy. Under the policy, students and employees at NC State are held responsible as citizens 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 university community who violates these laws may be subject both to criminal prosecution and punishment by the Justice System and to disciplinary proceedings by the university. The penalties imposed by the university for students or employees found to have violated applicable law or university 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. Copies of the full text of the policy are available on the University's Policies, Regulations & Rules website at <http://policies.ncsu.edu/policy/pol-04-20-05>.

## **Alcohol Policy**

NC State's Alcohol Policy establishes the university policy on the sale, use and consumption of alcoholic beverages on campus and at NC State-sponsored events, as well as University enforcement responses for violations of this policy. Under 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 for anyone to sell or give any alcoholic beverage to a person under 21 or to aid or abet such person in selling, purchasing or possessing any alcoholic beverage. Any student or employee in violation of NC State's alcohol policy or North Carolina law may be subject to disciplinary measures by the university. The Alcohol Policy can be found on the University's Policies, Regulations & Rules website at <http://policies.ncsu.edu/policy/pol-04-20-02>.

The university also has certain procedures and guidelines for serving alcohol at University-sponsored events. These procedures may be found at <http://policies.ncsu.edu/regulation/reg-04-20-01>. Alcohol served at events held at certain University facilities shall be provided in accordance with the procedures referenced above and consistent with the rules of those facilities.

## **Howl for Help**

NC State recognizes there may be a time when the consumption of alcohol or other drugs leads to a situation where medical intervention is necessary to ensure the health and safety of a student or others. Students are strongly encouraged to call for medical assistance (911) for themselves or for a friend/acquaintance who is dangerously intoxicated. NC State's "Howl for Help" program encourages students to make responsible decisions when faced with such emergencies and promotes safety as a top university priority.

Howl for Help is a procedural intervention to provide support and education in lieu of disciplinary action for underage possession and/or consumption of alcohol or possession and/or use of controlled substances. Howl for Help is an available option for: students who seek or receive medical assistance from emergency personnel or University Official; students who are reporting a crime or incident to emergency personnel or University Officials; and student organizations or groups hosting an event in which one or more representatives seek medical assistance on behalf of another student. For more information on Howl for Help, see <https://policies.ncsu.edu/regulation/reg-11-35-02/>.

## DRUG-FREE WORKPLACE

As a precondition for receiving any federally funded grants or contracts, NC State is required to certify that it is providing a drug-free workplace. In February 2023, NC State adopted a new Regulation on maintaining a Drug and Alcohol Free Workplace. Every employee of the university is responsible for being familiar and complying with the terms of this regulation. Any employee reporting to work under the influence of alcohol or illegal drugs or using alcohol or illegal drugs on the job will be subject to appropriate disciplinary action and/or other corrective measures. In addition to NC State's Policy on Illegal Drugs and Regulation on a Drug and Alcohol Free Workplace, the university is required to adhere to all federal policies. As a condition of employment, any faculty, staff, or student employee must notify the university of any criminal conviction, including alcohol or drug convictions, 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 have been implemented by the federal government and the university's governing bodies. Maintaining an alcohol and drug-free workplace will benefit us all. The Drug and Alcohol Free Workplace Regulation can be found on the university's Policies, Regulations & Rules website at <https://policies.ncsu.edu/regulation/reg-04-10-01-drug-and-alcohol-free-workplace/>.

## 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. In particular, 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 medicine 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 university 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 (<https://nida.nih.gov/>), the National Institute on Alcohol Abuse and Alcoholism (<https://www.niaaa.nih.gov/>), and the Centers for Disease Control (<https://www.cdc.gov/>). In addition, information about the health risks associated with drug and alcohol misuse is available from the Campus Health, NC State's Alcohol and Other Drug Prevention Education Program, and the Department of Human Resources.

## 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. NC State Campus Health (919-515-2563) and Counseling Center (919-515-2423) provides treatment, counseling, and referrals for students seeking help with substance use concerns. Students can also contact Prevention Services for a free screening at <http://prevention.dasa.ncsu.edu> or call 919-515-4405. In addition, students can access “Pack Recovery,” which helps students in recovery from substance use disorders by providing various support services and resources. Information for Pack Recovery can be found at <https://prevention.dasa.ncsu.edu/packrecovery/>. The university’s Faculty and Staff Assistance Program (FASAP), 866-467-0467, provides support, resources, information, and referrals for employees and their dependents. Persons who are experiencing problems with substance or alcohol use, either themselves or through their families, are encouraged to contact these resources within the university or use other resources such as family physicians, county mental health centers, Alcoholics or Narcotics Anonymous, and/or Al-Anon Family Groups. The university hopes that through our education and referral efforts we will be able to provide an effective means of dealing with the difficulties substance use can bring.

## LAWS RELATED TO UNLAWFUL POSSESSION OR DISTRIBUTION OF ILLEGAL DRUGS AND ALCOHOL

The unlawful manufacture, distribution, disposition, possession, and/or use of a controlled substance or alcohol is regulated by a number of federal, state, and local laws. These laws impose legal sanctions for both misdemeanor and felony convictions. Penalties vary based on many factors, including the type and amount of drug used, possessed or sold, the number of prior convictions, whether there was an intent to distribute, and other mitigating and aggravating factors. Criminal penalties for convictions can include probation, denial or revocation of federal benefits (such as financial aid), forfeiture of personal and real property, fines (which could be up to \$10 million), and imprisonment ranging from less than a year to a life sentence.

A summary of federal laws governing the manufacture, possession, use and distribution of alcohol and illegal drugs (including information regarding penalties) is available on the United States Drug Enforcement Administration website at <https://www.dea.gov/sites/default/files/2021-12/Trafficking%20Penalties.pdf> and in the [Drugs of Abuse a DEA Resource Guide, 2020 Edition](#).

North Carolina alcohol and drug laws are available in the North Carolina General Statutes, including for example, sections 18B-301, 18B-302, 18B-302.1, 18B401, 20-138.1, and Article 5, North Carolina controlled Substances Act, General Statutes 90-86 through 90-113.24.

For ease of reference, the below includes some summary information regarding North Carolina drug and alcohol laws. **This chart is intended to be illustrative and not exhaustive or a definitive statement of all applicable laws.** More detailed and current information is available from University Police and the North Carolina General Statutes.

# NC STATE UNIVERSITY

## NC DRUG LAWS

Types of Drugs	Penalty for Possession	Penalty for Manufacturing, Selling or Delivering or Possessing with Intent to Manufacture, Sell or Deliver	North Carolina Statute
<b>Schedule I:</b> Heroin, LSD, Peyote, Mescaline, Psilocybin (Shrooms), other Hallucinogens, Methaqualone (Quaaludes), Phencyclidine (PCP), and MDA	<b>Class 1 Misdemeanor or Class I Felony*</b>	<b>Class C, G or H Felony*</b>	§90-89; §90-95
<b>Schedule II:</b> Morphine, Demerol, Codeine, Percodan, Percocet, Fentanyl, Dilaudid, Secondal, Nembutal, Cocaine, Amphetamines and other opium and opium extracts and narcotics	<b>Class 1 Misdemeanor or Class I Felony*</b>	<b>Class C, G or H Felony*</b>	§90-90; §90-95
<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>Class 1 Misdemeanor or Class I Felony*</b>	<b>Class H or I Felony*</b>	§90-91; §90-95
<b>Schedule IV:</b> Barbiturates, narcotics, and stimulants including Valium, Talwin, Librium, Equanil, Darvon, Darvocet, Placidyl, Tranzene, Serax, Ionamin (yellow jackets)	<b>Class 1 Misdemeanor or Class I Felony*</b>	<b>Class H or I Felony*</b>	§90-92; §90-95
<b>Schedule V:</b> Compounds that contain very limited amounts of codeine, dihydrocodeine, ethylmorphine, opium, and atropine, such as Terpene Hydrate with codeine, Robitussin AC	<b>Class 2 Misdemeanor*</b>	<b>Class H or I Felony*</b>	§90-93; §90-95
<b>Schedule VI:</b> Marijuana, THC, Hashish, Hash Oil, Tetrahydrocannabinol	<b>Class 1 or 3 Misdemeanor or Class I Felony*</b>	<b>Class H or I Felony*</b>	§90-94; §90-95
Drug Paraphernalia	<b>Class 1 Misdemeanor</b>		§90-113.22- §90-113.24

## 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>Class 1 misdemeanor*</b>	§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>Class 2 misdemeanor*</b>	§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>Class 1 misdemeanor*</b>	§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.	<b>Misdemeanor*</b>	§20-138.1; §20-179
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.	Class 2 misdemeanor*	§20-138.1; 20-138.3; §20-179
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>Class 2 or 3 misdemeanor*</b>	§18B-301; §18B-401; §20-138.7

- [North Carolina Courts Misdemeanor Punishment Chart](#)
- [North Carolina Courts Felony Punishment Chart](#)

## Addressing Sexual Harassment, Sexual Assault and Interpersonal Violence at NC State

### Chancellor's Statement



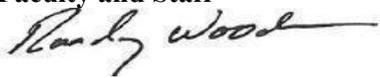
Office of the Chancellor

[ncsu.edu/chancellor](https://ncsu.edu/chancellor)

Campus Box 7001  
Holladay Hall, Suite A  
Raleigh, North Carolina 27695-7001  
P: 919.515.2191

### MEMORANDUM

TO: All NC State University Students, Faculty and Staff

FROM: W. Randolph Woodson, Chancellor 

SUBJECT: Addressing Sexual Harassment, Sexual Assault and Interpersonal Violence at NC State

DATE: September 18, 2023

NC State University seeks to provide a safe, inclusive, equitable and welcoming environment where all students and employees may succeed in their educational and employment endeavors. Creating such an environment is the responsibility not just of some, but of every member of the university community.

In line with this, NC State takes very seriously the expectation to have a campus free of all forms of sexual harassment, sexual misconduct, and interpersonal violence. This type of conduct threatens individuals' abilities to pursue or fulfill their educational or career goals. As Chancellor, I assure you that NC State will not tolerate these types of offenses by any member of the university community.

We have several policies, resources and trainings regarding identifying, preventing and addressing these behaviors. NC State's policies on Title IX Sexual Harassment ([POL 04.25.07](#)), Equal Opportunity, Non Discrimination and Affirmative Action ([POL 04.25.05](#)), the Code of Student Conduct ([POL 11.35.01](#)) and the regulation on Campus/Workplace Violence Prevention and Management ([REG 04.05.02](#)) describe what conduct constitutes sexual harassment, sexual misconduct, interpersonal violence (dating violence, domestic violence, and stalking), and other forms of similar behavior that are prohibited at NC State. These policies also state how and to which offices these behaviors may be reported.

Where a member of our community is found responsible for violating one of these policies, disciplinary action will be pursued in accordance with applicable student or employee disciplinary procedures. Further, the University may also implement interim corrective measures, which may include emergency removal or interim suspension for students who pose a risk to the physical health or safety of the NC State community. Employees alleged to be in violation of one of these policies may be placed on administrative leave or subjected to other interim corrective measures of a non-disciplinary nature until an investigation is concluded. The University works to conduct a fair process for all parties. Respondents are considered not responsible until proven responsible through a university proceeding. Possible sanctions for being found responsible for sexual harassment, sexual misconduct, or interpersonal violence include expulsion for students or dismissal for employees.

# NC STATE UNIVERSITY

Any person may report sexual harassment, sexual misconduct, or interpersonal violence to the [Title IX Coordinator](#) within the Office for Institutional Equity and Diversity (OIED) (919-513-0574) or online at <https://diversity.ncsu.edu/report-a-concern/>, to [Employee Relations](#), or to the [Office of Student Conduct](#). The OIED is responsible for the prompt, fair, and impartial investigation of such matters. University investigators are trained to investigate in a manner that supports individual and community safety and promotes accountability.

NC State can strive to address such conduct when we are aware of what is happening. At the same time, we know that reporting such incidents is a deeply personal decision. It is my hope that survivors/victims of any such conduct will have confidence in our duty and desire to respond quickly and thoroughly to incidents and that they will promptly report these acts to University officials, including those in OIED or University Police. In addition to responding to the incident, reporting facilitates our ability to provide supportive measures to both complainants and respondents in order to help them continue their studies or employment.

Certain University officials, who by virtue of their positions have significant responsibility for student and campus activities and are identified as [Title IX Designated Officials](#), [Responsible Employees](#), and/or [Campus Security Authorities](#), are required to report to OIED and/or University Police when they are notified of incidents of sexual harassment, sexual misconduct, or interpersonal violence. These reports can be made while protecting the victims' identities and preserving their right to pursue any further action.

Regardless of one's decision to report an incident, individuals may utilize campus resources and/or contact an advocate at the Sexual Assault Helpline by calling **919-515-4444** or by emailing [nesuadvocate@ncsu.edu](mailto:nesuadvocate@ncsu.edu) to request an appointment. Available 24 hours a day and 365 days a year to members of the NC State community, the Helpline provides on-call services, including crisis intervention, support, resources and referrals to services for survivors of sexual assault and interpersonal violence.

As Chancellor, I encourage any member of the NC State community who needs support services, wants to report an incident, or has questions regarding sexual harassment, sexual misconduct, stalking, interpersonal violence, workplace harassment or workplace violence, to please contact the resources listed below. They are equipped with trained professionals to provide support and assistance to you.

Thank you for doing your part in ensuring that the University community is one in which individuals respect one another, value the safety and security of each other, and hold themselves to the highest levels of integrity.

The following is a list of resources designed to address instances and/or concerns of sexual harassment, sexual misconduct, interpersonal violence, and/or workplace violence.

## Confidential Resources

- **Counseling Center (919) 515-2423**

Confidential counseling services; on call 24/7/365 by calling 919-515-2423, University Police, or walking in during normal business hours.

- **Campus Health (919) 515-2563**

Confidential comprehensive health care and emotional support for students who have experienced sexual assault or interpersonal violence and referral to a local medical facility for collection of evidence, if desired.

- **Student Legal Services (919) 515-7091**

Confidential resource. Provides free legal education, advice, referrals and limited representation to students.

- **Student Ombuds Services (919) 513-0235**

Confidential free resource that assists students in resolving problems related to their university working, learning, or living experience.

- **Faculty & Staff Ombuds Office (919) 515-7685**

Confidential free resource that assists faculty and staff in resolving problems related to their university work experiences and understanding university policies and procedures.

- **Faculty and Staff Assistance Program (866) 467-0467 or (800) 697-0353**

A 24-hour confidential counseling resource that is provided at no charge to employees and their dependents.

## Campus Resources

- **Title IX Coordinator (919) 515-3148**

Sheri Schwab is NC State's Title IX Coordinator and is charged with overseeing the university's compliance with Title IX, which prohibits discrimination on the basis of sex, including sexual harassment.

- **Equal Opportunity and Equity unit (EOE) (919) 513-0574**

A unit of OIED, the EOE investigates complaints of discrimination, harassment, and retaliation and provides resources, information and educational opportunities to students and employees with concerns regarding sexual harassment and Title IX compliance, including sex discrimination, sexual harassment, sexual misconduct, domestic violence, dating violence and stalking.

- **Office of Student Conduct (919) 515-2963**

Conducts disciplinary procedures for violations of the Code of Student Conduct allegedly perpetrated by students, including sexual misconduct and interpersonal violence.

- **Employee Relations, Human Resources (919) 515-6575**

Provides assistance, resources, information and educational opportunities to faculty and staff with regard to complaints or concerns of workplace violence, relationship violence, and/or non discriminatory workplace harassment.

- **University Police 911 or (919) 515-3000**

Responds to all reported interpersonal violence and provides assistance during the legal process.

- **Violence Prevention and Threat Management (919) 513-4224**

Ensures the university community is aware of how to identify and share concerns regarding students, staff and faculty, facilitates the university's Behavior Assessment Teams, and ensures that effective intervention and management is provided in situations that pose or may pose a threat of harm to others or to the safety or well-being of the university community.

- **Student Behavioral Case Manager (919) 515-2963**

Provides support to students who are exhibiting concerning or worrisome behaviors and that need additional attention in order to ensure they are safe and continue to be successful at NC State.

- **Sexual Assault Helpline (919) 515-4444** or by emailing [ncsuadvocate@ncsu.edu](mailto:ncsuadvocate@ncsu.edu) In partnership with the Counseling Center, the Women's Center operates a 24-hour crisis intervention and support line for survivors of rape, sexual assault, and relationship violence in the NC State community.

- **Women's Center (919) 515-2012**

A unit of OIED, the Women's Center provides advocacy and support for students of all gender identities and sexual orientations who have experienced sexual assault, sexual harassment and/or interpersonal violence. Services include crisis intervention and emotional support; accompaniment to court, student conduct hearings, law enforcement agencies, and medical services; academic and housing accommodations; resource navigation and referrals; financial support; reporting options; and safety

planning. The Women's Center also offers a variety of educational programs related to interpersonal violence prevention and response for all students, faculty, and staff.

- **LGBTQ+ Pride Center (919) 513-9742**

A unit of OIED, the Pride Center serves students of all sexual orientations, gender identities and gender expressions, including gay, lesbian, bisexual, pansexual, asexual, aromantic, queer, transgender, genderqueer, gender fluid, gender non-conforming, non-binary, agender, intersex and questioning students and their allies.

- **Multicultural Student Affairs (919) 515-3835**

A unit of OIED, MSA provides assistance and referrals for students at NC State who identify with or have an interest in African American, Native American, Hispanic/Latinx, and Asian, Pacific Islander, South Asian American culture. MSA is open to students of all cultural identities.

- **African American Cultural Center (919) 515-5210**

A unit of OIED, the AACC provides assistance and referrals for students at NC State who identify with or have an interest in Black, African, and/or African American culture. The AACC is open to students of all races.

- **Office of International Services (919) 515-2961**

Provides assistance, information and advice on immigration and visa issues related to students' academic studies or work experiences.

## Off-Campus Resources

- **Interact of Wake County (919) 828-3005**

Rape crisis intervention, including forensic exams and post-rape care, community education and shelter for women who have experienced sexual or relationship violence.

- **Wake County District Attorney Victim Services Program (919) 792-5000** A Wake County program designed to ensure that victims receive information, assistance, and support as their cases progress through the criminal justice system. The program can provide information to individuals pertaining to their court cases, serving as liaison between the victim and the prosecutor, and keep individuals notified of all court proceedings.

- **WakeMed Sexual Assault Forensic Exam (SAFE) Center/Solace Center (919) 828-3067** The SAFE Center is a victim-sensitive program designed to coordinate community resources to provide a team approach for survivors of sexual assault. The team consists of certified nurse examiners to provide the examination and medical support; law enforcement officers to conduct an investigation and provide emergency assistance; victim advocates to provide emotional support; and attorneys to sensitively handle the prosecution of sexual assault cases.

- **North Carolina Coalition Against Sexual Assault (NCCASA) - <https://nccasa.org/get-help/>** NCCASA provides a list of centers throughout North Carolina that provide free, confidential referrals and services for sexual assault victims, survivors and their close family and friends. One of the most important services is a hotline that you can call to talk to a trained staff member or volunteer about your feelings and concerns related to the assault.

- **North Carolina Coalition Against Domestic Violence (NCCADV) - <https://nccadv.org/get-help/>** NCCADV compiles a database of local domestic violence agencies that serve all 100 counties across North Carolina. They offer a variety of services, from 24-hour confidential crisis hotlines to emergency shelter to support groups and counseling.

## University Response to Sexual Misconduct and Interpersonal Violence

### Reporting Options:

If you have experienced sexual misconduct or interpersonal violence (including stalking, dating and domestic violence) you can report the incident(s) to law enforcement and/or university personnel. Descriptions of sexual misconduct and interpersonal violence can be found in these university's policies on Equal Opportunity, Non-Discrimination and Affirmative Action, found at <https://policies.ncsu.edu/policy/pol-04-25-05/>, and the Title IX Sexual Harassment Policy, found at <https://policies.ncsu.edu/policy/pol-04-25-07/>.

### Filing a Criminal Complaint:

Due to the importance of evidence collection and preservation, it is critical that reports of any type of violence are made as soon as possible. Filing a police report does not mean that prosecution of the offender is automatic. Filing a police report will:

- Ensure that a victim receives appropriate medical treatment and tests;
- Provide the opportunity for the collection of evidence; and
- Assure the victim has access to important resources such as confidential counseling.

University Police recognizes the importance of providing medical assistance, emotional support, and protection in addition to conducting thorough criminal investigations for all reported incidents of relationship or interpersonal violence and sexual misconduct. To file a criminal complaint, contact University Police at (919) 515-3000. For emergencies, dial 911.

### Filing a University Complaint:

Any person may report alleged misconduct involving acts of sexual misconduct or interpersonal violence to the Equal Opportunity and Equity unit (EOE) of the Office for Institutional Equity and Diversity (OIED) via phone at 919-513-0574 or online at [go.ncsu.edu/reportconcern](https://go.ncsu.edu/reportconcern), Employee Relations in Human Resources, the Office of Student Conduct, or Campus Police. Reports will be referred to EOE for review and response, which may involve the Office of Student Conduct or Human Resources.

Reports can be made to or through the following groups or forms:

All University Police and OIED forms:

<https://diversity.ncsu.edu/reporting-resources/>

Campus Security Authority Incident Report Form

<https://police.ehps.ncsu.edu/home/compliance/clery-compliance/>

Campus Online Welfare Report

[https://ncsu.qualtrics.com/jfe/form/SV\\_2uf1BnK8WShJaJJ](https://ncsu.qualtrics.com/jfe/form/SV_2uf1BnK8WShJaJJ)

Title IX Designated Officials and Responsible Employees

<https://diversity.ncsu.edu/responsible-employees/>

The EOE, the Office of Student Conduct, Employee Relations, and University Police will provide individuals who have experienced sexual misconduct or interpersonal violence with referrals to appropriate resources (e.g., advocacy, counseling, medical treatment, interim measures, etc.).

## **Confidentiality:**

Confidentiality can be particularly important to individuals reporting acts of sexual misconduct or interpersonal violence. To the extent allowed by law and in accordance with university policies, information collected during the investigation (including any accommodations or protective measures provided to the reporting individual) will be kept private. However, university personnel may need to share information with university officials on a need-to-know basis, or other individuals to protect their safety or rights, or in response to other legal requirements.

## **Non-Retaliation:**

The university, including any officer, employee or agent of the institution, or student is prohibited from retaliating against any individual for exercising their rights or to utilize the institution's procedures for reporting sexual misconduct or interpersonal violence. Retaliation is any adverse action (including but not limited to intimidation, threats, or coercion relating to an adverse action) against a person because that person engaged in a Protected Activity including filing a complaint that alleges a violation of this policy, participating as a witness or party in an investigation, proceeding, or hearing involving an alleged violation.

## **Preservation of Evidence:**

Regardless of whether an incident of sexual misconduct or interpersonal violence is reported to the police or University personnel, you are encouraged to preserve evidence to the greatest extent possible, as this will best maintain legal options for you in the future. Preservation of evidence is essential for both law enforcement and University investigations.

Below are suggestions for preserving evidence related to an incident of sexual misconduct, relationship or interpersonal violence. It is important to keep in mind that each suggestion may not apply in every incident:

- Survivors of sexual assault can receive forensic nursing care to include testing for STIs, pregnancy, and forensic evidence collection within 5 days (120 hours) of a sexual assault. Exams should take place as soon as possible following an assault.
- If at all possible, you should avoid eating, drinking, brushing teeth, showering, changing clothes, doing laundry, etc. before a forensic medical exam. It is normal for survivors to want to clean, wash, and try to re-establish normal. Your comfort is a priority and you should never feel shamed for doing any of the above.
- Survivors who have bathed, showered, changed, etc. can still be examined. If you have changed your clothes and the clothing worn at the time of the assault is unwashed, you should bring your items of clothing in a paper bag or pillowcase (NOT a plastic bag).
- If you have not changed your clothing, the clothing you are wearing will be collected. However, you will be provided clothing and undergarments as needed after the exam. Or you can bring an extra set of clothing with you if they prefer.
- Even if you do not want evidence collection, you are still encouraged to seek prompt medical care. A health care provider can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted diseases.
- If there is suspicion that a drink may have been drugged, inform a medical assistance provider and/or law enforcement as soon as possible so they can attempt to collect possible evidence (e.g., from the drink, through urine or blood sample).
- Write down as much as you can remember about the circumstances, including a description of the assailant.

- Preserve evidence of electronic communications by saving them and/or by taking screenshots of text messages, instant messages, social networking pages, or other electronic communications, and by keeping pictures, logs, or copies of documents that relate to the incident.

## **University Complaint Process:**

Reports of sexual misconduct or interpersonal violence will be reviewed promptly, fairly, and impartially. University investigators and administrators receive regular training on how to investigate and conduct hearings in a manner that protects your safety, the rights of parties involved, and promotes accountability. Throughout the university process, the Complainant and Respondent are allowed the same opportunities to present their information and be notified of the outcome.

## **Students:**

The Office of Student Conduct determines whether formal charges will be filed against a student. Formal charges under the Code of Student Conduct will be initiated after the EOE investigates the report, where applicable. Representation by an attorney or other advocate is allowed in student disciplinary proceedings for both respondents and complainants. The burden of proof at the hearing is “preponderance of the evidence” (more likely than not). Possible sanctions for a finding of responsibility may include a warning, restitution, special programs, counseling assessment, restriction of privileges, disciplinary probation, removal from on campus housing, suspension and expulsion. Student Conduct officials determine the appropriate sanctions for findings of misconduct. For more information on the disciplinary procedures applicable to charges of sexual misconduct and/or interpersonal violence, see the Student Discipline Procedures, <https://policies.ncsu.edu/regulation/reg-11-35-02/>, Appendix G.

## **Employees:**

Complaints of sexual misconduct or interpersonal violence against employees or outside parties are processed in accordance with the university’s Discrimination, Harassment and Retaliation Complaint Procedure, [REG 4.25.02](#), and the Title IX Sexual Harassment Resolution Procedures, [REG 04.25.08](#), and in conjunction with the university’s regulation on Campus/Workplace Violence Prevention and Management, [REG 04.05.02](#). Such complaints are reviewed and investigated, where applicable, by the EOE. Employees may be placed on administrative leave or subjected to other interim measures of a non-disciplinary nature until an investigation is concluded. Where allegations are substantiated, employees may be subject to disciplinary action up to and including dismissal/discharge under the applicable employee procedures. For more information, contact the EOE and see <http://policies.ncsu.edu/regulation/reg-04-25-02> or <http://policies.ncsu.edu/regulations/reg-04-25-08>.

## **Complainant and Respondent Rights For Incidents of Discrimination, Harassment or Retaliation:**

Complainants and Respondents (“Parties”) involved in complaints of discrimination, harassment, or retaliation have the following rights with respect to the complaint procedure process. In cases where a policy violation is substantiated, NC State will take appropriate steps intended to end the discrimination/harassment/retaliation, prevent any further violations, and remedy its effects.

Parties have the right:

- To be informed of the nature of the complaint;
- To a fair and impartial investigation of the complaint;
- To be informed of resolution options available;

# NC STATE UNIVERSITY

- To have the complaint investigated within prompt and reasonable time frames;
- To participate in the investigation of the complaint (and, to the extent you do not participate in the investigation of the complaint, to be aware that a determination as to a policy violation will be made based on the information available);
- To have your privacy respected to the extent permissible by law (the University has certain legal obligations to address prohibited conduct that is substantiated and, as a result, cannot guarantee confidentiality to parties);
- To have an Advisor (attorney or non-attorney) or Support Person to assist you during the course of the investigation if you so choose (please note that an individual wishing to have an attorney serve as an advisor is responsible for any associated expenses);
- To identify witnesses and submit information relevant to the investigation;
- To review summaries produced from your interview(s);
- To receive timely updates regarding the investigation of the complaint;
- To review the Draft Investigative Report prior to its completion;
- To be notified of the outcome of an investigation;
- To be free from further prohibited conduct;
- To be free from retaliation as defined under Section 4.3 of [NCSU POL 04.25.05: Equal Opportunity, Non-Discrimination and Affirmative Action](#);
- To request interim measures to promote your safety and well-being, as well as to prevent additional potential policy violations. Interim measures include, but are not limited to, No Contact Orders, emergency housing or housing adjustments, or academic adjustments; and
- To pursue criminal charges, a civil action, or to file a complaint with an external agency (i.e., the U.S. Department of Education's Office for Civil Rights, Equal Employment Opportunity Commission, Office of Administrative Hearings-Civil Rights Division, etc.)

## **Interim Protective Measures:**

### **Criminal Protection:**

If you had a personal relationship with the perpetrator, you may be able to seek a domestic violence protective order (also known as a 50B order). A domestic violence protective order can help you by ordering the assailant not to assault, threaten, abuse, follow, harass, or interfere with you or your children either in person, at work, on the telephone, or by other means. For further information, students may contact Student Legal Services, University Police or the NC State Women's Center; employees may contact the Faculty and Staff Assistance Program.

### **Civil Protection:**

You may seek a civil "no-contact" protective order (known as a 50C order). These orders are for a determined period of time, and you may have to petition the court to have the time extended. A civil no-contact order is a court order that aims to protect you from unwanted sexual conduct or stalking by someone with whom you do not have an intimate or familial relationship (such as an acquaintance, co-worker, neighbor, or stranger). For further information, students may contact Student Legal Services, University Police or the NC State Women's Center; employees may contact the Faculty and Staff Assistance Program.

## **University Supportive Measures:**

### **Students:**

Regardless of whether you choose to report an incident of sexual misconduct or interpersonal violence to law enforcement or to the university, the university may work with you to provide reasonable adjustments and interim supportive measures, for example:

- If you live on campus and desire a change in rooming assignment, you should contact University Housing for information concerning the room change process;
- The university may issue “no contact” orders and adjust class schedules for you or the accused student. If you need these protective measures, contact the Office of Student Conduct for assistance;
- The university may suspend a student accused of sexual misconduct and/or relationship or interpersonal violence on an interim basis if there is a need to separate that student from campus; and
- The university may issue or enforce other protective measures as necessary.

NC State’s EOE is available to assist you with seeking supportive measures and adjustments.

The Student Legal Services Office is available to inform you about your legal options free of charge. In cases involving criminal charges, the office will review the charges, the sentencing scheme and tell you what you should expect from the investigation, trial and sentencing. Student Legal Services can represent you in civil proceedings (restraining and no contact orders) as long as the perpetrator is not another NC State student. If the perpetrator is another NC State student, the office will refer you to other university resources. Student Legal Services also maintains a referral list of local attorneys.

## **Employees:**

- If you are an employee who experiences sexual misconduct or interpersonal violence, you may contact your department or unit supervisor and EOE to request supportive measures and adjustments. Employees may contact the Title IX Coordinator in OIED for additional information.
- The university is committed to complying with all judicial no-contact, restraining and protective orders and will assist victims in this process.

## **Anonymous Reporting of Sexual Misconduct or Interpersonal Violence:**

University Police is charged by state law to investigate any crime; however, state law prohibits the police from taking an anonymous report.

The university recognizes the need for anonymous reporting for those individuals who do not want a criminal investigation. If an individual wishes to remain anonymous and make a report, the university encourages the use of the following departments, however, in certain cases, these offices or individuals in these offices may have an obligation to report all information, including the individual’s name, to the EOE as a Title IX designated official or Responsible Employee.

- Office of Student Conduct: 919-515-2963, <http://studentconduct.ncsu.edu/>
- Women’s Center: 919-515-4444, <https://diversity.ncsu.edu/womens-center/survivor-services/>
- 24-Hour Sexual Assault Helpline: 919-515-4444
- Office for Institutional Equity and Diversity (OIED): 919-515-3148, <https://diversity.ncsu.edu/report-a-concern/>
- University Housing: 919-515-2440, <http://www.ncsu.edu/housing/>

# NC STATE UNIVERSITY

- Ethics Point: 844-599-8786, <https://compliance.ncsu.edu/reporting/ethicspoint-hotline/#:~:text=The%20University's%20EthicsPoint%20Hotline%20is,policy%20violations%20or%20unethical%20conduct.>

Although the individual making the allegations of sexual misconduct or interpersonal violence may remain anonymous for reports to University Police, the name of the individual must be identified or provided to EOE in order for NC State to meet its Title IX obligations. The individual can request anonymity when engaging with the EOE. Anonymous reports may limit the university's ability to respond to an allegation.

## **Prevention of Sexual Misconduct and Interpersonal Violence:**

The university provides various programming to promote the awareness of, and response to, sexual misconduct and interpersonal violence. New students and employees are provided primary prevention and awareness education as part of orientation. The programs reinforce that NC State prohibits these offenses and any other form of violence and give new students and employees the definitions of prohibited actions as well as definitions and examples of consent. The programs train individuals on safe and positive options for bystander intervention and how individuals may take action to prevent harm and be active bystanders. The programs train new students and employees to recognize behaviors which may be a violation of university policies, as well as resources for seeking support and reporting options. The programs are also offered to current students, student organizations, and employees as part of an ongoing prevention and awareness campaign.

Additionally, the Women's Center offers sexual misconduct and interpersonal violence education and information programs to University students and employees upon request. Literature is also provided to survivors of sexual misconduct and relationship or interpersonal violence. The literature includes information about additional on and off-campus resources, as well as information on:

- The importance of preserving evidence;
- The rights of victims and the institution's responsibilities regarding orders of protection including, no contact orders, restraining orders, and other lawful orders issued by criminal or civil courts;
- The procedures for institutional processes; and
- The access and options victims have for University interim supportive measures.

## **Role & Responsibility of Campus Health:**

You are encouraged to go to a medical center or appropriate facility following a sexual assault in order to check for internal injuries, sexually transmitted infections, and/or pregnancy. If a student seeks assistance at Campus Health following an act of sexual misconduct or interpersonal violence, the student will be provided information on available sexual assault forensic nurses and referred to a local hospital or InterAct of Wake County. These are designated facilities where sexual assault forensic nurse examiners can complete an examination and evidence collection. Campus Health will provide any follow-up medical care. Students can contact the Campus Health mainline (919-515-2563) to make an appointment for assistance.

## **Role & Responsibility of the Counseling Center:**

The Counseling Center offers confidential services for students who experience sexual misconduct or relationship or interpersonal violence. Counselors can help students by working with them to develop coping skills, informing them of resources on- and off-campus and providing support to help them navigate

their path to recovery. Whether the misconduct happened recently or several years ago, it is never too late to seek help. The Counseling Center also provides after hours on-call services for mental health emergencies by calling 919-515-2423 and selecting the option to speak with the on-call counselor.

## **North Carolina Sex Offender and Public Protection Registry:**

All convicted sex offenders coming to or residing in North Carolina, including students, are required to register with the local county sheriff's department for inclusion in the North Carolina Sex Offender and Public Protection Registry. This Registry may be viewed locally at the county sheriff's department or online at: <http://sexoffender.ncsbi.gov/>.

## **Definitions applying to reports initiated on or after the effective date of August 14, 2020:**

- a) "Actual Knowledge" means notice of allegations of Title IX Sexual Harassment, or Retaliation to NC State's Title IX Coordinator or one of NC State's Title IX Designated Officials.
- b) "Complainant" means a person to whom the alleged Title IX Sexual Harassment was directed. At the time of filing a Formal Complaint, a Complainant must be participating in, or attempting to participate in, an NC State Education Program or Activity.
- c) "Education Program or Activity" includes locations, events, or circumstances over which NC State exercises substantial control over both the Respondent and the context in which the Title IX Sexual Harassment occurs (including employment), and also includes any building owned or controlled by a student organization that is officially recognized by NC State.
- d) "Formal Complaint" means a document filed by a Complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a Respondent and requesting that the university investigate the allegation of Title IX Sexual Harassment.
- e) "NC State's Title IX Designated Officials" are personnel authorized by NC State to receive notice of Title IX Sexual Harassment and Retaliation and to institute corrective measures.
- f) "Report" is a disclosure of information by any person to the Title IX Coordinator or an NC State Title IX Designated Official that includes allegations that may be covered by this policy.
- g) "Respondent" means a person who has been reported to have engaged in conduct that could constitute Title IX Sexual Harassment.
- h) "Retaliation" is intimidating, threatening, coercing, or discriminating against any person for the purpose of interfering with any right or privilege secured by Title IX or this policy because the person made a report or complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under this policy or the companion regulations.
- i) "Supportive Measures" means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the Education Program or Activity without unreasonably burdening the other party and include measures designed to protect the safety of all parties or the educational environment or to deter Sexual Harassment. Supportive Measures may include

counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The university shall maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of NC State to provide the Supportive Measures. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

j) “Title IX Sexual Harassment” for purposes of Title IX and this policy means conduct on the basis of sex that satisfies one or more of the following:

1. A university employee conditioning the provision of an aid, benefit, or service on another employee’s or student’s participation in unwelcome sexual conduct (“quid pro quo” harassment by an employee);
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an Education Program or Activity at NC State; or
3. Sexual assault as defined in the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act,” specifically 20 U.S.C. 1092(f)(6)(A)(v)), dating violence as defined in Violence Against Women Act (“VAWA,” specifically 34 U.S.C. 12291(a)(10)), domestic violence as defined in VAWA (34 U.S.C. 12291(a)(8)), stalking as defined in VAWA (34 U.S.C. 12291(a)(30)) (for ease of reference the definitions as they appear in those laws are provided below), or other sexual misconduct defined below.

(A) Sexual assault means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation including:

(i) Rape, defined as the carnal knowledge of a person, without the consent of the person, including instances where the person is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity;

(ii) Sodomy is oral or anal sexual intercourse with another person, without the consent of the person, including instances where the person is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity;

(iii) Sexual Assault With An Object, defined as the use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the person, including instances where the person is incapable of giving consent because of his/her youth or because of age or because of temporary or permanent mental or physical incapacity;

(iv) Fondling, defined as the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the person, including instances where the victim is incapable of giving consent because of his/her youth or because of age or because of temporary or permanent mental or physical incapacity;

(v) Incest, defined as nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law;

(vi) Statutory Rape, defined as nonforcible sexual intercourse with a person who is under the statutory age of consent.

(B) Dating violence means violence committed by a person—

(i) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(ii) where the existence of such a relationship shall be determined based on the consideration of the following factors:

a) The length of the relationship;

b) The type of relationship;

c) The frequency of interaction between the persons involved in the relationship;

(C) Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitation with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family laws of the jurisdiction;

(D) Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

(i) fear for their own safety or the safety of others; or

(ii) suffer substantial emotional distress.

### **Definitions applying to reports initiated prior to 8/14/2020:**

“Consent” means an affirmative decision to engage in an activity given by clear action or words. It is an informed decision made freely, willingly, and actively by all parties. Behavior will be considered “without consent” if no clear consent, verbal or nonverbal, is given. Consent cannot be procured by physical force, compelling threats, intimidating behavior, or coercion. A person cannot give consent if they are incapacitated as a result of alcohol or drug consumption (voluntary or otherwise), is unconscious, unaware or asleep during the act, is under the legal age to provide consent, or otherwise lacks the capacity to consent. In determining whether a person is incapacitated, the analysis must include whether the accused individual knew or should reasonably have known that the person was incapacitated. A lack of protest or resistance is not a valid form of consent. Silence is not a valid form of consent. A prior relationship or prior sexual activity is not sufficient to demonstrate consent for sexual activity. Consent can be revoked or withdrawn at any time, even during a sexual act. If consent is withdrawn, the sexual act is no longer consensual.

“Relationship or Interpersonal Violence” includes Dating Violence, Domestic Violence, and Stalking. Relationship or interpersonal violence occurs when one person in a social relationship of a romantic or an intimate nature uses abuse to maintain power over a partner. Abusive behaviors can be physical or emotional, including but not limited to, threats of self-harm or harm to others, pervasive and derogatory name calling, belittling, isolation, engaging in sexual acts while in a dating or domestic relationship when

one of the individuals does not consent.

- *Dating Violence* is conduct arising out of a social, personal, romantic or intimate relationship or a dating relationship that: inflicts physical injury upon another person; or is a pattern of coercive behavior that is used by one person to gain power and control over another. It may include the use of physical and sexual violence, verbal and emotional abuse, or any conduct that places another in fear of, or at risk of, physical injury or danger.
- *Domestic Violence* is conduct that arises out of a personal, romantic or intimate relationship where the parties are current or former spouses, persons who live together or have lived together, persons who have one or more children in common, or are current or former household members, and inflicts physical injury upon a party to the relationship or shows a pattern of coercive behavior that is used by one person to gain power and control over another. It may include the use of physical and sexual violence, verbal and emotional abuse, or any conduct that places another in fear of, or at risk of, physical injury or danger.
- *Stalking* is engaging in a course of conduct directed at a specific person, whether in the context of a social or intimate relationship or otherwise, that would cause a reasonable person to feel fear for their safety or safety of others or suffer substantial emotional distress. Stalking, including cyber stalking, may include, for example, non-consensual communication, including in-person communication or contact, surveillance, telephone calls, voice messages, text messages, email messages, social networking site postings, instant messages, postings of pictures or information on websites, written letters, gifts or any other communications that are undesired and/or place another person in fear of, or at risk of, physical injury or danger.

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

- **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. In North Carolina, a person is guilty of rape if the person engages in vaginal intercourse with another person: (1) By force and against the will of the other person; or (2) Who is mentally disabled, mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know the other person is mentally disabled, mentally incapacitated, or physically helpless.
- **Fondling:** The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. In North Carolina, fondling is included in the crime of “sexual battery”, which occurs if the person, for the purpose of sexual arousal, sexual gratification, or sexual abuse, engages in sexual contact with another person: (1) by force and against the will of the other person; or who is mentally disabled, mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know that the other person is mentally disabled, mentally incapacitated, or physically helpless.
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. In North Carolina, a person commits the offense of incest if the person engages in intercourse with the person's (i) grandparent or grandchild, (ii) parent or child or stepchild or legally adopted child, (iii) brother or sister of the half or whole blood, or (iv) uncle, aunt, nephew, or niece.

- Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent. In North Carolina, a person is guilty of statutory rape if the defendant engages in vaginal intercourse with another person who is 15 years of age or younger and the defendant is at least 12 years old and at least six years older than the person, except when the defendant is lawfully married to the person.

“Sexual Misconduct” includes sexual assault, sexual harassment, sexual exploitation and retaliation against a person because she or he filed a complaint of sexual misconduct, relationship or interpersonal violence or participated in an investigation or procedure involving sexual misconduct, relationship or interpersonal violence.

## Workplace Violence

Nearly 2 million American workers are impacted by some form of workplace violence each year. Homicide is the leading cause of work-related fatality for women in the workplace. Six out of ten incidents of workplace violence occurred in private companies. While government employees make up approximately 14% of the total U.S. workforce, 30% of known victims of violence were federal, state, or local government employees.

Though it is impossible to predict if or when a workplace violence incident may occur there are some potential warning signs that a person may commit an act of workplace violence. Those warning signs may include, but are not limited to: communicating threats, suspected drug and/or alcohol abuse, noticeable extreme changes in behavior, escalating aggression, history of intimidating others, chronic unsubstantiated complaints about persecution or injustice (victim mindset), erratic and/or bizarre behavior, impulsivity, difficulty letting things go (holds a grudge), concerns regarding paranoia, and a history of violence (especially towards people and animals).

The Risk Assessment Case Manager/Violence Prevention and Threat Management Program Manager offers training on several topics including Workplace Violence Prevention. Contact (919) 513-4224 or (919)-513-4315 for additional information or to schedule a large group. For more information on training opportunities you may also go to <https://vptm.ehps.ncsu.edu/home/training-events/>.

## Crime Victim Rights

On July 1, 1999, the Crime Victims’ Rights law took effect, which established specific responsibilities for many different criminal justice agencies in regards to the notification of victims of certain crimes. This law was passed in an effort to educate the victim and keep them informed of court proceedings, victim restitution, information of the crime itself and how the criminal justice system works, conviction or final disposition and sentencing, notification of escape, release, or proposed parole proceedings, and many other rights.

For certain crimes, University Police is required to provide the victim with information concerning the availability of medical services, crime victims' compensation funds, the address and telephone number of the district attorney's office, name and telephone number of the investigating law enforcement officer whom the victim may contact, information about an accused's opportunity for pre-trial release, and the name and telephone number of the investigating law enforcement officer whom the victim may contact to find out whether the accused has been released from custody.

There are also notification requirements placed upon the District Attorney's office, correctional facilities, Attorney General's office, as well as Probation and Parole.

Crimes covered under this law include many serious felonies such as murder, voluntary manslaughter, assault with a deadly weapon, rape, and armed robbery.

To obtain more information about your rights as a crime victim or a complete list of the crimes covered under the law, contact University Police Investigations at (919) 515-2498.

## Keeping Our University Safe and Secure

### Shared Responsibility

Safety is a shared responsibility. University Police make a difference, but we all have a role in making NC State a safe campus. Do your part, and you can reduce the likelihood that you will be a crime victim. If you ever need assistance, do not hesitate to call us at 911 or (919) 515-3000. We are here to help!

### Personal Safety Tips

Learn and follow all the NC State safety and security procedures. They have been created out of concern for your welfare and in consideration for everyone's rights in the campus community. If you feel unsafe in any situation, trust your instinct and contact University Police immediately. For more information on Crime Tips please visit: <https://emergency.ncsu.edu/crime-tips/>.

#### **In Residential Communities:**

- Assailants target residences where doors and windows are left unlocked or unsecured. Always lock residence and apartment doors and windows when at home and when you leave.
- Communicate with your roommate on safety issues.
- Report suspicious persons or activity immediately.
- Report doors, windows, lights or locks in need of repair.
- Keep valuables out of sight.
- Don't prop open exterior doors or allow someone to "piggy back" behind you into the residential community.

#### **When walking or jogging:**

- Stay away from isolated areas.
- Assailants are more likely to target individuals walking alone, on darkened or unlit paths, or who are distracted by headphones or activities such as texting.
- Walk in groups whenever possible, especially at night.
- Safety Escort Services and public transportation are available as alternatives to walking. Individuals can contact Safety Escort Services at 919-515-3000.

#### **If you think you are being followed:**

- Cross the street or change directions.
- Keep looking back so the person will know you cannot be surprised.
- Go to a brightly lit area. Enter a store, house, residential community or any populated building.
- Remember as much as possible about the person so you can describe them later.

**If you are held up:**

- Do not resist. No amount of money is worth the risk of your life.
- Notify University Police or Raleigh Police immediately.
- Try to give a specific description of the person: height, weight, approximate age, hair color and length, clothing, jewelry, scars, etc.

**Where you live:**

- Keep all doors locked, day and night. This is the single best deterrent to the would-be thief.
- Assailants may try to gain access into a residence by using force or deception. Don't open your door for or let someone in your residence that you don't know.
- Do not leave a door unlocked to anticipate a roommate or friend's arrival.
- Many thefts occur while the occupant is on the same floor, having left for a minute to visit a restroom or another room.
- Alcohol and drugs are often used by assailants to make someone vulnerable to sexual assault. Be alert to people who pressure you or others to use a drug or consume alcohol. Drinks should not be consumed if they are not from a trusted source or have been left unattended.

**To protect your property:**

- Lock your door every time you leave.
- Engrave expensive equipment and valuables with an ID number. This is done in the University Police Department.
- Do not store your purse or wallet in an unlocked desk drawer.
- Do not leave your belongings unattended in the library, cafeteria, locker room, classroom or any public area.

**To protect your car:**

- Always lock your car and take the keys.
- Don't leave valuables in your vehicle.
- Park in well-lit areas.

**Keep your keys:**

- Do not loan your keys to anyone. Someone else's carelessness may lead to your key loss.

**When you park:**

- Close and lock windows and doors.
- When returning to your car, have the keys ready in hand and check underneath the vehicle and the interior before entering.

**When working late in academic buildings:**

- Avoid working or studying alone at night in a building.
- Keep the work area door locked.
- Do not take shortcuts when walking alone at night.
- Avoid walking alone at night. Use the "buddy system" or Call (919) 515-3000 for a safety escort during hours of darkness.
- Note locations of the nearest telephone and fire extinguisher in case of an emergency.
- Be aware of your personal surroundings and report suspicious persons or activity to the police immediately.
- Don't leave personal items unattended.

# NC STATE UNIVERSITY

The various colleges on campus determine if or when buildings will be locked after hours. When working after hours, note if the building entrances have been secured and take individual safety precautions as well.



## FIRE SAFETY REPORT

This annual report is submitted to meet the federal requirements of the Campus Fire Safety Right to Know Act, an amendment to the Higher Education Opportunity Act. It includes information about NC State's fire safety policies and procedures as well as reported campus fire statistics.

### Reporting a Fire

- Call 919-515-3000 or 911 upon discovery of a fire of any kind, you should be connected to the university's Emergency Communications Center.
- Provide your name, location of the fire, type of fire and a contact number to call you back if necessary. If possible, stay around to talk to emergency responders.
- If the fire was small and you or someone else put it out, you still need to report it. You may use 919-515-3000 to report an incident of this nature.
- All fires, including any signs of a fire, must be reported to the Office of Fire and Life Safety for investigation.

### University Housing Rules on Appliances, Smoking, and Open Flames

- Due to fire and safety concerns, extension cords, personal air conditioners, lava lamps, toasters (except in kitchens), burners or hot plates, heaters, combustible/explosive materials, flammable liquids, and fireworks are not permitted in University Housing facilities.
- Halogen lamps present significant risk of starting fires and are not permitted in residential rooms.
- All residential facilities (including E.S. King Village and Western Manor Apartments) are smoke-free. Smoking is prohibited within 25-feet of any residence hall/apartment building.
- Candles, gas/oil lanterns, or any device producing an open flame (such as incense and Sterno) are not permitted. Students who wish to burn incense for religious reasons need to get approval from the Office of Institutional Equity and Diversity.

### Emergency Evacuation Policy

#### Introduction

Emergency events that threaten the welfare, safety, or health of staff, faculty, students or visitors, though unforeseeable situations may be dealt with in such a way as to minimize the likelihood of injury or loss of life. NC State has developed procedures to help its personnel respond to a variety of emergencies. In the event of fire or potential emergency events such as severe medical situations, bomb threats, extreme weather conditions and power loss, the procedure for evacuation outlined in this policy shall be followed. Following this plan will assure a safe and orderly evacuation of the building in the shortest time. It should be noted that all buildings are equipped with fire extinguishers, emergency lighting and lighted EXIT signs, as required by law.

The university requires the cooperation of all staff, faculty, guests, and students in conducting training and drills and responding according to established procedures if such events arise. Training will be provided to assure that all employees follow appropriate emergency procedures.

The university relies upon the coordinated action of an extensive emergency response team to evacuate campus buildings quickly and effectively in emergencies. This team includes, but is not limited to, NC State's Fire and Life Safety Office, University Police, Raleigh Fire Department, and the Raleigh Police Department.

## **Fire Protection and Command Procedures**

In the event of an emergency necessitating the evacuation of a building, the University Fire Marshal and/or University Police shall be in command. Fire and Life Safety officers should receive information about the nature of the emergency, ensure that the Raleigh Fire Department (911) has been called, communicate with the Fire Department, the Police Department and any other emergency organization, as required, coordinate the operations of the emergency team, and organize the evacuation of the area.

Upon the sounding of a fire alarm a search will be conducted of the area from which the signal originates. If a fire or other emergency situation is confirmed, Fire and Life Safety shall activate the general alarm and initiate emergency evacuation. Upon the sounding of a general alarm, a search of the building will be conducted to ensure that no one has been left in the building, to direct anyone found to an emergency exit, and assist in critical situations such as firefighting, medical care or disabled evacuation, when requested. Faculty, employees and students shall familiarize themselves with the location of emergency exits, the locations of fire alarm pull-stations and emergency telephones nearest the areas where they work or study.

## **Immediate Response Procedures**

In the event of a fire, any employee or student discovering smoke and/or fire should perform the following activities as appropriate:

If fire is small:

- Report the findings at once to his/her supervisor if time permits;
- Attempt to extinguish the fire with a fire extinguisher; and
- Activate the nearest alarm by pulling a fire alarm pull-station or, in buildings where there is no fire alarm system, alert building occupants by word of mouth.

If fire is severe and threatening dial 911 for University Police, and provide the following information:

- Your name and location;
- Location of fire; and
- Details as requested

After reporting the fire, leave the building as quickly as possible. In case of electrical or other serious fire, no attempt should be made to deal with the fire unless such action is compatible with the safety of all concerned.

## Evacuation Procedures

In the event that an emergency situation requires the complete evacuation of the floor or building, the following procedures will apply to all departments, employees, students, and visitors:

1. An employee discovering a fire or other emergency necessitating a general alarm shall activate the fire or necessary alarm and call University Police, 515-3000 or 911 and give appropriate information.
2. Everyone must leave the building immediately, in an orderly fashion, by the closest possible exit. Exit from emergency stairwells where indicated. Do not use elevators.
3. The first person to reach any exit door should touch it to determine if it is hot. If the door feels hot, direct evacuating persons to an alternate exit route.
4. In smoky areas, stay low (out of highest concentration of smoke).
5. Maintain a single file and keep to the right on stairways so that persons entering the stairwell from lower floors can merge safely into the line and emergency response personnel can use the opposite side.
6. Once outside, report to the designated assembly area or move far away from the building. Do not obstruct the exit doors at street level. Clear the area.
7. Remain in the assigned assembly area until instructed by the appropriate authority to return to the building or to move to a safer location.
8. Do not re-enter the building until the Fire and Life Safety Marshals, Raleigh Fire, or University Police give an "All-Clear" signal.
9. Obey the directions of public safety officers at all times.

## Evacuation Procedures for People with Disabilities

At the beginning of each semester, the Disability Resource Office provides the Environmental Health and Public Safety Division a comprehensive list of disabled students and the type of disability to enable the division and these students to plan for possible evacuation. The division also maintains a list of university employees who self-identify a disability with the division. University employees and students are encouraged to communicate to University Police or Fire and Life Safety, as they exit, the location of any disabled person.

In the event of a fire:

- Elevators may be used for wheelchair access.
- Disabled persons are to be evacuated by the stairwells with the assistance of other building occupants, first responders or the Raleigh Fire Department.
- Generally, wheelchairs should not be carried down the stairs; a person who, for reasons of personal health or safety, may not be removed from their wheelchair must inform the first responders.
- Evac-chairs, if available, should be brought to assist the non-ambulatory

In the case of fire or any other emergency, the staff duty police officer decides if a public announcement shall be made through one of the university's emergency notification methods. All inquiries from the media shall be referred to NC State's Executive Director of University Relations in University Communications.

# NC STATE UNIVERSITY

## Fire Statistics Regarding Fires in University Residential Facilities

<b>2020 Statistics and Related Information Regarding Fires in Residential Facilities</b>					
Residential Facility	Number of Fires	Cause of Fire	Number of Injuries	Number of Deaths	Estimated Property Damage
Alexander Hall – 2700 Cates Avenue	0	0	0	0	0
Avent Ferry Residence Hall A/B – 2110 Avent Ferry Rd.	0	0	0	0	0
Avent Ferry Residence Hall D/E/F – 2112 Avent Ferry Rd.	0	0	0	0	0
Bagwell Hall – 2201 Dunn Ave.	0	0	0	0	0
Becton Hall – 2231 Dunn Ave.	0	0	0	0	0
Berry Hall – 2211 Dunn Ave.	0	0	0	0	0
Bowen Hall – 2821 Thurman Dr.	0	0	0	0	0
Bragaw Hall – 210 Dan Allen Dr.	0	0	0	0	0
Carroll Hall – 2801 Thurman Dr.	2	Intentional	0	0	\$0-99
ES King Commons	0	0	0	0	0
ES King Village – Beaufort Hall – 3820 Jackson St.	0	0	0	0	0
ES King Village – Bertie Hall – 3840 Jackson St.	0	0	0	0	0
ES King Village - Bladen Hall – 3920 Jackson St.	0	0	0	0	0
ES King Village - Carteret Hall – 3830 Jackson St.	0	0	0	0	0
ES King Village - Chowan Hall – 2911 Ligon St.	0	0	0	0	0
ES King Village - Craven Hall – 3810 Jackson St.	0	0	0	0	0
ES King Village - Currituck Hall – 2921 Ligon St.	0	0	0	0	0
ES King Village - Edgecombe Hall – 3930 Jackson St.	0	0	0	0	0
ES King Village - Granville Hall – 3011 Ligon St.	0	0	0	0	0
ES King Village - Hyde Hall – 2931 Ligon St.	0	0	0	0	0
ES King Village - Johnston Hall – 3950 Jackson St.	0	0	0	0	0
ES King Village - New Hanover Hall – 3910 Jackson St.	0	0	0	0	0
ES King Village - Northampton Hall – 3001 Ligon St.	0	0	0	0	0
ES King Village - Onslow Hall – 2951 Ligon St.	0	0	0	0	0
ES King Village - Pasquotank Hall – 740 Gorman St.	0	0	0	0	0
ES King Village - Perquimans Hall – 720 Gorman St.	0	0	0	0	0
ES King Village - Tyrrell Hall – 2941 Ligon St.	0	0	0	0	0
Gold Hall – 70 Pullen Dr.	0	0	0	0	0
Lee Hall – 2530 Sullivan Dr.	0	0	0	0	0
Metcalf Hall – 2811 Thurman Dr.	0	0	0	0	0
North Hall – 2200 Hillsborough St.	0	0	0	0	0
Owen Hall – 2720 Cates Ave.	2	Intentional	0	0	\$100-999
Sullivan Hall – 2921 Thurman Dr.	0	0	0	0	0
Syme Hall – 2210 Baver Dr.	0	0	0	0	0
Tucker Hall – 2800 Cates Ave.	0	0	0	0	0
Turlington Hall – 2710 Cates Ave.	0	0	0	0	0
Watauga Hall – 2200 Katharine Stinson Dr	0	0	0	0	0
Welch Hall – 80 Pullen Dr.	0	0	0	0	0
Western Manor A/B/C – 1551 Lilley Ct.	0	0	0	0	0
Western Manor D/E/F – 1531 Lilley Ct.	0	0	0	0	0
Western Manor G/H – 1521 Lilley Ct.	0	0	0	0	0

# NC STATE UNIVERSITY

Western Manor I/J – 1500 Lilley Ct.	0	0	0	0	0
Western Manor K – 1510 Lilley Ct.	0	0	0	0	0
Western Manor L – 1520 Lilley Ct.	0	0	0	0	0
Western Manor M – 1530 Lilley Ct.	0	0	0	0	0
Western Manor N/O – 1540 Lilley Ct.	0	0	0	0	0
Western Manor P/Q – 1550 Lilley Ct.	0	0	0	0	0
Wolf Ridge – Grove Hall – 371 Initiative Way	0	0	0	0	0
Wolf Ridge – Innovation Hall – 381 Initiative Way	0	0	0	0	0
Wolf Ridge – Lakeview Hall – 1930 Entrepreneur Dr.	1	Unintentional	0	0	\$0-99
Wolf Ridge – Plaza Hall – 1940 Entrepreneur Dr.	0	0	0	0	0
Wolf Ridge – Tower Hall – 1900 Entrepreneur Dr.	0	0	0	0	0
Wolf Ridge – Valley Hall – 351 Initiative Way	0	0	0	0	0
Wolf Village – Arctic Hall – 2770 Wolf Village Way	0	0	0	0	0
Wolf Village – Baffin Hall – 2780 Wolf Village Way	0	0	0	0	0
Wolf Village – Caspian Hall – 2750 Wolf Village Way	0	0	0	0	0
Wolf Village – Gray Hall – 2730 Wolf Village Way	0	0	0	0	0
Wolf Village – Hudson Hall – 2760 Wolf Village Way	0	0	0	0	0
Wolf Village – Mackenzie Hall – 2710 Wolf Village Way	0	0	0	0	0
Wolf Village – Red Hall – 2740 Wolf Village Way	0	0	0	0	0
Wolf Village – Timber Hall – 2720 Wolf Village Way	0	0	0	0	0
Wood Hall A – 2521 Warren Carroll Dr.	0	0	0	0	0
Wood Hall B – 2531 Warren Carroll Dr.	0	0	0	0	0
Wood Hall C – 2541 Warren Carroll Dr.	0	0	0	0	0
Greek 2 - 2601 Fraternity Ct.	0	0	0	0	0
Greek 3 - 2511 Fraternity Ct.	0	0	0	0	0
Greek 4 - 2501 Fraternity Ct.	0	0	0	0	0
Greek 15 - 1402 Varsity Dr.	0	0	0	0	0
Greek 16 - 3501 Avent Ferry	0	0	0	0	0
DG - 2300 Greek Village Drive	0	0	0	0	0
KD - 2304 Greek Village Drive	0	0	0	0	0
SPE - 2308 Greek Village Drive	0	0	0	0	0
SN - 2312 Greek Village Drive	0	0	0	0	0
KAT - 2600 Stewardship Park	0	0	0	0	0
DZ - 2601 Stewardship Park	0	0	0	0	0
ZTA - 2604 Stewardship Park	0	0	0	0	0
LCA - 2605 Stewardship Park	0	0	0	0	0
SK - 2608 Stewardship Park	0	0	0	0	0
ADPI - 2612 Stewardship Park	0	0	0	0	0

# NC STATE UNIVERSITY

<b>2021 Statistics and Related Information Regarding Fires in Residential Facilities</b>					
Residential Facility	Number of Fires	Cause of Fire	Number of Injuries	Number of Deaths	Estimated Property Damage
Alexander Hall – 2700 Cates Avenue	0	0	0	0	0
Avent Ferry Residence Hall A/B – 2110 Avent Ferry Rd.	0	0	0	0	0
Avent Ferry Residence Hall D/E/F – 2112 Avent Ferry Rd.	0	0	0	0	0
Bagwell Hall – 2201 Dunn Ave.	0	0	0	0	0
Becton Hall – 2231 Dunn Ave.	0	0	0	0	0
Berry Hall – 2211 Dunn Ave.	0	0	0	0	0
Bowen Hall – 2821 Thurman Dr.	0	0	0	0	0
Bragaw Hall – 210 Dan Allen Dr.	0	0	0	0	0
Carroll Hall – 2801 Thurman Dr.	0	0	0	0	0
ES King Commons	0	0	0	0	0
ES King Village – Beaufort Hall – 3820 Jackson St.	0	0	0	0	0
ES King Village – Bertie Hall – 3840 Jackson St.	0	0	0	0	0
ES King Village - Bladen Hall – 3920 Jackson St.	0	0	0	0	0
ES King Village - Carteret Hall – 3830 Jackson St.	0	0	0	0	0
ES King Village - Chowan Hall – 2911 Ligon St.	0	0	0	0	0
ES King Village - Craven Hall – 3810 Jackson St.	1	Accidental	0	0	\$0-99
ES King Village - Currituck Hall – 2921 Ligon St.	0	0	0	0	0
ES King Village - Edgecombe Hall – 3930 Jackson St.	0	0	0	0	0
ES King Village - Granville Hall – 3011 Ligon St.	0	0	0	0	0
ES King Village - Hyde Hall – 2931 Ligon St.	0	0	0	0	0
ES King Village - Johnston Hall – 3950 Jackson St.	0	0	0	0	0
ES King Village - New Hanover Hall – 3910 Jackson St.	0	0	0	0	0
ES King Village - Northampton Hall – 3001 Ligon St.	0	0	0	0	0
ES King Village - Onslow Hall – 2951 Ligon St.	0	0	0	0	0
ES King Village - Pasquotank Hall – 740 Gorman St.	0	0	0	0	0
ES King Village - Perquimans Hall – 720 Gorman St.	0	0	0	0	0
ES King Village - Tyrrell Hall – 2941 Ligon St.	0	0	0	0	0
Gold Hall – 70 Pullen Dr.	0	0	0	0	0
Lee Hall – 2530 Sullivan Dr.	0	0	0	0	0
Metcalf Hall – 2811 Thurman Dr.	0	0	0	0	0
North Hall – 2200 Hillsborough St.	0	0	0	0	0
Owen Hall – 2720 Cates Ave.	0	0	0	0	0
Sullivan Hall – 2921 Thurman Dr.	0	0	0	0	0
Syme Hall – 2210 Baver Dr.	0	0	0	0	0
Tucker Hall – 2800 Cates Ave.	0	0	0	0	0
Turlington Hall – 2710 Cates Ave.	0	0	0	0	0
Watauga Hall – 2200 Katharine Stinson Dr.	0	0	0	0	0
Welch Hall – 80 Pullen Dr.	0	0	0	0	0
Western Manor A/B/C – 1551 Lilley Ct.	0	0	0	0	0
Western Manor D/E/F – 1531 Lilley Ct.	0	0	0	0	0
Western Manor G/H – 1521 Lilley Ct.	0	0	0	0	0
Western Manor I/J – 1500 Lilley Ct.	0	0	0	0	0

# NC STATE UNIVERSITY

Western Manor K – 1510 Lilley Ct.	0	0	0	0	0
Western Manor L – 1520 Lilley Ct.	0	0	0	0	0
Western Manor M – 1530 Lilley Ct.	0	0	0	0	0
Western Manor N/O – 1540 Lilley Ct.	0	0	0	0	0
Western Manor P/Q – 1550 Lilley Ct.	0	0	0	0	0
Wolf Ridge – Grove Hall – 371 Initiative Way	0	0	0	0	0
Wolf Ridge – Innovation Hall – 381 Initiative Way	0	0	0	0	0
Wolf Ridge – Lakeview Hall – 1930 Entrepreneur Dr.	0	0	0	0	0
Wolf Ridge – Plaza Hall – 1940 Entrepreneur Dr.	0	0	0	0	0
Wolf Ridge – Tower Hall – 1900 Entrepreneur Dr.	0	0	0	0	0
Wolf Ridge – Valley Hall – 351 Initiative Way	0	0	0	0	0
Wolf Village – Arctic Hall – 2770 Wolf Village Way	0	0	0	0	0
Wolf Village – Baffin Hall – 2780 Wolf Village Way	0	0	0	0	0
Wolf Village – Caspian Hall – 2750 Wolf Village Way	0	0	0	0	0
Wolf Village – Gray Hall – 2730 Wolf Village Way	0	0	0	0	0
Wolf Village – Hudson Hall – 2760 Wolf Village Way	0	0	0	0	0
Wolf Village – Mackenzie Hall – 2710 Wolf Village Way	0	0	0	0	0
Wolf Village – Red Hall – 2740 Wolf Village Way	0	0	0	0	0
Wolf Village – Timber Hall – 2720 Wolf Village Way	0	0	0	0	0
Wood Hall A – 2521 Warren Carroll Dr	0	0	0	0	0
Wood Hall B – 2531 Warren Carroll Dr	0	0	0	0	0
Wood Hall C – 2541 Warren Carroll Dr	0	0	0	0	0
Greek 2 - 2601 Fraternity Ct.	0	0	0	0	0
Greek 3 - 2511 Fraternity Ct.	0	0	0	0	0
Greek 4 - 2501 Fraternity Ct.	0	0	0	0	0
Greek 15 - 1402 Varsity Dr.	0	0	0	0	0
Greek 16 - 3501 Avent Ferry	0	0	0	0	0
DG - 2300 Greek Village Drive	0	0	0	0	0
KD - 2304 Greek Village Drive	0	0	0	0	0
SPE - 2308 Greek Village Drive	0	0	0	0	0
SN - 2312 Greek Village Drive	0	0	0	0	0
KAT - 2600 Stewardship Park	0	0	0	0	0
DZ - 2601 Stewardship Park	0	0	0	0	0
ZTA - 2604 Stewardship Park	0	0	0	0	0
LCA - 2605 Stewardship Park	0	0	0	0	0
SK - 2608 Stewardship Park	0	0	0	0	0
ADPI - 2612 Stewardship Park	0	0	0	0	0

# NC STATE UNIVERSITY

<b>2022 Statistics and Related Information Regarding Fires in Residential Facilities</b>					
Residential Facility	Number of Fires	Cause of Fire	Number of Injuries	Number of Deaths	Estimated Property Damage
Alexander Hall – 2700 Cates Avenue	0	0	0	0	0
Avent Ferry Residence Hall A/B – 2110 Avent Ferry Rd.	0	0	0	0	0
Avent Ferry Residence Hall D/E/F – 2112 Avent Ferry Rd.	0	0	0	0	0
Bagwell Hall – 2201 Dunn Ave.	0	0	0	0	0
Becton Hall – 2231 Dunn Ave.	0	0	0	0	0
Berry Hall – 2211 Dunn Ave.	0	0	0	0	0
Bowen Hall – 2821 Thurman Dr.	0	0	0	0	0
Bragaw Hall – 210 Dan Allen Dr.	0	0	0	0	0
Carroll Hall – 2801 Thurman Dr.	0	0	0	0	0
ES King Commons	0	0	0	0	0
ES King Village – Beaufort Hall – 3820 Jackson St.	0	0	0	0	0
ES King Village – Bertie Hall – 3840 Jackson St.	0	0	0	0	0
ES King Village - Bladen Hall – 3920 Jackson St.	0	0	0	0	0
ES King Village - Carteret Hall – 3830 Jackson St.	0	0	0	0	0
ES King Village - Chowan Hall – 2911 Ligon St.	0	0	0	0	0
ES King Village - Craven Hall – 3810 Jackson St.	0	0	0	0	0
ES King Village - Currituck Hall – 2921 Ligon St.	0	0	0	0	0
ES King Village - Edgecombe Hall – 3930 Jackson St.	0	0	0	0	0
ES King Village - Granville Hall – 3011 Ligon St.	0	0	0	0	0
ES King Village - Hyde Hall – 2931 Ligon St.	0	0	0	0	0
ES King Village - Johnston Hall – 3950 Jackson St.	0	0	0	0	0
ES King Village - New Hanover Hall – 3910 Jackson St.	0	0	0	0	0
ES King Village - Northampton Hall – 3001 Ligon St.	0	0	0	0	0
ES King Village - Onslow Hall – 2951 Ligon St.	0	0	0	0	0
ES King Village - Pasquotank Hall – 740 Gorman St.	0	0	0	0	0
ES King Village - Perquimans Hall – 720 Gorman St.	0	0	0	0	0
ES King Village - Tyrrell Hall – 2941 Ligon St.	0	0	0	0	0
Gold Hall – 70 Pullen Dr.	0	0	0	0	0
Lee Hall – 2530 Sullivan Dr.	0	0	0	0	0
Metcalf Hall – 2811 Thurman Dr.	0	0	0	0	0
North Hall – 2200 Hillsborough St.	0	0	0	0	0
Owen Hall – 2720 Cates Ave.	0	0	0	0	0
Sullivan Hall – 2921 Thurman Dr.	0	0	0	0	0
Syme Hall – 2210 Baver Dr.	0	0	0	0	0
Tucker Hall – 2800 Cates Ave.	0	0	0	0	0
Turlington Hall – 2710 Cates Ave.	0	0	0	0	0
Watauga Hall – 2200 Katharine Stinson Dr.	0	0	0	0	0
Welch Hall – 80 Pullen Dr.	0	0	0	0	0
Western Manor A/B/C – 1551 Lilley Ct.	0	0	0	0	0
Western Manor D/E/F – 1531 Lilley Ct.	0	0	0	0	0

# NC STATE UNIVERSITY

Alexander Hall – 2700 Cates Avenue	0	0	0	0	0
Avent Ferry Residence Hall A/B – 2110 Avent Ferry Rd.	0	0	0	0	0
Western Manor G/H – 1521 Lilley Ct.	0	0	0	0	0
Western Manor I/J – 1500 Lilley Ct.	0	0	0	0	0
Western Manor K – 1510 Lilley Ct.	0	0	0	0	0
Western Manor L – 1520 Lilley Ct.	0	0	0	0	0
Western Manor M – 1530 Lilley Ct.	0	0	0	0	0
Western Manor N/O – 1540 Lilley Ct.	0	0	0	0	0
Western Manor P/Q – 1550 Lilley Ct.	0	0	0	0	0
Wolf Ridge – Grove Hall – 371 Initiati v Way	0	0	0	0	0
Wolf Ridge – Innovation Hall – 381 Initiative Way	0	0	0	0	0
Wolf Ridge – Lakeview Hall – 1930 Entrepreneur Dr.	0	0	0	0	0
Wolf Ridge – Plaza Hall – 1940 Entrepreneur Dr.	0	0	0	0	0
Wolf Ridge – Tower Hall – 1900 Entrepreneur Dr.	0	0	0	0	0
Wolf Ridge – Valley Hall – 351 Initiative Way	0	0	0	0	0
Wolf Village – Arctic Hall – 2770 Wolf Village Way	0	0	0	0	0
Wolf Village – Baffin Hall – 2780 Wolf Village Way	0	0	0	0	0
Wolf Village – Caspian Hall – 2750 Wolf Village Way	0	0	0	0	0
Wolf Village – Gray Hall – 2730 Wolf Village Way	0	0	0	0	0
Wolf Village – Hudson Hall – 2760 Wolf Village Way	0	0	0	0	0
Wolf Village – Mackenzie Hall – 2710 Wolf Village Way	0	0	0	0	0
Wolf Village – Red Hall – 2740 Wolf Village Way	0	0	0	0	0
Wolf Village – Timber Hall – 2720 Wolf Village Way	0	0	0	0	0
Wood Hall A – 2521 Warren Carroll Dr	0	0	0	0	0
Wood Hall B – 2531 Warren Carroll Dr	0	0	0	0	0
Wood Hall C – 2541 Warren Carroll Dr	0	0	0	0	0
Greek 2 - 2601 Fraternity Ct.	0	0	0	0	0
Greek 3 - 2511 Fraternity Ct.	0	0	0	0	0
Greek 4 - 2501 Fraternity Ct.	0	0	0	0	0
Greek 15 - 1402 Varsity Dr.	0	0	0	0	0
Greek 16 - 3501 Avent Ferry	0	0	0	0	0
DG - 2300 Greek Village Drive	0	0	0	0	0
KD - 2304 Greek Village Drive	0	0	0	0	0
SPE - 2308 Greek Village Drive	0	0	0	0	0
SN - 2312 Greek Village Drive	0	0	0	0	0
KAT - 2600 Stewardship Park	0	0	0	0	0
DZ - 2601 Stewardship Park	0	0	0	0	0
ZTA - 2604 Stewardship Park	0	0	0	0	0
LCA - 2605 Stewardship Park	0	0	0	0	0
SK - 2608 Stewardship Park	0	0	0	0	0
ADPI - 2612 Stewardship Park	0	0	0	0	0

# NC STATE UNIVERSITY

## Fire Systems in University Residential Facilities

Fire Safety Systems in Residential Facilities						
Residential Facility	Sprinkler	Fire Alarm	Smoke Detection	Fire Extinguisher	Evacuation Plans & Placards	Number of Fire Drills
Alexander Hall – 2700 Cates Avenue	Yes	Yes	Yes	Yes	Yes	1
Avent Ferry Residence Hall A/B – 2110 Avent Ferry Rd.	Yes	Yes	Yes	Yes	Yes	2
Avent Ferry Residence Hall D/E/F – 2112 Avent Ferry Rd.	Yes	Yes	Yes	Yes	Yes	1
Bagwell Hall – 2201 Dunn Ave.	Yes	Yes	Yes	Yes	Yes	2
Becton Hall – 2231 Dunn Ave.	Yes	Yes	Yes	Yes	Yes	1
Berry Hall – 2211 Dunn Ave.	Yes	Yes	Yes	Yes	Yes	1
Bowen Hall – 2821 Thurman Dr.	Yes	Yes	Yes	Yes	Yes	1
Bragaw Hall – 210 Dan Allen Dr.	Yes	Yes	Yes	Yes	Yes	1
Carroll Hall – 2801 Thurman Dr.	Yes	Yes	Yes	Yes	Yes	1
ES King Village – Beaufort Hall – 3820 Jackson St.	Yes	Yes	Yes	Yes	Yes	1
ES King Village – Bertie Hall – 3840 Jackson St.	Yes	Yes	Yes	Yes	Yes	1
ES King Village - Bladen Hall – 3920 Jackson St.	Yes	Yes	Yes	Yes	Yes	1
ES King Village - Carteret Hall – 3830 Jackson St.	Yes	Yes	Yes	Yes	Yes	1
ES King Village - Chowan Hall – 2911 Ligon St.	Yes	Yes	Yes	Yes	Yes	1
ES King Village - Craven Hall – 3810 Jackson St.	Yes	Yes	Yes	Yes	Yes	1
ES King Village - Currituck Hall – 2921 Ligon St.	Yes	Yes	Yes	Yes	Yes	0
ES King Village - Edgemcombe Hall – 3930 Jackson St.	Yes	Yes	Yes	Yes	Yes	1
ES King Village - Granville Hall – 3011 Ligon St.	Yes	Yes	Yes	Yes	Yes	1
ES King Village - Hyde Hall – 2931 Ligon St.	Yes	Yes	Yes	Yes	Yes	1
ES King Village - Johnston Hall – 3950 Jackson St.	Yes	Yes	Yes	Yes	Yes	1
ES King Village - New Hanover Hall – 3910 Jackson St.	Yes	Yes	Yes	Yes	Yes	1
ES King Village - Northampton Hall – 3001 Ligon St.	Yes	Yes	Yes	Yes	Yes	1
ES King Village - Onslow Hall – 2951 Ligon St.	Yes	Yes	Yes	Yes	Yes	1
ES King Village - Pasquotank Hall – 740 Gorman St.	Yes	Yes	Yes	Yes	Yes	1
ES King Village - Perquimans Hall – 720 Gorman St.	Yes	Yes	Yes	Yes	Yes	1
Gold Hall – 70 Pullen Dr.	Yes	Yes	Yes	Yes	Yes	2
Lee Hall – 2530 Sullivan Dr.	Yes	Yes	Yes	Yes	Yes	1
Metcalf Hall – 2811 Thurman Dr.	Yes	Yes	Yes	Yes	Yes	1
North Hall – 2200 Hillsborough St.	Yes	Yes	Yes	Yes	Yes	1
Owen Hall – 2720 Cates Ave.	Yes	Yes	Yes	Yes	Yes	2
Sullivan Hall – 2921 Thurman Dr.	Yes	Yes	Yes	Yes	Yes	1
Syme Hall – 2210 Baver Dr.	Yes	Yes	Yes	Yes	Yes	1
Tucker Hall – 2800 Cates Ave.	Yes	Yes	Yes	Yes	Yes	1
Turlington Hall – 2710 Cates Ave.	Yes	Yes	Yes	Yes	Yes	1
Watauga Hall – 2200 Katharine Stinson Dr.	Yes	Yes	Yes	Yes	Yes	1
Welch Hall – 80 Pullen Dr.	Yes	Yes	Yes	Yes	Yes	1
Western Manor A/B/C – 1551 Lilley Ct.	Yes	Yes	Yes	Yes	Yes	1
Western Manor D/E/F – 1531 Lilley Ct.	Yes	Yes	Yes	Yes	Yes	1

# NC STATE UNIVERSITY

Western Manor G/H – 1521 Lilley Ct.	Yes	Yes	Yes	Yes	Yes	1
Western Manor I/J – 1500 Lilley Ct.	Yes	Yes	Yes	Yes	Yes	1
Western Manor K – 1510 Lilley Ct.	Yes	Yes	Yes	Yes	Yes	1
Western Manor L – 1520 Lilley Ct.	Yes	Yes	Yes	Yes	Yes	1
Western Manor M – 1530 Lilley Ct.	Yes	Yes	Yes	Yes	Yes	1
Western Manor N/O – 1540 Lilley Ct.	Yes	Yes	Yes	Yes	Yes	2
Western Manor P/Q – 1550 Lilley Ct.	Yes	Yes	Yes	Yes	Yes	1
Wolf Ridge – Grove Hall – 371 Initiative Way	Yes	Yes	Yes	Yes	Yes	1
Wolf Ridge – Innovation Hall – 381 Initiative Way	Yes	Yes	Yes	Yes	Yes	1
Wolf Ridge – Lakeview Hall – 1930 Entrepreneur Dr.	Yes	Yes	Yes	Yes	Yes	1
Wolf Ridge – Plaza Hall – 1940 Entrepreneur Dr.	Yes	Yes	Yes	Yes	Yes	2
Wolf Ridge – Tower Hall – 1900 Entrepreneur Dr.	Yes	Yes	Yes	Yes	Yes	1
Wolf Ridge – Valley Hall – 351 Initiative Way	Yes	Yes	Yes	Yes	Yes	1
Wolf Village – Arctic Hall – 2770 Wolf Village Way	Yes	Yes	Yes	Yes	Yes	1
Wolf Village – Baffin Hall – 2780 Wolf Village Way	Yes	Yes	Yes	Yes	Yes	1
Wolf Village – Caspian Hall – 2750 Wolf Village Way	Yes	Yes	Yes	Yes	Yes	2
Wolf Village – Gray Hall – 2730 Wolf Village Way	Yes	Yes	Yes	Yes	Yes	1
Wolf Village – Hudson Hall – 2760 Wolf Village Way	Yes	Yes	Yes	Yes	Yes	1
Wolf Village – Mckenzie Hall – 2710 Wolf Village Way	Yes	Yes	Yes	Yes	Yes	1
Wolf Village – Red Hall – 2740 Wolf Village Way	Yes	Yes	Yes	Yes	Yes	1
Wolf Village – Timber Hall – 2720 Wolf Village Way	Yes	Yes	Yes	Yes	Yes	1
Wood Hall A – 2521 Warren Carroll Dr.	Yes	Yes	Yes	Yes	Yes	2
Wood Hall B – 2531 Warren Carroll Dr.	Yes	Yes	Yes	Yes	Yes	1
Wood Hall C – 2541 Warren Carroll Dr.	Yes	Yes	Yes	Yes	Yes	0
Greek 2 - 2601 Fraternity Ct.	Yes	Yes	Yes	Yes	Yes	1
Greek 3 - 2511 Fraternity Ct.	Yes	Yes	Yes	Yes	Yes	1
Greek 4 - 2501 Fraternity Ct.	Yes	Yes	Yes	Yes	Yes	1
Greek 15 - 1402 Varsity Dr.	Yes	Yes	Yes	Yes	Yes	1
Greek 16 - 3501 Avent Ferry Road	Yes	Yes	Yes	Yes	Yes	1
DG - 2300 Greek Village Drive	Yes	Yes	Yes	Yes	Yes	1
KD - 2304 Greek Village Drive	Yes	Yes	Yes	Yes	Yes	1
SPE - 2308 Greek Village Drive	Yes	Yes	Yes	Yes	Yes	1
SN - 2312 Greek Village Drive	Yes	Yes	Yes	Yes	Yes	1
KAT - 2600 Stewardship Park	Yes	Yes	Yes	Yes	Yes	1
DZ - 2601 Stewardship Park	Yes	Yes	Yes	Yes	Yes	1
ZTA - 2604 Stewardship Park	Yes	Yes	Yes	Yes	Yes	1
LCA - 2605 Stewardship Park	Yes	Yes	Yes	Yes	Yes	1
SK - 2608 Stewardship Park	Yes	Yes	Yes	Yes	Yes	1
ADPI - 2612 Stewardship Park	Yes	Yes	Yes	Yes	Yes	1

## Number of Emergency Residential Evacuation Drills

NC State conducts a minimum of four emergency evacuation drills in all University residential buildings annually. The university evaluates the following areas on drills based on the 2018 North Carolina Fire Code, Section 405, Emergency Evacuation Drills and Table 405.2, Group R – 2d:

**405.5 Record Keeping.** Records shall be maintained of required emergency evacuation drills and include the following information:

- Identity of the person conducting the drill
- Date and time of the drill
- Notification method used
- Employees on duty and participating
- Number of occupants evacuated
- Special conditions simulated
- Problems encountered
- Weather conditions when occupants were evacuated
- Time required to accomplish a complete evacuation

## Fire and Life Safety Education

A fire in a University building can endanger lives and destroy property. Every member of the NC State community is responsible for preventing and properly handling common fire hazards, and for familiarity with the university's Fire and Life Safety Education Program.

The purpose of this program is to promote the safety of the university community, prevent damage to University property, and to comply with other recognized standards.

## Training Programs

Prevention is the most effective tool against fires on campus. The university community should be aware of common fire hazards in their respective places of work and residence. The leading fire hazards in University buildings include smoking materials, open flames, combustible decorations, flammable liquids, furniture, and trash. In pursuit of effective fire prevention and education, Fire and Life Safety offers training classes for all employees and students. These classes cover basic fire behavior, fire extinguisher use, evacuation procedures, and disability assistance. These classes include powerpoint presentations as well as hands-on training in all fields. The classes are offered before the start of the academic year to new employees, as well as University Housing student and professional staff in Residence Life. Training is also offered to other employees and students via REPORTER.

Fire and Life Safety Education brochures and informational materials include the following:

# NC STATE UNIVERSITY

NC STATE



## EMERGENCY PROCEDURES

wolfalert.ncsu.edu | @ncstate | @ncstateemmc

<p><b>FIRE</b></p>	<p><b>NATURAL GAS LEAK</b></p>	<p><b>MEDICAL EMERGENCY</b></p>
<ul style="list-style-type: none"> <li>• Pull fire alarm. Call 911.</li> <li>• Use an extinguisher if the fire is small.</li> <li>• Proceed to nearest exit using stairs, not elevators. Close doors and windows.</li> <li>• Meet at evacuation assembly areas.</li> <li>• DO NOT re-enter the building until directed by emergency personnel.</li> <li>• <b>IF YOU CANNOT EVACUATE:</b> Use stairwells as refuge areas and stay low.</li> </ul>	<ul style="list-style-type: none"> <li>• Stop what you are doing immediately, do not use cell phone or other electronic equipment.</li> <li>• Evacuate the building/area, move at least 300 feet away.</li> <li>• Call 911 to inform University Police.</li> </ul>	<ul style="list-style-type: none"> <li>• Call 911 and ask for <b>medical assistance</b>. Provide your name and location on campus, including building and room number.</li> <li>• Call 911 to inform University Police.</li> <li>• If trained, administer CPR or first aid.</li> <li>• If not trained, direct first responders to the incident location.</li> </ul>
<p><b>HAZARDOUS MATERIALS</b></p>	<p><b>BUILDING FLOOD</b></p>	<p><b>POWER OUTAGE</b></p>
<p><b>SUSPICIOUS PERSON/OBJECT</b></p>	<p><b>PERSONAL SECURITY</b></p>	<p><b>THREAT OF VIOLENCE</b></p>
<p><b>EMERGENCY INFORMATION UPDATES</b></p> <p>ncsu.edu   88.1 WKNC</p> <p>Adverse Condition Hot-line 919-515-8888</p> <p>go.ncsu.edu/wolfalert</p>	<p><b>911</b></p> <p><b>FIRE POLICE MEDICAL</b></p> <p>University Police 919-515-3000</p>	

Emergency Flip Chart   WolfAlert   Medical/AED/First Aid   Weather / Adverse Conditions   **Fire / Life Safety**   Disabilities

Hazardous Material   Utility Failure   Active Shooter   Emergency Preparedness   Transportation   Suspicious Person

## Fire/Life Safety

In the event of a fire or hazardous materials emergency on campus, it is necessary and safest for occupants to evacuate. **University policy is total evacuation.**

If the fire is very small and you know how to use a fire extinguisher safely, you may attempt to put out the fire. Be sure you have the right fire extinguisher for the type of fire you are attempting to fight. Fire extinguisher use in work locations should be operated by trained personnel only.

**A building evacuation should occur whenever**

- A building fire evacuation alarm is sounding
- An uncontrolled fire or imminent fire hazard occurs in any building or area of campus
- Presence of smoke or the odor of burning
- Uncontained release of hazardous gas

**Building Evacuation Action Guidelines - RACE**

**Rescue**

- Assist individuals with disabilities and others if it is safe

**Alert**

- Inform the people around you there is a fire
- Activate the nearest fire alarm pull station and call 911 from a safe location

**Confine**

- Close doors behind you to inhibit the fire from spreading

**Evacuate**

- Leave the building immediately via the nearest exit when instructed
- If smoke is present, stay low and crawl to the nearest exit
- Do not use elevators
- Do not re-enter the building until authorized by emergency responders

**Fire extinguisher instructions:**

- P** PULL safety pin from handle
- A** AIM at the base of the fire
- S** SQUEEZE the trigger handle
- S** SWEEP from side to side



**Fire/Life Safety**

## **Fire Safety Improvements**

Depending on the availability of funds, NC State's Fire and Life Safety Office plans to develop safety online training videos and tutorials. These videos and tutorials would include demonstrations of the university's emergency evacuation procedures, including how to respond in the event of encountering smoke, how to prevent kitchen fires when cooking, as well videos showing the proper use of fire extinguishers.

### **Evacuation Video link:**

<https://drive.google.com/file/d/1VAS9ckyyM5EWUU3qvvtndrUzIkAgf6Ar/view?usp=sharing>

## APPENDIX G

Last Revised: August 11, 2020. Effective August 14, 2020. This Appendix G applies to matters initiated on or after the Effective Date.

In order to comply with Title IX of the Higher Education Amendments of 1972 (20 U.S.C. § 1681 *et seq.* (“Title IX”)) and the Violence Against Women Reauthorization Act of 2013, reports of conduct involving alleged violations of sections 10.14 (Relationship or Interpersonal Violence, including Dating Violence, Domestic Violence and Stalking) or 10.15 (Sexual Misconduct) of the Code are subject to specialized and/or additional processes and procedures. These processes and procedures are designed to provide a prompt and equitable resolution for both the Complainant and Respondent.

### Procedures Governing Matters Involving Interpersonal Violence and Sexual Misconduct

#### **1. Introduction**

In order to comply with Title IX of the Higher Education Amendments of 1972 (20 U.S.C. § 1681 *et seq.* (“Title IX”)) and the Violence Against Women Reauthorization Act of 2013, and other laws, regulations or University policies, reports of conduct involving alleged violations of sections 10.14 (“Interpersonal Violence”) and 10.15 (“Sexual Misconduct”) of the Code are subject to specialized and/or additional processes and procedures, which are described as follows:

#### **2. Additional Definition(s)**

2.1 “Advisor” means an individual who accompanies a Respondent or Complainant to any interview, meeting, hearing, or proceeding and participates in the complaint resolution process for cases involving allegations of Interpersonal Violence and/or Sexual Misconduct. Parties are allowed to have, at their own expense, an Advisor of their choice, who may be, but is not required to be, an Attorney. After the final investigative report is prepared and the University and parties are preparing for a hearing, if a party has not yet secured an Advisor of their choice, the University will provide an Advisor to the party. The role of an Advisor is more fully explained in section 9.3 of REG 04.25.08 Title IX Sexual Harassment Complaint Resolution Procedures and section 3.5 of this Appendix.

2.2 “Student” for the purposes of alleged violations of Section 10.15(a) of the Code means an individual who participates in a University Program or Activity and over whom NC State exercises substantial control.

#### **3. General Provisions**

3.1 **Reporting and Investigations.** Reports of Interpersonal Violence or Sexual Misconduct should be submitted to the Title IX Coordinator or the Office for Institutional Equity and Diversity (“OIED”) in accordance with REG 04.25.08 (Title IX Sexual Harassment Procedures) or REG 04.25.02 (Discrimination, Harassment or Retaliation Procedures) for review and initiation of supportive measures. The procedures describing reporting, filing a Formal Complaint, the provision of supportive measures, the investigation process, and optional informal resolution procedures are described in REG 04.25.08 (Title IX Sexual Harassment Procedures) and REG 04.25.02 (Discrimination, Harassment or Retaliation Procedures).

3.2 **Criminal Investigations and Charges.** A person reporting the conduct also has the right to file a criminal complaint with University Police or other appropriate law enforcement authority. The processing of a report pursuant to the Student Discipline Procedures is independent of any criminal investigation. In

cases involving potential criminal conduct where the affected person has not pressed criminal charges, the University will determine, consistent with federal and state law, whether appropriate law enforcement should be notified. The constitutional prohibition against double jeopardy in criminal cases does not apply to Student disciplinary proceedings. The university may impose disciplinary sanctions even where there has been a criminal proceeding disposing of the same matter. Accordingly, the university may pursue charges for a violation of the Code where corresponding criminal charges have been reduced, declined, or dismissed.

3.3 The university encourages its community to report misconduct. Sometimes, Complainants and witnesses are hesitant to report misconduct or to participate in a conduct process because they fear that they may be in violation of certain policies, such as the improper use of alcohol or drugs at the time of the incident. Respondents may also hesitate to be forthcoming during the process for the same reasons. It is in the best interests of the university community that parties and witnesses report misconduct and are truthful and forthcoming during the process. Therefore, it is not the practice of the university to pursue disciplinary action against a party or witness for a Minor violation of the university's drug or alcohol expectations, provided that such Student is acting in good faith in reporting and participating in any conduct process related to Interpersonal Violence or Sexual Misconduct. For more serious violations, the university retains the discretion to address the conduct and safeguard the campus.

#### 3.4 Advisors.

(a) Throughout the Interpersonal Violence and Sexual Harassment complaint resolution process, including through the investigation, informal resolution, hearing, and appeal processes, parties are allowed to have, at their own expense, an Advisor of their choice, who may be, but is not required to be, an Attorney or Non-Attorney Advocate.

(b) If a Complainant or Respondent has not engaged an Advisor of their choice to assist them, once the matter is referred from OIED to the Office of Student Conduct, at no expense to the Complainant or Respondent, the Office of Student Conduct will appoint (and require) an Advisor to assist the party for matters relating to alleged violations of Title IX Sexual Harassment (section 10.15(a) of the Code) up to and through any hearing and will also make available (but not require) an Advisor for matters relating to alleged violations of sections 10.14 and 10.15(b) and 10.15(c) up to and through the hearing.

(c) The role of an Advisor during the Conduct Process is as follows:

- (i) The role of an Advisor is to assist and to advise the party.
- (ii) Each party may be accompanied by their Advisor to any meeting, hearing, or proceeding they have during the conduct process.
- (iii) The party's Advisor may inspect and review any evidence directly related to the allegations raised in the charge and formal complaint and any investigative report prepared.
- (iv) At a hearing, each party's Advisor is permitted to ask the other party and any witnesses relevant questions using the applicable protocol described in sections 5.14 and 5.15 below.
- (v) If the Advisor is an Attorney/Non-Attorney Advocate pursuant to N.C.G.S. section 116-40.11, the Advisor may fully participate during any disciplinary procedure relating to the alleged violation.
- (vi) Each party will be provided with information concerning hearing procedures at least ten (10) days in advance of a hearing. These procedures will outline expectations for conduct of a party and that party's Advisor during the hearing, including but not limited to, expectations with regard to confidentiality, decorum, prohibitions on interruptions of testimony, the procedure for

conferring with a party and/or Advisor and/or requesting a break, and/or order of presentation of evidence. The University reserves the right to remove an Advisor and/or party from a hearing should they fail to abide by the hearing procedures.

(d) The University will not intentionally schedule meetings or hearings on dates where the Advisor for a party is not available, provided that the party's Advisor acts reasonably in providing available dates and works collegially to find dates and times that meet all schedules. To resolve these issues in a reasonably prompt manner, the University cannot agree to extensive delays solely to accommodate the schedule of an Advisor. The determination of what is reasonable shall be made by the Office of Student Conduct. The University will not be obligated to delay a meeting or hearing under this process more than five (5) days due to the unavailability of an Advisor, and may offer the party the opportunity to obtain a different Advisor or use one provided by the University.

(e) Parties being represented by a non-University Advisor (including an Attorney or Non-Attorney Advocate) in the conduct process may be required to complete and submit a signed FERPA release consenting to the Advisor receiving information and documents regarding the issues at hearing.

(f) At least three (3) calendar days prior to the hearing or prior to the Advisor participating in any meeting relating to the conduct process, the Advisor must submit a certification verifying that the Advisor has read and understood the Code, the Procedures and applicable appendices, as well as Section 700.4.1 of the UNC Policy Manual. Advisors must also sign a confidentiality agreement, agreeing to uphold the confidentiality of the proceedings.

### **3.5 Emergency Removal.**

(a) At any point following the filing of a report of an alleged violation of section 10.15(a) of the Code, the university may remove a Respondent from its Education Program or Activities on an emergency basis when an individualized safety and risk analysis has determined that there is an immediate threat to the physical health or safety of any individual arising from the allegations of Title IX Sexual Harassment. The Director of Student Conduct, in consultation with the Behavioral Assessment Team, will perform the analysis using the team's violence risk assessment procedures.

(b) In cases in which an emergency removal is imposed, the Office of Student Conduct will provide Respondent with notice and an opportunity to challenge the decision immediately following the removal in an informal hearing. Students wishing to challenge the removal must notify the Office of Student Conduct within five (5) days from the effective date of the emergency removal. The Office of Student Conduct will as soon as practicable set a hearing date for the challenge to the emergency removal and provide the Respondent with the time, date, and location of the informal hearing at least two (2) University business days in advance. The notice period may be waived in writing by the Respondent.

(c) The hearing will be before the Vice Chancellor and Dean of Academic and Student Affairs. The purpose of the hearing is to determine whether the emergency removal is appropriate. The Respondent may be accompanied by an Advisor of their choice, which may be an Attorney or Non-Attorney Advocate. The Complainant and their Advisor will also be permitted to participate in the hearing. The University will provide the Complainant and Respondent with access to a written summary of the basis for the emergency removal prior to the hearing to allow for adequate preparation.

(d) The Vice Chancellor and Dean of Academic and Student Affairs has discretion to implement or stay an emergency removal and to determine the conditions and duration. A written decision shall be rendered

by the Vice Chancellor and Dean of Academic and Student Affairs within five (5) University business days after the completion of the informal hearing. The written decision will contain a statement of reasons for any determination. Complainant(s) shall simultaneously receive a copy of the written decision.

(e) There is no appeal process for emergency removal decisions.

3.6 **Interim Suspension.** At any point following the filing of a report of an alleged violation of section 10.14, 10.15(b), or 10.15(c) of the Code, the Office of Student Conduct may determine that an interim suspension may be necessary to separate a Student from the campus community who may pose a serious risk of danger to, disruption or interference with another member(s) of the university community. The procedures describing the interim suspension process are described in Appendix F.

3.7 **No Retaliation.** Parties and witnesses participating in the case shall be free from retaliation (including threats, harassment, discrimination, intimidation or coercion) because they either reported conduct alleging a violation of 10.14 or 10.15, filed a formal complaint alleging a violation of 10.14 or 10.15 of the Code, or participated as witness or party in an investigation, proceeding, or hearing or requested a reasonable accommodation relating to such allegations.

## **APPENDIX G Applying to reports initiated before August 14, 2020**

### **Relationship or Interpersonal Violence and Sexual Misconduct**

In order to comply with Title IX of the Higher Education Amendments of 1972 (20 U.S.C. § 1681 *et seq.* (“Title IX”)) and the Violence Against Women Reauthorization Act of 2013, reports of conduct involving alleged violations of sections 10.14 (Relationship or Interpersonal Violence, including Dating Violence, Domestic Violence and Stalking) or 10.15 (Sexual Misconduct) of the Code are subject to specialized and/or additional processes and procedures. These processes and procedures are designed to provide a prompt and equitable resolution for both the Complainant and Respondent.

### **General Provisions for Processing Reports of Relationship or Interpersonal Violence or Sexual Misconduct.**

1. Reports of misconduct involving allegations of Relationship or Interpersonal Violence or Sexual Misconduct pursuant to sections 10.14 or 10.15 of the Code (“reports”) may be filed directly with the Office for Institutional Equity and Diversity (“OIED”), the Office of Student Conduct, or University Police. Upon receiving notification of allegations, the receiving office shall immediately notify the other offices of the report to ensure Clery and Title IX obligations are met. The office who first interacts with the Complainant and/or Respondent shall provide them with resources and notification of their rights.
2. Reports will be reviewed by OIED to determine whether the alleged actions warrant a Title IX investigation and/or whether a Complainant’s request for confidentiality can be maintained. If the Complainant wishes to remain anonymous, OIED will assess whether a request for confidentiality should be maintained under Title IX and inform the Complainant. This assessment will be consistent with REG 04.25.02 – Discrimination, Harassment and Retaliation Complaint Procedure. If the report does not fall within Title IX, OIED will inform the Office of Student Conduct, which will then promptly, thoroughly and impartially investigate and resolve the matter consistent with the Student Discipline Procedures (REG 11.35.02).
3. A Complainant has the right to file a criminal complaint with University Police or other appropriate law enforcement authority. The processing of a report pursuant to the Student Discipline Procedures is independent of any criminal investigation. The University will not wait until the conclusion of a criminal investigation or criminal proceeding to investigate a report of Relationship or Interpersonal Violence or Sexual Misconduct and, if needed, will take interim action to protect the Complainant within the educational setting. In cases involving potential criminal conduct where the Complainant has not pressed criminal charges, the University will determine, consistent with federal and state law, whether appropriate law enforcement should be notified.
4. If the report falls within Title IX, OIED will conduct a review and investigation using its standard operating procedures for Title IX investigations. The OIED investigator will prepare a draft report which summarizes the information gathered and outlines the contested and uncontested facts, but does not include an analysis of the facts. OIED will provide the draft report to the Complainant and Respondent to review and provide the parties with an opportunity to submit additional comments or information to the investigator for consideration. The OIED investigator will then review any additional information submitted and finalize the report, including an analysis of the facts presented. The OIED investigator will provide a draft report to OIED’s Title IX Coordinator or Deputy Coordinator for review of the Title IX components and compliance, including whether the alleged conduct could be considered Sexual Harassment, as defined in NCSU POL 04.25.05. OIED will then create a final report.

5. Upon completion of the investigation and final report, OIED will provide the report to the Office of Student Conduct. The report will be treated as confidential, to the extent allowable under applicable law. An Office of Student Conduct representative will determine whether information presented supports a charge under the Code relating to Relationship or Interpersonal Violence, including Dating Violence, Domestic Violence and Stalking, Sexual Misconduct, or any other provision of the Code. If no charge is brought, the matter will be closed and the Office of Student Conduct will notify the Complainant and Respondent and inform them of their rights.
6. If Code charges are brought against the Respondent, the Office of Student Conduct representative will notify the Complainant and Respondent of their rights under the Code and this Regulation.
7. At any point following the filing of a report of Relationship or Interpersonal Violence or Sexual Misconduct the university may take interim action to separate the Respondent and the Complainant. Such interim actions include, but are not limited to: issuing a “no contact” order, altering the student(s)’ academic schedule, changing University housing assignment, etc. In considering interim actions, the Director in consultation with the Title IX Coordinator will seek to minimize unnecessary or unreasonable burdens on either party, but will make reasonable efforts to take into account the wishes of the Complainant with respect to interim actions. In cases where the Director determines that the interim action should be the extraordinary intervention of suspension, the procedure in Appendix F will be followed.
8. If a Complainant requests that their report remain confidential, he or she will be notified that the university may still be obligated to investigate and take reasonable steps in response to the report (though any response may be limited by the Complainant’s request to keep the report confidential). Even when disciplinary action cannot be imposed against a Respondent because the Complainant insists on confidentiality, the university may still implement interim action(s) to separate the Respondent and Complainant.
9. It is a separate violation of sections 10.14 or 10.15 of the Code for any Student, Student Group or Student Organization to retaliate against any person making a report of Interpersonal or Relationship Violence or Sexual Misconduct, or against any person participating in the investigation procedure involving these reports. Retaliation includes threats, harassment, intimidation, and/or coercion and should be reported promptly to the Office of Student Conduct.
10. It is not the practice of the university to pursue disciplinary action against a Complainant or witness for their improper use of alcohol or drugs provided that such student is acting in good faith as a Complainant or witness to the alleged Interpersonal or Relationship Violence or Sexual Misconduct.

## Hearing Procedures

1. The procedures for an Administrative Hearing (Appendix D) will be followed except with the following adjustments as noted below.
2. Both the Complainant and Respondent may have a single Observer, in accordance with section 6.3 of the Student Discipline Procedures (REG 11.35.02, as support present during the hearing. An Observer may not serve as a witness in the hearing.
3. Both the Respondent and Complainant may be represented by an Attorney/Non-Attorney Advocate in accordance with sections 3.1.10, 3.2.11 and 6 of the Procedures.
4. An Office of Student Conduct Hearing Officer will facilitate the Administrative Hearing. A University Representative (typically a person from Student Conduct) will present the information supporting the charges and a summary of the Respondent’s position. The Complainant and

Respondent will be provided the opportunity to present their case. The OIED investigator for the case and/or University Police may be witnesses and may provide witness testimony as allowed regarding their investigatory fact findings.

5. Where the Respondent is found to be “responsible,” for the charges, the Complainant may present an impact statement (either verbally or in writing) prior to sanctioning. The impact statement may include a request for a specific sanction, though the Hearing Officer is not bound by such request. The Respondent will be allowed to respond to the impact statement.
6. At the same time that the Respondent is provided with the final written decision, including findings of fact and sanction(s), a copy of the final written decision and sanction(s) shall be provided to the Complainant. The Office of Student Conduct shall consult with OIED throughout this process as needed and inform OIED of the final outcome.
7. A Complainant or Respondent may file an appeal as provided in pursuant to section 7 of the Procedures. The time limit for filing an appeal begins upon delivery or attempted delivery of the written notification of the final decision to the Complainant or Respondent.

## Office for Civil Right Blog Post Regarding the Title IX Rule Effective Date Office for Civil Rights Blog - 20200803

### THE TITLE IX RULE IS EFFECTIVE ON AUGUST 14, 2020, AND IS NOT RETROACTIVE

August 5, 2020



As schools plan and prepare for implementation of the new Title IX Rule, which is effective on August 14, 2020, the Office for Civil Rights (OCR) has received a number of questions regarding whether the Title IX Rule applies retroactively. It does not. OCR will enforce the new Title IX Rule only when it becomes effective, and will enforce the new Rule prospectively. OCR provides further technical assistance information below to assist schools in preparing to comply with the new Title IX Rule. Citations are to the unofficial version of the Rule, which is available here.

In the Preamble to the Rule at page 127, the Department states unambiguously that the Department will not enforce these final regulations retroactively. The Department also notes, in footnote 290 of the Rule, the general principle that:

Federal agencies authorized by statute to promulgate rules may only create rules with retroactive effect where the authorizing statute has expressly granted such authority. See 5 U.S.C. 551 (referring to a "rule" as agency action with "future effects" in the Administrative Procedure Act); *Bowen v. Georgetown Univ. Hosp.*, 488 U.S. 204, 208 (1988) ("Retroactivity is not favored in the law. Thus, congressional enactments and administrative rules will not be construed to have retroactive effect unless their language requires this result.").

Consistent with the Department's statements in the preamble to the Title IX Rule regarding non-retroactivity, the Rule does not apply to schools' responses to sexual harassment that allegedly occurred prior to August 14, 2020. The Department will only enforce the Rule as to sexual harassment that allegedly occurred on or after August 14, 2020.

With respect to sexual harassment that allegedly occurred prior to August 14, 2020, OCR will judge the school's Title IX compliance against the Title IX statute and the Title IX regulations in place at the time that the alleged sexual harassment occurred. In other words, the Rule governs how schools must respond to sexual harassment that allegedly occurs on or after August 14, 2020.

OCR's Center for Outreach, Prevention, Education, and Nondiscrimination ("OPEN Center") will continue to provide updates regarding technical assistance and other important information as needed on the OCR blog. If you have questions or require technical assistance, please contact [T9questions@ed.gov](mailto:T9questions@ed.gov).

# NC STATE UNIVERSITY

## NC STATE UNIVERSITY Policies, Regulations and Rules

Authority	<b>Chancellor</b>
Title	<b>Discrimination, Harassment and Retaliation Complaint Procedures</b>
Classification	<b>REG04.25.02</b>
PRR Subject	<b>Non-Discrimination</b>
Contact Info	<b>Vice Provost for Institutional Equity and Diversity (919-515-4559)</b>

**History:** First Issued: August 30, 1999. Last Revised: August 11, 2020, with an Effective Date of August 14, 2020.

**Related Policies:**

- [NCSU POL04.25.05 – Equal Opportunity and Non-Discrimination and Affirmative Action Policy](#)
- [NCSU POL05.25.01 – Faculty Grievance and Non-Reappointment Review Policy](#)
- [NCSU POL11.35.01 - Code of Student Conduct](#)
- [NCSU POL 04.25.07 - Title IX Sexual Harassment Policy](#)
- [NCSU POL05.25.03 -- Review and Appeal Processes for EHRA Non-Faculty Employees](#)
- [NCSU REG11.35.02 -- Student Discipline Procedures](#)
- [NCSU REG11.35.04 – Written Student Complaint](#)
- [NCSU REG04.25.06 - Discrimination and Harassment Prevention and Response Training](#)
- [UNC System SHRA Employee Grievance Policy](#)

## 1. INTRODUCTION

This regulation serves as a companion to NCSU POL 04.25.05 (Equal Opportunity, Non-Discrimination and Affirmative Action Policy) to outline the specific procedures relating to the Discrimination, Harassment, and Retaliation complaint resolution processes at North Carolina State University (NC State or the university). Allegations of sexual harassment as defined under Title IX are addressed in the Title IX Sexual Harassment Policy (NCSU POL 04.25.07).

## 2. DEFINITIONS

2.1 “*Complainant*” means a person to whom the alleged Discrimination, Harassment, or Retaliation was directed.

- 2.2 “Complaint Resolution Process” means NC State’s procedures for resolving Reports of Discrimination, Harassment, or Retaliation and includes the filing of a Report, preliminary review of the Report, investigation, and appeals, if any.
- 2.3 “Consent” means an affirmative decision to engage in an activity given by clear action or words. It is an informed decision made freely, willingly, and actively by all parties. Behavior will be considered “without consent” if no clear consent, verbal or nonverbal, is given. Consent cannot be procured by physical force, threats, intimidating behavior, or coercion. A person cannot give consent if they are incapacitated as a result of alcohol or drug consumption (voluntary or otherwise), unconscious, unaware or asleep during the act, under the legal age to provide consent, or otherwise lack the capacity to consent. In determining whether a person is incapacitated, the analysis must include whether the Respondent knew or should reasonably have known that the person was incapacitated. Neither silence nor a lack of protest or resistance is a valid form of consent. Consent can be revoked or withdrawn at any time, even during a sexual act. If consent is withdrawn, the act is no longer consensual.
- 2.4 Day” means calendar days. If the day to take an action lands on a Saturday, Sunday, or day that the University is closed (such as a holiday), the deadline shall fall on the next business day.
- 2.5 “Discrimination, Harassment, or Retaliation” is defined in NC State POL 04.25.05, Equal Opportunity, Non-Discrimination and Affirmative Action Policy.
- 2.6 “Office for Institutional Equity and Diversity” or “OIED” is the office on campus responsible for investigating allegations of Discrimination, Harassment, or Retaliation. The OIED is located at 231 Winslow Hall, 40 Pullen Drive, Raleigh NC 27607 and has a mailing address of Campus Box 7530, NC State University, Raleigh, NC 27695-7530.
- 2.7 “Parties” is a collective term used to describe both Complainant(s) and Respondent(s) named in a Formal Complaint of Discrimination, Harassment, or Retaliation. “Party” is an individual term used to describe either a Complainant or Respondent named in a Report of Discrimination, Harassment, or Retaliation.
- 2.8 “Report” means a disclosure of information to the OIED that includes allegations that may be covered by the Equal Opportunity, Non-Discrimination and Affirmative Action Policy. An EEO Informal Inquiry submitted by an employee covered by the State Human Resources Act (SHRA) (see section 5.1.3) will be treated as a Report.
- 2.9 “Respondent” means a person who has been reported to have engaged in conduct that could constitute Discrimination, Harassment, or Retaliation.
- 2.10 “University Grievance Procedure” For purposes of this regulation, “university grievance procedure” includes NCSU POL 05.25.01 (Faculty Grievance and Non-Reappointment Review Policy) and NCSU POL 05.25.03 (Review and Appeal Processes for EHRA Non-Faculty Employees). See section 5.1.5 relating to the [SHRA Employee Grievance Policy](#).

### **3. UNIVERSITY'S RESPONSE TO DISCRIMINATION, HARASSMENT, OR RETALIATION**

3.1 When a Report is filed, NC State will follow its Discrimination, Harassment, or Retaliation Complaint Resolution Process and procedures, which are described in this regulation, and will:

- a. treat Complainants and Respondents equitably;
- b. presume that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Discrimination, Harassment, or Retaliation Complaint Resolution Process;
- c. use the preponderance of evidence ("more likely than not") standard to determine whether there is a violation of NCSU POL 04.25.05 (Equal Opportunity, Non-Discrimination and Affirmative Action Policy);
- d. provide an objective evaluation of relevant evidence and not base any credibility decisions on a person's status as a Complainant or Respondent;
- e. not consider the Complainant's past sexual history in determining whether a sexual harassment policy violation occurred.

3.2 The university may investigate allegations of Discrimination, Harassment or Retaliation that are likely to have a substantial adverse effect on, or pose a risk of harm to, NC State or any member of the University community even when, for example:

- a. an individual shares a concern involving possible Discrimination, Harassment, or Retaliation, but does not wish to file a Report;
- b. an individual reports a concern involving possible Discrimination, Harassment, or Retaliation and asks that either their identity or the information provided be kept confidential; or
- c. an individual anonymously reports possible discrimination, harassment, or retaliation and the report includes sufficient specificity to allow the university to investigate the report.

### **4. CONFIDENTIALITY**

4.1 Allegations of Discrimination, Harassment, or Retaliation will be handled in a manner that balances an individual's preferences regarding confidentiality with the university's legal obligations. Complete confidentiality cannot be guaranteed, and information about Discrimination, Harassment and Retaliation allegations may be shared with others when the university determines such sharing is necessary to investigate or address the prohibited conduct or to prevent its recurrence. If an individual requests complete confidentiality and/or asks that the university not investigate or seek action against a Respondent, such request may limit the university's ability to respond fully to the complaint, including pursuing any disciplinary action against the Respondent. The university ultimately determines whether it can honor such a request while providing a safe

and nondiscriminatory environment for the university community. Such determination shall be made by the OIED, in consultation with other campus units as needed.

4.2 Individuals bringing forth allegations who request complete confidentiality are strongly encouraged to consult with individuals, who by law are designated as confidential resources, such as mental health counselors, physicians, clergy or private attorneys.

4.3 In an effort to protect privacy as well as the integrity of the Complaint Resolution Process, Complainants, Respondents, witnesses and any other individuals who may have information about a Report are expected to maintain confidentiality to the extent permitted by law.

## 5. FILING OF A DISCRIMINATION, HARASSMENT, OR RETALIATION REPORT

### 5.1 Filing a Report.

5.1.1 Any person may make a Report at any time, including during non-business hours, regarding Discrimination, Harassment, or Retaliation (whether or not the person reporting is the person impacted by the alleged conduct) through any of the following means:

- a. In person by speaking to the Vice Provost for Institutional Equity and Diversity, or to any of the EOE investigators (whose offices are located in the OIED);
- b. By delivering, mailing, or otherwise transmitting a Report to the OIED;
- c. By calling the OIED at (919) 513-0574;
- d. By emailing the report to [equalopportunity@ncsu.edu](mailto:equalopportunity@ncsu.edu);
- e. By completing the OIED online [\*\*Discrimination, Harassment, and Retaliation Report Form\*\*](#); or
- f. Through any other means that results in the Vice Provost for Institutional Equity and Diversity receiving the person's verbal or written Report.

5.1.2 Upon receiving a Report containing allegations of Discrimination, Harassment, or Retaliation, the OIED will promptly contact the Complainant to provide resources and explain the Complaint Resolution Process.

5.1.3 Reports of Discrimination, Harassment, and Retaliation should be submitted within 180 days of the alleged action. Allegations of Discrimination, Harassment, or Retaliation that are submitted after 180 days when reported to the OIED will be reviewed, investigated as appropriate, and addressed through corrective action (if applicable). However, the OIED is not required to follow the Complaint Resolution Process and has greater flexibility in handling and resolving these types of allegations.

5.1.4 Referral of Reports (through a University Grievance Procedure or Written Student Complaint) to the OIED.

Allegations of Discrimination, Harassment, or Retaliation, not previously filed directly with the OIED and that are included in a grievance filed pursuant to a University Grievance Procedure or a Written Student Complaint, will be referred to the OIED as a Report for processing. In order to expedite the OIED's formal processing of the Report, the referral should occur as soon as possible after the grievance or complaint is filed.

#### 5.1.5 Equal Employment Opportunity Informal Inquiry (SHRA Employees Only).

SHRA Employees and applicants may have the opportunity to file an internal grievance under the [SHRA Employee Grievance Policy](#).

#### 5.1.6 External Filing of Discrimination Charge, Civil Suit or Criminal Charge.

The submission of a Report to the OIED pursuant to this procedure does not preclude an individual from filing an external charge of discrimination, harassment, or retaliation directly with the Equal Employment Opportunity Commission (EEOC), the Office of Administrative Hearings-Civil Rights Division (OAH-CRD), the U.S. Department of Education, Office for Civil Rights (OCR), or other relevant agency, nor does it prevent an individual from pursuing a related civil action or criminal charge.

5.2 In appropriate circumstances, NC State may place an employee on administrative leave with pay (for EHRA employees) or investigatory placement with pay (for SHRA employees) or may place a student on interim suspension during the Discrimination, Harassment, or Retaliation Complaint Resolution Process.

## 6. PRELIMINARY REVIEW

6.1 Once a Report has been submitted to the OIED, an investigator will conduct a preliminary review of the Report to determine whether the Report alleges facts that, if true, would constitute a violation of NCSU POL 04.25.05 (Equal Opportunity and Non-Discrimination Policy).

6.2 When a preliminary review of a Report indicates that the allegations, if true, might constitute a violation of the Equal Opportunity and Non-Discrimination Policy ("policy violation"), the OIED will initiate an investigation of the allegations.

6.3 When the preliminary review of the Report indicates the allegations within the Complaint would not constitute a policy violation, the investigator will administratively close out the process and will notify the Complainant in writing of this determination.

6.4 For employee cases, the OIED may consult with an employee's supervisor to address allegations of inappropriate conduct in a Report, even when the allegations do not rise to the level of a policy violation. If administrative corrective action is taken with regard to an employee prior to the commencement or completion of an OIED investigation, the OIED will determine whether to pursue the investigation or to administratively close the formal process.

## 7. FACILITATED RESOLUTION

7.1 At any time after filing a Report to the OIED, a Report may be resolved through a facilitated resolution provided that: (1) the Complainant(s) and Respondent(s) mutually agree to the facilitated resolution and (2) the OIED agrees that the facilitated resolution would be appropriate to resolve the complaint.

7.2 A facilitated resolution is an informal process resulting in an informed voluntary agreement between the Parties and NC State to resolve a Complaint utilizing strategies such as educational interventions or other restorative principles to address the concern, prevent its recurrence, and/or restore the community. The facilitated resolution process allows the parties an opportunity to resolve the issue and is intended to be educational in nature.

## **8. INVESTIGATIVE PROCESS**

8.1 If the preliminary review indicates that a potential policy violation has occurred, OIED will perform an investigation of the conduct alleged. OIED will notify the parties of the investigator who has been assigned to complete the investigation. Upon receipt of the notice, either Party must notify the Vice Provost for Institutional Equity and Diversity if they believe the investigator assigned to the investigation has a conflict of interest or bias such that the investigator could not complete a fair investigation.

8.2 OIED will also notify the Respondent(s) of the alleged conduct and policies at issue and will provide the Respondent(s) with the opportunity to respond to the allegations and to provide exculpatory evidence and witnesses. For employees, at such time as is appropriate, OIED will also notify the supervisor(s) of the Respondent(s) about the investigation.

8.3 OIED will provide written notice of the date, time, location, participants and purpose of any investigative interview or meeting to a Party whose participation is invited or expected, with sufficient time for the Party to prepare to participate.

8.4 OIED will complete the investigation in a reasonably prompt timeframe; however, some investigations may take longer, due to the complexity of the issues, the University calendar (including breaks, holidays, or other closures), the unavailability of parties or witnesses, inclement weather, and/or other unforeseen circumstances. (See section 5.1.3 regarding the time to complete formal processing of an EEO Informal Inquiry pursuant to the SHRA Employee Grievance Policy.)

8.5 If a Complainant fails to respond to the OIED's requests to provide information regarding the Report or fails otherwise to participate in the investigation, the OIED may administratively close the formal resolution process.

8.6 The OIED will provide each Party an opportunity to review a written summary of the other Party's investigation interview and/or any written statement that a Party has submitted regarding the allegations in the report, as well as a written summary of witness interviews. Each Party will be provided with an opportunity to submit to the investigator proposed questions to the other Party or a witness concerning their statements to the investigator. The investigator will review the proposed questions and pose all relevant questions to the other Party or witness. The investigator will exclude any irrelevant questions, and when excluded, the investigator will provide to the Party

who submitted the question an explanation for the decision to exclude the question as not relevant. Irrelevant questions include, but are not limited to, the following categories, which are deemed “irrelevant” at all stages of the formal resolution process:

- a. With regard to reports of sexual harassment or sexual misconduct, questions about the Complainant’s sexual predisposition or prior sexual behavior, unless they are offered to prove that someone other than the Respondent committed the alleged conduct or they concern specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent; and
- b. Questions that constitute or seek disclosure of information protected under a legally-recognized privilege; and

The investigator may, depending on the questions and answers provided by the Parties, solicit follow-up questions from the Parties.

8.7 The OIED will prepare a draft investigative report that summarizes the relevant evidence and policies at issue. Prior to the investigative report being finalized, a draft will be made available to each Party for their review and written response. Each Party will have ten (10) days from receipt of the draft to submit comments on the report or other relevant evidence.

8.8 Following each Party’s opportunity to review the draft investigative report, the OIED will analyze the information collected during the investigation and finalize the investigative report.

## 9. DETERMINATIONS

9.1 For student Respondent cases, at the conclusion of the investigation, the OIED will provide the Office of Student Conduct with a copy of the final investigative report for review and consideration of any appropriate charges for violations of the Code of Student Conduct (see POL 11.35.01). If charges are issued, the matter will be resolved utilizing the procedures described in the [Student Discipline Procedures \(REG 11.35.02\)](#).

9.2 For employee Respondent cases, the investigator will analyze the facts and policies at issue and make a determination of whether a policy violation is substantiated. The following process will apply in employee Respondent cases:

- a. In reaching its determination, the investigator will apply a preponderance of evidence standard that is, whether the information presented has shown that it is “more likely than not” that the Respondent engaged in the alleged conduct and therefore violated the Equal Opportunity, Non-Discrimination and Affirmative Action Policy.
- b. The OIED will notify the parties in writing of the outcome of the investigation and determination as to whether any policy violation was substantiated. If the OIED determines there has been no policy violation, the notification to the parties concludes the investigation process. The determination letter will also include the Parties’ appeal rights. If the Complaint was referred to the OIED through a University Grievance Procedure, the OIED will notify the appropriate entity that the investigation process has concluded.

- c. The investigator's determination will be included in a finalized investigative report. The OIED's written report will be provided to the appropriate supervisor(s), with a copy provided to the Office of General Counsel and Employee Relations.
- d. The notification letters to the parties and the OIED written report shall be treated as confidential to the extent that they contain information protected under federal or state law, including, but not limited to the Family Educational Rights and Privacy Act (FERPA) or the State Human Resources Act of North Carolina (SHRA). Confidential student and employee information may include information that can identify persons who are Complainants, Respondents, or witnesses.

## **10. CORRECTIVE ACTION FOR EMPLOYEE RESPONDENTS**

For employee Respondent cases, where a policy violation is substantiated, the OIED investigator may meet with the appropriate supervisor(s) and others as needed (i.e., Office of General Counsel, University Employee Relations) to discuss corrective action, including possible disciplinary action, to resolve the policy violation and prevent its recurrence. Prior to concluding the complaint resolution process, the OIED investigator may follow-up with the supervisor and/or University Employee Relations regarding what corrective action was taken.

## **11. APPEALS FOR EMPLOYEE RESPONDENTS**

11.1 The Parties shall be notified in writing of their appeal rights when provided with the investigator's written decision. Either Party may appeal an investigator's determination regarding responsibility based on one or more of 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 investigator's written decision was made, that could affect the outcome of the matter; and
- c. The investigator(s) or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent that affected the outcome of the matter.

11.2 Any appeal must be submitted within ten (10) days from the date that the investigator's written decision is issued to the Parties through any delivery method where receipt can be verified. If the tenth (10th) day falls on a Saturday, Sunday, or University holiday, the deadline for filing the appeal will be extended to the next University business day. The time limit for filing an appeal begins upon delivery of the written decision to the Parties, respectively. If no timely appeal is filed, the investigator's written decision will be final. An extension of time to file an appeal may be requested in writing within the ten-day limit, and it is within the discretion of the Vice Provost for Institutional Equity and Diversity, or designee, to grant or deny such requests.

11.3 The appeal should be directed to the Vice Provost for Institutional Equity and Diversity or designee, who will notify the other Party in writing when an appeal has been filed. The appeal must contain the following:

- a. A copy of the decision being appealed;
- b. A detailed written statement specifying the grounds for appeal, a list of alleged errors in the decision or procedure, an explanation for why those decisions are in error, and the complete factual basis for the appeal;
- c. A requested remedy; and
- d. The signature of the appellant and date the appeal was submitted.

11.4 The opposing Party shall have ten (10) days from their receipt of the notification of appeal to provide a written response to the appeal.

11.5 Upon receipt of an appeal and any written response to the appeal, the Vice Provost for Institutional Equity and Diversity shall appoint an Appeal Officer to review the appeal. The Appeal Officer may be a University employee or external third party at the discretion of the Vice Provost for Institutional Equity and Diversity. The Vice Provost for Institutional Equity and Diversity will send a notice to both Parties identifying the Appeal Officer. Either Party must notify the Vice Provost for Institutional Equity and Diversity within five (5) days if they believe the Appeal Officer assigned to the case has a conflict of interest or bias such that the Appeal Officer could not conduct a fair review of the appeal. The Vice Provost for Institutional Equity and Diversity shall have the discretion to remove or re-appoint an Appeal Officer if deemed necessary to address a reported conflict of interest or bias.

11.6 The Vice Provost for Institutional Equity and Diversity or designee will provide the documents submitted by the Parties on appeal to the Appeal Officer. Appeals will be decided on the record of the investigation. The Appeal Officer will not conduct a new investigation. However, the Appeal Officer may request the non-appealing Party to submit a written statement of their position on appeal. The written statement becomes part of the appeal record.

11.7 The Appeal Officer will review the appeal documentation and any other information required to render a decision on the appeal. The Appeal Officer will issue a written decision on the appeal within fifteen (15) days of receipt of all documentation required to decide the appeal, but that deadline may be extended for good cause. The decision on appeal will be provided simultaneously to both Parties.

The Appeal Officer's decision on appeal may:

- a. Affirm the investigation findings;
- b. Remand the case to the investigator based on:
  - (1) Procedural errors that affected the outcome of the investigation; or
  - (2) New and significant material information that has become available and was not available previously to a person exercising reasonable diligence, which information could have affected the outcome of the proceeding; or

- c. Remand the case to a new investigator if the Appeal Officer finds that the investigator had a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent that affected the outcome of the matter.

**12. RETALIATION**

As defined in POL 04.25.05, Retaliation is any adverse action (including but not limited to intimidation, threats, or coercion relating to an adverse action) against a person because that person engaged in a Protected Activity. If during the course of the Complaint Resolution Process, the OIED receives a report of Retaliation pertaining to the report being investigated, the OIED will review the allegations of Retaliation and may determine that it is appropriate to investigate the allegations as part of the pending Complaint Resolution Process or initiate a new Complaint Resolution Process in accordance with Section 8 of this regulation. Substantiated allegations of Retaliation are subject to corrective action in accordance with Section 10 of this regulation.

**13. RELATIONSHIP TO OTHER NON-DISCRIMINATION LAWS AND POLICIES**

This regulation and its companion policy address NC State’s process to respond to allegations of Discrimination, Harassment, or Retaliation.

Allegations of conduct that do not fall within the definition of Discrimination, Harassment, or Retaliation may be covered by provisions contained in other university policies or regulations. Conduct that may constitute Sexual Harassment as defined by the Title IX Sexual Harassment Policy (POL 04.25.07), is subject to review under that policy and REG 04.25.07. The dismissal of a Formal Complaint under the university’s Title IX Sexual Harassment procedures does not preclude action under the Equal Opportunity, Non-Discrimination and Affirmative Action Policy (POL 04.25.05) and this regulation.

Nothing in this regulation is intended to (a) restrict any rights that would otherwise be protected from government action by the First Amendment of the United States Constitution; or (b) deprive a person of any rights that would otherwise be protected from government action under the Due Process Clauses of the Fifth and Fourteenth Amendments of the United States Constitution; or (c) restrict any other rights guaranteed against government action by the United States Constitution.

Authority	<b>Chancellor</b>
Title	<b>Discrimination, Harassment and Retaliation Complaint Procedures</b>

# NC STATE UNIVERSITY

Classification	<b>REG04.25.02</b>
PRR Subject	<b>Non-Discrimination</b>
Contact Info	<b>Vice Provost for Equal Opportunity and Equity (919-515-4559)</b>

**History:** First Issued: August 30, 1999. Last Revised: August 12, 2014 and applying to reports initiated on or after the effective date of August 12, 2014 up to August 13, 2020.

## **Related Policies:**

[\*\*NCSU POL04.25.05 – Equal Opportunity and Non-Discrimination Policy\*\*](#)

[\*\*NCSU POL05.25.01 – Faculty Grievance and Non-Reappointment Review Policy\*\*](#)

[\*\*NCSU POL11.35.01 - Code of Student Conduct\*\*](#)

[\*\*NCSU REG11.35.02 -- Student Discipline Procedures\*\*](#)

[\*\*NCSU POL05.25.03 -- Review and Appeal Processes for EPA Non-Faculty Employees\*\*](#)

[\*\*NCSU REG11.40.02 – Grievance Procedure for Graduate Students\*\*](#)

[\*\*NCSU REG11.40.01 – Grievance Procedure for Undergraduate Students\*\*](#)

[\*\*NCSU REG04.25.06 - Discrimination and Harassment Prevention and Response Training\*\*](#)

[\*\*UNC System SPA Employee Grievance Policy\*\*](#)

## **Additional References:**

[\*\*Title IX Website\*\*](#)

**Contact Info:** Vice Provost for Equal Opportunity and Equity (919) 515-4559

## **Additional Contact Info:**

[\*\*Title IX Coordinator\*\*](mailto:slschwab@ncsu.edu) slschwab@ncsu.edu (919) 515-0574

[\*\*Lead Deputy Title IX Coordinator\*\*](mailto:jdelrod@ncsu.edu) jdelrod@ncsu.edu (919) 515-2099

[\*\*Deputy Title IX Coordinator\*\*](mailto:smlee2@ncsu.edu) (Athletics) smlee2@ncsu.edu (919) 515-5076

[\*\*Deputy Title IX Coordinator\*\*](mailto:rmharri3@ncsu.edu) (Athletics) rmharri3@ncsu.edu (919) 515-1837

[\*\*Deputy Title IX Coordinator\*\*](mailto:nabell@ncsu.edu) (Housing) nabell@ncsu.edu (919) 515-1507

[\*\*Deputy Title IX Coordinator\*\*](mailto:sdobek@ncsu.edu) (Fraternity & Sorority Life) sdobek@ncsu.edu (919) 513-2910

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## **1. INTRODUCTION**

North Carolina State University (NC State) prohibits discrimination, harassment and retaliation as defined by [\*\*NCSU POL 04.25.05 - Equal Opportunity and Non-Discrimination Policy\*\*](#). NC State will investigate allegations of discrimination, harassment and retaliation in a prompt, thorough and impartial manner. NC State will take appropriate steps to address policy violations whenever substantiated to stop the discrimination, harassment or retaliation, to remedy its effects and to prevent its recurrence. This regulation describes the procedure for filing, processing and resolving complaints that allege discrimination, harassment or retaliation. This regulation additionally describes how NC State handles informal reports or concerns of possible

discrimination, harassment or retaliation that are not submitted as a complaint for formal processing.

## 2. DEFINITIONS

2.1 *Complaint*: Allegations of discrimination, harassment, or retaliation submitted directly to the Office for Institutional Equity and Diversity (OIED) or referred to the OIED pursuant to a university grievance procedure (as defined below) for formal processing. An EEO Informal Inquiry submitted by an employee covered by the State Human Resources Act (SHRA) (see section 5.4) will be treated as a Complaint.

2.2 *Complainant*: An individual (or individuals) who submits a Complaint of discrimination, harassment, or retaliation to the OIED for formal processing pursuant to this procedure.

2.3 *Respondent*: The individual (or individuals) named by the Complainant as the person (or persons) who engaged in the alleged discrimination, harassment, or retaliation.

2.4 *University Grievance Procedure*: For purposes of this regulation, “university grievance procedure” includes [NCSU POL 05.25.01](#) (Faculty Grievance and Non-Reappointment Review Policy) and [NCSU POL 05.25.03](#) (Review and Appeal Processes for EPA Non-Faculty Employees). See section 5.4 relating to the SPA Employee Grievance Policy.

## 3. UNIVERSITY’S RESPONSIBILITY

The university has a duty to investigate and to respond appropriately to allegations of discrimination, harassment, or retaliation whether those allegations are reported informally as concerns or are submitted formally as a Complaint. In other words, the university’s responsibility to investigate allegations of discrimination, harassment or retaliation is not obviated even when, for example:

- an individual reports a concern involving possible discrimination, harassment, or retaliation, but does not wish to file a Complaint;
- an individual reports a concern involving possible discrimination, harassment, or retaliation and asks that either his/her identity or the information provided be kept confidential; or
- an individual anonymously reports possible discrimination, harassment, or retaliation and the report includes sufficient specificity to allow the university to investigate the report.

## 4. CONFIDENTIALITY

Allegations of discrimination, harassment, or retaliation will be handled in a manner that balances

an individual's preferences regarding confidentiality with the university's legal obligations. Complete confidentiality cannot be guaranteed, and information about discrimination, harassment and retaliation allegations may be shared with others when necessary to investigate or address the prohibited conduct or to prevent its recurrence. Sharing of information will be limited to persons with a need to know basis. If an individual requests complete confidentiality and/or asks that the university not investigate or seek action against the alleged perpetrator, such request may limit the university's ability to respond fully to the complaint, including pursuing any disciplinary action against the alleged perpetrator. The university ultimately determines whether or not it can honor such a request while providing a safe and nondiscriminatory environment for the university community. Such determination shall be made by the OIED, in consultation with the Office of General Counsel, and, in cases of sexual violence, with the Title IX Coordinator.

Individuals bringing forth allegations of sexual violence who request complete confidentiality are strongly encouraged to consult with individuals, who by law have special professional status, such as mental health counselors, physicians, clergy or private attorneys.

In an effort to protect privacy as well as the integrity of the Complaint process, Complainants, Respondents, witnesses and any other individuals who may have information about a Complaint are expected to maintain confidentiality to the extent permitted by law.

## 5. FORMAL PROCESS(ING)

The submission (filing or referral) of a Complaint to the OIED initiates the formal process/formal processing (preliminary review, investigation, determination) as provided for in this procedure.

### 5.1 Filing a Complaint.

Any individual may file a Complaint by:

- Bringing the Complaint to the OIED office located at **231 Winslow Hall**, 40 Pullen Drive, Raleigh NC 27607;
- Mailing or otherwise transmitting the Complaint to the OIED at Campus Box 7530, NC State University, Raleigh, NC 27695-7530; or
- Completing the OIED's online [OIED Complaint Intake Form](#).

For formal processing, Complaints must be submitted to the OIED within 30 calendar days of the alleged action that forms the basis of the Complaint. Complaints submitted outside of the 30-day time limit will be reviewed and addressed as determined by OIED.

*\*Note:* Pursuant to the **SPA Employee Grievance Policy**, SPA employees must file a Complaint with the OIED within 15 calendar days of the alleged discriminatory, harassing or retaliatory action that forms the basis of the Complaint before initiating a formal internal grievance to preserve their rights under State law. Employees who do not meet the 15-day time limit may still file a Complaint with the OIED; such Complaint will be reviewed and addressed through either formal processing

(if filed within 30 calendar days of the action) or through the informal resolution process, as may be required by Federal law. See section 5.4.

## 5.2 Referral of Student Complaints to the Office of Student Conduct.

Complaints filed against students will be referred to the Office of Student Conduct (OSC) to be processed through the Student Discipline Procedures. Referrals to the OSC will usually occur within three university business days from receipt of the Complaint. Complaints filed by students against university employees (administrators, faculty or staff) will proceed through formal processing as provided for in this procedure.

## 5.3 Referral of Employee Complaints to the OIED (through a University Grievance Procedure).

Allegations of discrimination, harassment, or retaliation (not previously filed directly with the OIED as a Complaint) that are included in a grievance filed pursuant to a University Grievance Procedure will be considered a Complaint and referred to the OIED for formal processing (and handling as otherwise provided for in the applicable University Grievance Procedure). In order to expedite OIED's formal processing of the Complaint, the referral should occur as soon as possible after the grievance is filed.

## 5.4 Equal Employment Opportunity Informal Inquiry (SPA Employees Only).

Employees and applicants covered by the university's SPA Employee Grievance Policy who want to file a grievance that includes allegations of discrimination, harassment, or retaliation, must first file an Equal Employment Opportunity (EEO) Informal Inquiry with the OIED *prior to* filing the internal grievance. For purposes of this regulation and unless otherwise noted, an EEO Informal Inquiry is the same as a Complaint. An EEO Informal Inquiry must be filed with the OIED within 15 calendar days of the alleged action that forms the basis of the Complaint. Due to the timelines imposed by the SHRA for internal grievances, the university has 45 calendar days from receipt of the EEO Informal Inquiry to conduct its investigation and respond back to the Complainant. The 45-day time limit may be extended due to unavoidable delays or occurrences; the Complainant and the university must mutually agree in writing to an extension, which may not exceed 15 calendar days.

## 5.5 External Filing of Discrimination Charge, Civil Suit or Criminal Charge.

The submission of a Complaint to the OIED pursuant to this procedure does not preclude an individual from filing an external charge of discrimination, harassment, or retaliation directly with the Equal Employment Opportunity Commission (EEOC), the Office of Administrative Hearings-Civil Rights Division (OAH-CRD), U.S. Department of Education, Office of Civil Rights (OCR), or other relevant agency, nor does it prevent an individual from pursuing a related civil action or criminal charge.

## 6. PRELIMINARY REVIEW

6.1 Once a Complaint has been submitted to the OIED, an investigator will conduct a preliminary review of the Complaint to determine whether the Complaint alleges facts that, if true, might constitute a violation of [NCSU POL 04.25.05](#) (Equal Opportunity and Non-Discrimination Policy). The Complainant is responsible for providing the basis of their Complaint to the investigator. Where the allegations are unclear or require clarification, the OIED investigator may seek additional information from the Complainant as part of the preliminary review.

6.2 When a preliminary review of a Complaint indicates that the allegations, if true, might constitute a violation of the Equal Opportunity and Non-Discrimination Policy (“policy violation”), the OIED will initiate an investigation to determine if the facts are true and to determine whether a policy violation has occurred.

6.3 When the preliminary review of the Complaint indicates the allegations within the Complaint would not constitute a policy violation, the investigator will administratively close the formal processing of the Complaint. The investigator will notify the Complainant in writing that the formal process has been administratively closed because the allegations, even if taken as true, would not constitute a policy violation. When a Complaint is administratively closed following a preliminary review, the closure precludes the issues raised in the Complaint from proceeding through the university grievance procedure. When appropriate, the OIED will consult with the supervisor to ensure that any inappropriate conduct is addressed, even when the allegations do not rise to the level of a policy violation.

6.4 If the Complaint raises issues (i.e. health/safety, research misconduct, tort claims) that would fall outside the OIED’s area of responsibility but within the responsibilities of another campus unit, the OIED can refer the issues to the appropriate, responsible university administrator.

6.5 If administrative action is taken to address an employee’s conduct prior to the commencement or completion of an OIED investigation, the OIED will make a determination as to whether to pursue the investigation or to administratively close the formal process.

## 7. INVESTIGATION

7.1 If the preliminary review indicates that an investigation should be initiated, the OIED will, at such time as is appropriate, notify the supervisor(s) of the respondent about the investigation. The OIED will also notify the respondent(s) after the investigation has been initiated and that the respondent will be provided with the opportunity to respond to the allegations.

7.2 Every effort will be made to complete the investigation within 60 calendar days of the filing or referral of the Complaint, however, the investigation period may be extended when deemed necessary by the OIED (e.g., due to university holidays or breaks, based on availability of witnesses). (See section 5.4 regarding the time to complete formal processing of an EEO Informal Inquiry pursuant to the SPA Employee Grievance Policy.)

7.3 If a Complainant fails to respond to the OIED’s requests to provide information regarding the Complaint or fails otherwise to participate in the investigation, the OIED may administratively

close the formal process without issuing a determination or may issue a determination based on the information available in the record.

7.4 If during the course of the investigation the OIED becomes aware of any retaliation or interference in the investigation by the Complainant, Respondent or any witness, the OIED will refer such issue to Employee Relations, the appropriate supervisor, or, in the case of students, to the Office of Student Conduct.

## **8. NOTIFICATION**

8.1 Once the investigation has concluded, the OIED will evaluate the information collected during the investigation (e.g., documents, interview notes) and apply a preponderance of evidence (more likely than not) standard to determine whether a policy violation is substantiated.

8.2 For Complaints involving sexual misconduct, the Complainant's past sexual history will not be considered in determining whether a policy violation occurred.

8.3 The OIED investigator's findings and determination will be included in a written report.

## **9. DETERMINATION**

### **9.1 Notification to Parties.**

The OIED will notify the parties in writing of the outcome of the investigation and determination as to whether any policy violation was substantiated. If the OIED determines there has been no policy violation, the notification to the parties concludes the formal process. If the Complaint was referred to the OIED through a University Grievance Procedure, the OIED will notify the appropriate entity that the formal process has concluded.

### **9.2 Written Report.**

The OIED's written report will be provided to the appropriate supervisor(s), with a copy provided to Office of General Counsel and Employee Relations.

### **9.3 Confidential Information.**

The notification letters to the parties and the OIED written report shall be treated as confidential to the extent that they contain student information protected under federal privacy law (i.e. FERPA) or employee information protected under state law (i.e. SHRA). Violation of the confidentiality requirement may result in disciplinary action for anyone disclosing such confidential information. Confidential student and employee information includes information that can identify persons who are Complainants, Respondents or witnesses.

## **10. CORRECTIVE ACTION**

# NC STATE UNIVERSITY

10.1 In cases where a policy violation is substantiated, the OIED investigator will meet with the appropriate supervisor(s) and others as needed (e.g., Office of General Counsel, Employee Relations) to discuss taking appropriate corrective action, including possible disciplinary action, to resolve the policy violation and prevent its recurrence.

10.2 The appropriate supervisor(s) will notify the OIED of what corrective action(s) have been taken to address the policy violation.

10.3 Complainants will be notified that the corrective action taken to address the policy violation, however, Complainants are not authorized to access to the confidential employment information contained in another employee’s personnel file, unless as permitted by law.

## 11. COMPLAINT RESOLUTION

11.1 If the corrective action taken meets the university’s obligations to address the policy violation and resolves the Complaint to the Complainant’s satisfaction, the formal process will be concluded and closed.

11.2 If the corrective action taken meets the university’s obligations to address the policy violation, but the Complainant remains unsatisfied, the Complainant may seek to pursue any rights he or she may otherwise have available.

## 12. INFORMAL PROCESS(ING)

12.1 At any time after submission of a Complaint to the OIED, a Complaint may be resolved through an informal process provided that: (1) the Complainant(s) and Respondent(s) mutually agree to the terms and conditions of any proposed resolution agreement, and (2) the OIED approves the proposed resolution agreement.

12.2 At any time from the submission of the Complaint, either party or the OIED may suggest a confidential, non-binding mediation of the dispute. Both parties must agree to participate in the mediation and agree to the resolution that arises from the mediation. In addition, OIED must approve the proposed resolution agreement. Mediation is not an option for resolution of allegations of sexual harassment that involve sexual violence.

12.3 Allegations of discrimination, harassment, or retaliation that are untimely or that are reported to the OIED as concerns (and not submitted as a Complaint for formal processing) will be reviewed, investigated as appropriate, and addressed through corrective action (if applicable) to meet the university’s legal obligations. However, the OIED is not required to follow the formal process and has greater flexibility in handling and resolving these types of allegations.

<small>Authority</small> <b>Chancellor</b>
<small>Title</small> <b>Title IX Sexual Harassment Complaint Resolution Procedures</b>

Classification <b>REG 04.25.08</b>
PRR Subject <b>Non-Discrimination</b>
Contact Info <b>Vice Provost for Institutional Equity and Diversity</b> <b>(919) 515-4559</b>

**History:** First Issued: August 14, 2020 with an Effective Date of August 14, 2020.

**Related Policies:**

**NCSU POL 04.25.05 - Equal Opportunity, Non-Discrimination and Affirmative Action Policy**

**NCSU POL 04.25.07 - Title IX Sexual Harassment Policy**

**NCSU POL 11.35.01 – Code of Student Conduct**

**NCSU REG 11.35.02 — Student Discipline Procedures**

**NCSU REG 04.25.06 – Discrimination and Harassment Prevention and Response Training**

**NCSU REG 04.25.02 – Discrimination, Harassment and Retaliation Complaint Procedure**

**NCSU REG 04.25.06 – Equal Opportunity, Title IX and Non-Discrimination Training for Employees**

**UNC System SHRA Employee Grievance Policy**

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**1. INTRODUCTION**

This regulation serves as a companion to NCSU POL 04.25.07 (Title IX Sexual Harassment Policy) to outline the specific procedures relating to the Title IX Sexual Harassment Complaint Resolution Process at North Carolina State University (NC State). The procedures in this regulation also apply to complaints of sexual misconduct in violation of Title IX where (1) the conduct occurred prior to August 14, 2020, and (2) the matter is reported or is still pending on or after August 14, 2020.

**2. DEFINITIONS**

To the extent there are any inconsistencies in the definitions in this regulation and in POL 04.25.07, the definitions in POL 04.25.07 shall control. For purposes of this regulation, the following definitions shall apply:

- (a) “*Actual Knowledge*” means notice of allegations of Title IX Sexual Harassment or Retaliation provided to NC State’s Title IX Coordinator or one of NC State’s Title IX Designated Officials.
- (b) “*Complainant*” means a person to whom the alleged Title IX Sexual Harassment was directed. At the time of filing a Formal Complaint, a Complainant must be participating in, or attempting to participate in, an NC State Education Program or Activity.

- (c) “Complaint Resolution Process” means NC State’s procedures for resolving Formal Complaints of Title IX Sexual Harassment and includes the filing of a Formal Complaint, provision of Supportive Measures, preliminary review of the Formal Complaint, investigation, hearing, any informal resolution proceedings, imposition of any disciplinary and/or remedial actions, and appeals.
- (d) “Consent” means an affirmative decision to engage in an activity given by clear action or words. It is an informed decision made freely, willingly, and actively by all parties. Behavior will be considered “without consent” if no clear consent, verbal or nonverbal, is given. Consent cannot be procured by physical force, threats, intimidating behavior, or coercion. A person cannot give consent if they are incapacitated as a result of alcohol or drug consumption (voluntary or otherwise), unconscious, unaware or asleep during the act, under the legal age to provide consent, or otherwise lack the capacity to consent. In determining whether a person is incapacitated, the analysis must include whether the Respondent knew or should reasonably have known that the person was incapacitated. Neither silence nor a lack of protest or resistance is a valid form of consent. Consent can be revoked or withdrawn at any time, even during a sexual act. If consent is withdrawn, the act is no longer consensual.
- (e) “Day” means calendar days. If the day to take an action lands on a Saturday, Sunday, or day that the University is closed (such as a holiday), the deadline shall be extended to the next business day.
- (f) “Education Program or Activity” includes locations, events, or circumstances over which NC State exercises substantial control over both the Respondent and the context in which the Title IX Sexual Harassment occurs (including employment), and also includes any building or property owned or controlled by NC State or a student organization that is officially recognized by NC State.
- (g) “Formal Complaint” means a document filed by a Complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a Respondent and requesting that the university investigate the allegation(s) of Title IX Sexual Harassment.
- (h) “Hearing Officer” is a person appointed by the University to oversee the Title IX hearing and to render a determination of responsibility regarding the allegations in the Complaint. A Hearing Officer may be an employee of the University or a person from outside the University engaged specifically for this function.
- (i) “NC State’s Title IX Designated Officials” or “Title IX Designated Officials” are personnel authorized by NC State to receive notice of Title IX Sexual Harassment and Retaliation and to institute corrective measures. Title IX Designated Officials are listed on the [Title IX Designated Officials website](#).
- (j) “Office for Institutional Equity and Diversity” or “OIED” is the University office responsible for, among other duties, investigating allegations of Title IX Sexual Harassment. The OIED is located at 231 Winslow Hall, 40 Pullen Drive, Raleigh NC 27607 and has a mailing address of Campus Box 7530, NC State University, Raleigh, NC 27695-7530.

- (k) “*Parties*” is a collective term used to describe both Complainant(s) and Respondent(s) named in a Formal Complaint of Title IX Sexual Harassment. “*Party*” is an individual term used to describe either a Complainant or Respondent named in a Formal Complaint of Title IX Sexual Harassment.
- (l) “*Report*” means a disclosure of information by any person to the Title IX Coordinator or an NC State Title IX Designated Official that includes allegations that may be covered by the Title IX Sexual Harassment policy. A Report is different from a Formal Complaint.
- (m) “*Respondent*” means a person who has been reported to have engaged in conduct that could constitute Title IX Sexual Harassment.
- (n) “*Retaliation*” is intimidating, threatening, coercing, or discriminating against any person for the purpose of interfering with any right or privilege secured by Title IX or POL 04.25.07 because the person made a report or complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under this policy or the companion regulations.
- (o) “*Support Person*” is a person selected by a Party who may accompany the Party to any meeting, interview or hearing as part of the Complaint Resolution Process and who will provide emotional support and/or comfort to the Party. A Support Person may not be a witness in the same proceeding.
- (p) “*Supportive Measures*” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the Education Program or Activity without unreasonably burdening the other party and include measures designed to protect the safety of all parties or the educational environment or to deter Sexual Harassment. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact between the parties (no contact orders), changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.
- (q) “*Title IX Coordinator*” is the Vice Provost for the Office for Institutional Equity and Diversity and is the person designated to coordinate NC State’s efforts to comply with its responsibilities under Title IX of the Education Amendments of 1972 and its related regulations. As used in this regulation, reference to the Title IX Coordinator also includes their designee. The Title IX Coordinator’s contact information is contained on the [OIED website](#).
- (r) “*Title IX Sexual Harassment*” is defined in NC State POL 04.25.07, Title IX Sexual Harassment Policy.

## 3. UNIVERSITY'S RESPONSE TO TITLE IX SEXUAL HARASSMENT

3.1 NC State will respond as appropriate to allegations of sexual harassment whether those allegations are the subject of a Report or are submitted as a Formal Complaint of Title IX Sexual Harassment.

3.2 When a Formal Complaint is filed, NC State will follow its Complaint Resolution Procedures as described in this regulation and will:

- (a) treat Complainants and Respondents equitably;
- (b) provide Supportive Measures to Complainants and Respondents;
- (c) provide remedies to the Complainant where a determination of responsibility for Title IX Sexual Harassment has been made against the Respondent;
- (d) follow the Complaint Resolution Process described in this regulation before imposing any disciplinary sanctions or other actions that are not Supportive Measures against a Respondent;
- (e) require that any person designated as a Title IX Coordinator, investigator, decision-maker, or other person authorized to facilitate an informal resolution not have a conflict of interest or bias for or against Complainants or Respondents either generally or in particular;
- (f) require training that meets the requirements established by federal law for Title IX Coordinators, investigators, decision-makers, and any person who is authorized to facilitate an informal resolution;
- (g) presume that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Complaint Resolution Process;
- (h) use the preponderance of evidence standard to determine responsibility, that is, whether the information available demonstrates that it is "more likely than not" that the Respondent violated the Title IX Sexual Harassment policy;
- (i) provide an objective evaluation of all relevant evidence and not base any credibility decisions on a person's status as a Complainant, Respondent or witness;
- (j) not require, allow, rely upon or otherwise use questions or evidence that would elicit information protected under a legally recognized privilege, unless the person holding the privilege has waived it;
- (k) not allow, rely upon or otherwise use questions or evidence about a Complainant's prior sexual behavior, unless such questions or evidence are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if they concern specific incidents of the Complainant's prior sexual behavior with the Respondent, are offered to prove consent;

- (l) when making a determination of responsibility regarding an allegation of Title IX Sexual Harassment, not rely on any statement of a party or witness who does not submit to cross-examination at a hearing;
- (m) not draw any inference about the determination of responsibility based solely on a party's or witness's absence from a hearing or refusal to answer cross-examination or other questions;
- (n) establish a reasonable time frame for the completion of the Complaint Resolution Process and any appeals and provide for delays or extensions of time for good cause;
- (o) describe the range of possible disciplinary actions or remedies that may be implemented following a determination of responsibility;
- (p) describe the range of Supportive Measures available to Complainants and Respondents; and
- (q) provide an appeal process.

## 4. CONFIDENTIALITY

Except as required or allowed by law, or as necessary to conduct any investigation or hearing, the University will not disclose the identity of any individual who has made a Report or filed a Formal Complaint alleging Title IX Sexual Harassment, any Complainant(s), any Respondent(s), or Witnesses.

Anonymous Reports may be submitted to the OIED and Title IX Designated Officials; however, NC State's ability to respond or take further action from an anonymous Report may be impacted by the level of information available about the incident or the individuals involved.

Complete confidentiality cannot be guaranteed during the Complaint Resolution Process as information about Title IX Sexual Harassment may be shared with others when necessary to investigate or address the prohibited conduct or to prevent its recurrence.

## 5. REPORTING TITLE IX SEXUAL HARASSMENT

### 5.1 Filing a Report

Any person may make a Report at any time, including during non-business hours, regarding Title IX Sexual Harassment (whether or not the person reporting is the person impacted by the alleged conduct) or Retaliation through any of the following mechanisms:

- a) In person by speaking to the Title IX Coordinator, any of the Equal Opportunity and Equity (EOE) investigators (whose offices are located in the OIED), or any of NC State's Title IX Designated Officials;
- b) By delivering, mailing, or otherwise transmitting the Report to the OIED;

- c) By calling OIED at (919) 513-0574;
- d) By emailing the Report to [equalopportunity@ncsu.edu](mailto:equalopportunity@ncsu.edu);
- e) By completing the OIED online [Discrimination, Harassment, and Retaliation Report Form](#), found at [go.ncsu.edu/safe](http://go.ncsu.edu/safe), or
- f) Through any other means that results in the Title IX Coordinator receiving the person's verbal or written Report.

5.2 Upon receiving a Report containing allegations of Title IX Sexual Harassment, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of Supportive Measures (whether or not a Formal Complaint is filed), consider the Complainant's wishes with respect to Supportive Measures, and explain the Title IX Complaint Resolution Process, including the option to file a Formal Complaint.

## **6. FILING A FORMAL COMPLAINT OF TITLE IX SEXUAL HARASSMENT AND INITIAL RESPONSE**

### **6.1 Filing a Formal Complaint**

A Complainant or the Title IX Coordinator may file a Formal Complaint at any time by submitting any written document that is physically or electronically signed by the Complainant or Title IX Coordinator, alleges Title IX Sexual Harassment or Retaliation, and requests that the university investigate the allegation. The Formal Complaint may be submitted to the OIED through any of the following mechanisms:

- a) By delivering, mailing, or otherwise transmitting the Formal Complaint to the Title IX Coordinator;
- b) By emailing the Formal Complaint to [equalopportunity@ncsu.edu](mailto:equalopportunity@ncsu.edu);
- c) By completing an OIED Formal Complaint Form; or
- d) Through any other means that results in the Title IX Coordinator receiving the person's signed Formal Complaint.

6.2 As soon as practicable after receiving a Formal Complaint, and with sufficient time to prepare for any interview or meeting, the Title IX Coordinator will provide a written notice to all known Parties that will include: NC State's Title IX Sexual Harassment Complaint Resolution Process; the allegations potentially constituting Title IX Sexual Harassment, including information known at the time about the identities of the Parties involved, the conduct allegedly constituting Title IX Sexual Harassment, and the date and location of the incident (if known); and other pertinent information. Should additional allegations arise after the original notification has been provided to the Parties, the University will supplement the notification to the Parties.

6.3 In appropriate circumstances, to address imminent threats posed to any person's physical health or safety as a result of the Title IX Sexual Harassment allegations, NC State may evaluate whether to remove a Respondent from its Education Program and Activities on an emergency basis or to

place an employee on administrative leave with pay during the Title IX Sexual Harassment Complaint Resolution Process.

- (a) Emergency Removal. NC State may remove a Respondent from its Education Program or Activity on an emergency basis following an individualized safety and risk analysis that determines there is an immediate threat to the physical health or safety of any individual arising from the allegations of Title IX Sexual Harassment. The Respondent shall have the opportunity to challenge the decision immediately following the removal. The procedures related to this emergency removal are contained in Appendix F of the Student Discipline Procedures (REG 11.35.02).
- (b) Administrative Leave. NC State may place an employee on administrative leave with pay (or investigatory placement with pay for SHRA employees) during the Title IX Sexual Harassment Complaint Resolution Process.

## 7. PRELIMINARY REVIEW OF FORMAL COMPLAINTS

Once a Formal Complaint has been submitted, the OIED will conduct a preliminary review of the Formal Complaint to determine whether:

- a) The conduct is alleged to have occurred in the United States;
- b) The conduct is alleged to have occurred in an Education Program or Activity; and
- c) the Formal Complaint alleges facts that, if true, may constitute a violation of NCSU POL 04.25.07 (Title IX Sexual Harassment Policy).

When the preliminary review of the Formal Complaint indicates the allegations within the Formal Complaint would not constitute Title IX Sexual Harassment, even if all the facts alleged are true, OIED must dismiss the Complaint consistent with Section 11 of these procedures. If dismissed, OIED will provide a Notice of Dismissal of the Formal Complaint to the Parties and information regarding how to appeal the decision.

The dismissal of a Formal Complaint under the university's Title IX Sexual Harassment procedures does not preclude action under another university policy such as the Code of Student Conduct (POL 11.35.01) or the Equal Opportunity, Non-Discrimination and Affirmative Action Policy (POL 04.25.05).

## 8. INFORMAL RESOLUTION

Except for matters asserted by a student Complainant against an employee Respondent, at any time after the filing of a Formal Complaint but before a determination regarding responsibility is reached, the Parties may choose to participate in an informal resolution process facilitated by the university.

An informal resolution is an informed, signed, voluntary agreement between the Parties and NC State to resolve a Formal Complaint utilizing strategies such as facilitations, educational

interventions, or other restorative principles to address the concern, prevent its recurrence, and/or restore the community. The informal resolution process allows the parties an opportunity to resolve the issue without a formal hearing and the process is facilitated by a trained, neutral facilitator provided by NC State. The facilitator may be an NC State employee or an external third-party. The informal resolution process does not result in a determination regarding a Title IX Sexual Harassment policy violation.

If the Parties reach an agreement during the informal resolution process, the resolution is binding. Any breach to any terms identified in the signed, voluntary agreement may result in disciplinary action.

To participate in the informal resolution process, all Parties must provide voluntary, written consent after reviewing a written notice disclosing the allegations, the parameters of the informal resolution process, and the Parties' right to withdraw from the informal resolution process and resume the formal Title IX Sexual Harassment Complaint Resolution Process.

## 9. ADVISORS

9.1 Throughout the Title IX Sexual Harassment Complaint Resolution Process, Parties are allowed to have, at their own expense, an Advisor of their choice, who may be, but is not required to be, an attorney.

9.2 After the final investigative report is prepared and the University and Parties are preparing for a hearing, if a Party has not yet secured an Advisor of their choice, the University will provide an Advisor to the Party.

### 9.3 Role of an Advisor.

- (a) The role of an Advisor is to assist and to advise the Party.
- (b) Each Party may be accompanied by their Advisor to any interview, meeting, hearing, or proceeding they have during the Title IX Sexual Harassment Complaint Resolution Process.
- (c) The Advisor's name and relationship to a Party (e.g., family member, attorney, friend, etc.) must be disclosed to the OIED prior to the first interview, meeting, hearing, or proceeding for which they will serve as the Advisor. Advisors are not permitted to speak on the behalf of a Party during any interview or meeting prior to a hearing. The University reserves the right to remove an Advisor from any interview or meeting should these expectations be violated.
- (d) The Party's Advisor may inspect and review any evidence directly related to the allegations raised in the Formal Complaint and any investigative report prepared.
- (e) At a hearing, each Party's Advisor is permitted to ask the other Party and any witnesses relevant questions. Parties may only question other Parties or witnesses through an

Advisor, and the Advisor must pose the questions in a respectful, non-intimidating, and non-abusive manner.

- (f) Each Party will be provided with information concerning hearing procedures at least ten (10) days in advance of a hearing. These procedures will outline expectations for conduct of a Party and that Party's Advisor during the hearing, including but not limited to, expectations with regard to confidentiality, decorum, prohibitions on interruptions of testimony, the procedure for conferring with a Party and/or Advisor and/or requesting a break, and order of presentation of evidence. The University reserves the right to remove an Advisor and/or Party from a hearing should they fail to abide by the hearing procedures.

9.4 The University will not intentionally schedule meetings or hearings on dates where the Advisor for a Party is not available, provided that the Party's Advisor acts reasonably in providing available dates and works collegially to find dates and times that meet all schedules. The University's obligations to investigate and adjudicate in a prompt timeframe under Title IX and other college policies apply to matters governed under this Policy, and the University cannot agree to extensive delays solely to accommodate the schedule of an Advisor. The determination of what is reasonable shall be made by the Title IX Coordinator. The University will not be obligated to delay a meeting or hearing under this process more than five (5) days due to the unavailability of an Advisor, and may offer the party the opportunity to obtain a different Advisor or use one provided by the University.

## **10. INVESTIGATION OF FORMAL COMPLAINTS, REVIEW OF EVIDENCE, AND INVESTIGATIVE REPORT**

In cases where a Formal Complaint is filed and not dismissed as described in Section 11 or otherwise resolved through an informal resolution process described in Section 8, NC State will investigate the allegations of Title IX Sexual Harassment. During the investigation, NC State will:

- (a) provide an equal opportunity for the Parties to present witnesses and evidence in the investigation;
- (b) allow the Parties to have an Advisor of their choice to be present at any interview, meeting or related proceeding;
- (c) provide written notice of the date, time, location, participants and purpose of any investigative interview or meeting to a Party whose participation is invited or expected, with sufficient time for the Party to prepare to participate;
- (d) provide the Parties (and their Advisors, if applicable) with an equal opportunity to inspect and review any evidence obtained in the investigation that is directly related to the allegations raised in the Formal Complaint, and allow the Parties a period of at least ten (10) days to review the evidence in an electronic or hard-copy format (the format determined at the sole discretion of the University), and to allow the Parties to provide a written response to the University to consider prior to the conclusion of the investigation;

- (e) make available at hearing any evidence obtained in the investigation that is directly related to the allegations raised in the Formal Complaint;
- (f) not access, consider, disclose or otherwise use a Party's medical, psychological, and similar records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional unless the Party provides a voluntary, written consent to do so for purposes of the Title IX Sexual Harassment Complaint Resolution Process;
- (g) create an investigative report that summarizes the relevant evidence, allow Parties to review the drafted report and provide clarifications or feedback and, at least ten (10) days prior to a hearing (if a hearing is to be held) send a copy of the investigative report to each Party (and their Advisor, if applicable) for their review and written response; and
- (h) review any written responses received relating to the investigative report, finalize the report; and include the written responses as attachments to the report.

## 11. DISMISSAL OF COMPLAINT

11.1 Mandatory Dismissal. As required by law, a Formal Complaint for Title IX Sexual Harassment must be dismissed if the conduct alleged in the Formal Complaint:

- (a) would not constitute Title IX Sexual Harassment even if the allegations are true;
- (b) did not occur as part of an NC State Education Program or Activity; or
- (c) did not occur in the United States.

11.2 Permissive Dismissal. A Formal Complaint may be dismissed at any time during the Title IX Sexual Harassment Complaint Resolution Process if:

- (a) Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any of the allegations therein;
- (b) Respondent is no longer enrolled or employed at NC State; or
- (c) specific circumstances prevent NC State from gathering evidence sufficient to reach a determination regarding the allegations in the Formal Complaint.

11.3 Notice of Dismissal. If the Formal Complaint is dismissed under the university's Title IX Sexual Harassment procedures, OIED will provide a simultaneous Notice of Dismissal of Formal Complaint to the Parties in writing with the reason for the dismissal.

11.4 Effect of Dismissal. The dismissal of a Formal Complaint under the university's Title IX Sexual Harassment procedures does not preclude action under another university policy such as the Code of Student Conduct (POL 11.35.01) or the Equal Opportunity, Non-Discrimination and Affirmative Action Policy (POL 04.25.05).

11.5 Appeal of Decision to Dismiss. Either Party may appeal the decision to dismiss the Formal Complaint.

## 12. HEARINGS

12.1 The procedures governing the hearing process for student Respondents are contained in Appendix G of the Student Discipline Procedures, REG 11.35.02.

12.2 The procedures governing the hearing process for employee Respondents are contained in Appendix A of this regulation.

## 13. DETERMINATION OF RESPONSIBILITY

13.1 The decision-maker (i.e., hearing officer) will apply a preponderance of the evidence standard in determining whether the Respondent is responsible for engaging in Title IX Sexual Harassment.

13.2 The decision-maker's written determination will include a description of the allegation(s) at issue; a description of the procedural steps taken since receipt of the Formal Complaint; findings of fact to support the determination; conclusions regarding the application of the University's policy or policies to the facts; conclusions relating to each allegation, including a determination regarding responsibility and rationale; any disciplinary action to be imposed upon the Respondent; any remedies to be provided to the Complainant for the purpose of restoring or preserving equal access to an Education Program or Activity; and the procedures and permissible bases for appeal.

13.3 The procedures governing the determination of responsibility for student Respondents are contained in Appendix G of the Student Discipline Procedures, REG 11.35.02.

13.4 The procedures governing the determination of responsibility for employee Respondents are contained in Appendix A of this regulation.

## 14. APPEALS

Either Party may appeal the decision to dismiss a Formal Complaint (or any allegations therein) or a determination regarding responsibility.

14.1 The procedures governing the appeals for student Respondents are contained in Appendix G of the Student Discipline Procedures, REG 11.35.02.

14.2 The procedures governing the appeals for employee Respondents are contained in Appendix A of this regulation.

## 15. RECORDKEEPING

NC State will maintain for a period of at least seven (7) years all of the following Title IX Sexual Harassment records:

- (a) Title IX Sexual Harassment investigation documents;
- (b) any determination of responsibility;
- (c) any hearing recording or transcript;
- (d) any disciplinary action or sanction imposed on the Respondent;
- (e) any remedies provided to the Complainant;
- (f) any appeal and appellate decisions;
- (g) any informal resolution and their results;
- (h) any actions taken in response to a Report or Formal Complaint of Title IX Sexual Harassment (including any Supportive Measures); and
- (i) any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

## **16. RELATIONSHIP TO OTHER NON-DISCRIMINATION LAWS AND POLICIES**

This regulation and its companion policy set forth the process to address complaints of Title IX Sexual Harassment at NC State.

Reports of discrimination or harassment on the basis of sex or of a sexual nature that do not meet the definition of Title IX Sexual Harassment may be prohibited by other policies, including but not limited to, the Equal Opportunity, Non-Discrimination and Affirmative Action Policy (NCSU POL 04.25.05).

Nothing in this regulation is intended to (a) restrict any rights that would otherwise be protected from government action by the First Amendment of the United States Constitution; or (b) deprive a person of any rights that would otherwise be protected from government action under the Due Process Clauses of the Fifth and Fourteenth Amendments of the United States Constitution; or (c) restrict any other rights guaranteed against government action by the United States Constitution.

Nothing in this regulation diminishes any person's rights under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq* or any regulations promulgated thereunder.

## **17. TIMELINES WITHIN THE PROCEDURES**

The University will conduct its Title IX Sexual Harassment Complaint Resolution Process in a reasonably prompt manner, generally not exceeding one-hundred twenty (120) days after the filing of a Formal Complaint. For any timelines or deadlines included in these procedures for the Title IX Sexual Harassment Complaint Resolution Process, the timelines may be extended and/or the Complaint Resolution Process may be temporarily delayed for good cause. In the case of such an extension, the Parties will receive notification in writing and the reason(s) for the extension.

# NC STATE UNIVERSITY

Examples of good cause could include, but are not limited to, the unavailability of Parties or witnesses, the need for language assistance, or the need to accommodate disabilities.

General Timelines for Title IX Complaint Resolution Process	
Stage	Calendar Days
<b>Investigation</b>	<b>*Varies</b>
<b>Review evidence and investigative report before report is finalized</b> Section 10(d)	<b>10</b>
<b>Notice prior to a hearing</b> Section 10(f) Appendix A - Notice and Pre-Hearing #1 Student Discipline Procedures, REG 11.35.02, Appx. G, Section 4.6	<b>10</b>
<b>Opportunity for Parties to appeal</b> Appendix A - Appeals #6 Student Discipline Procedures, REG 11.35.02, Appx. G, Section 7.2	<b>10</b>
<b>Opportunity for additional Party to appeal following notice of initial Party appeal</b> Appendix A - Appeals #6 Student Discipline Procedures, REG 11.35.02, Appx. G, Section 7.4	<b>10</b>

## APPENDIX A

## HEARING PROCEDURES FOR EMPLOYEE RESPONDENTS

### *Notification and Pre-hearing*

1. The Title IX Coordinator will appoint a Hearing Officer to hear the matter and will confirm the Hearing Officer does not have a conflict of interest that would prevent them from remaining neutral. The Title IX Coordinator has the discretion to appoint a trained University employee or an external adjudicator to serve as the Hearing Officer.
2. The Parties will receive written notice of the allegations of Title IX Sexual Harassment to be reviewed at the hearing, the name of the Hearing Officer, and the date(s) of the hearing at least ten (10) days prior to the hearing.
3. Either Party must notify the Title IX Coordinator within five (5) days of delivery of the notice if they believe the Hearing Officer assigned to the case has a conflict of interest or bias such that the Hearing Officer could not provide for a fair hearing. The Title IX Coordinator shall have the discretion to remove or re-appoint a Hearing Officer if deemed necessary to address a reported conflict of interest or bias.
4. A Respondent, Complainant, Advisor, or Support Person should not engage in ex parte communications with the Hearing Officer.
5. Prior to the hearing, the Hearing Officer may ask the Parties whether they are able to stipulate or agree to any undisputed facts that would be entered into the record and intended to expedite the hearing.

### *The Hearing*

6. Each Party shall have the opportunity to present their case at the hearing, including an equal opportunity to present fact and expert witnesses and any inculpatory and exculpatory evidence.
7. If a Complainant or Respondent fails to appear at the hearing after receiving the appropriate notice and there are no extenuating circumstances that explain the failure to appear, the Hearing Officer may proceed with the hearing. The Hearing Officer will not draw any inferences about the Party's responsibility from their failure to appear at hearing.
8. The determination of responsibility will be made based on the allowable information contained in the record and presented at the hearing. There is a presumption that the Respondent is not responsible for the alleged conduct until a determination of responsibility is made at the conclusion of the hearing.
9. The Investigator for the case and/or University Police may be called as a witness by either Party and may provide witness testimony as allowed regarding their investigatory fact findings.

10. The Parties and/or the Hearing Officer may request the attendance of witnesses. No witness may be compelled to provide testimony.
11. The Hearing Officer shall exercise control over the proceedings to maintain decorum, to avoid redundancies, and to achieve the orderly completion of the hearing. The Hearing Officer may recess the hearing if they determine that the presence of additional information or witness testimony is needed to make a decision. The Hearing Officer may exclude any person, including a Party, who disrupts a hearing or fails to follow procedures.
12. Hearings shall be recorded by the Hearing Officer. No other recordings or broadcasts shall be permitted. The recording will be maintained with the Respondent's case file and will be available to the employee as part of their personnel file and to the Parties for consideration during any appeal.
13. Witnesses shall be asked to affirm or swear that their testimony is truthful. Witnesses (faculty, staff or students) who intentionally provide false information may be subject to University disciplinary action.
14. Parties and/or Witnesses will be provided the opportunity to provide additional or clarifying information pertaining to the investigative report at the hearing. The Witnesses should not restate information previously provided in the investigative report.
15. Witnesses will be excluded from the hearing during the testimony of other witnesses. Witnesses may not discuss the testimony they provided with other witnesses.
16. The University will make all directly related evidence available to the Parties at the hearing.
17. Formal rules of evidence or civil procedure shall not apply in hearings.
18. The Hearing Officer will consider all relevant evidence presented and will allow each Party's Advisor to pose relevant questions to the Parties and witnesses. Before a witness or Party answers a question directed to them by an Advisor, the Hearing Officer must first determine if the question is relevant. The Hearing Officer will exclude any irrelevant information or testimony (including duplicative questions), and when excluded, the Hearing Officer will provide an explanation for the decision to exclude the information or question. The Hearing Officer reserves the right to provide additional reasons for the exclusion of information after the hearing concludes. The Hearing Officer will also supervise the proceedings to ensure that the Advisor adheres to the rules of decorum and is not abusive or intimidating.
19. Relevant evidence and questions do not include the following categories, which are deemed "irrelevant" at all stages of the Complaint Resolution Process:
  - a. Evidence and questions about the Complainant's sexual predisposition or prior sexual behavior, unless they are offered to prove that someone other than the Respondent committed the alleged conduct or they concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent;

- b. Evidence and questions that constitute or seek disclosure of information protected under a legally-recognized privilege; and
  - c. Any Party's medical, psychological, and similar records unless the Party has given voluntary, written consent.
20. If a witness (including a Party) is not present at the hearing or refuses to submit to cross examination at the hearing, any statement provided by the witness (or Party) as part of the investigation cannot be considered by the Hearing Officer.
21. Parties and/or Witnesses must participate in the hearing face-to-face or via video conferencing technology. At the request of either Party, the live hearing (including cross-examination) may occur with the Parties located in separate rooms with technology enabling the Parties to see and hear each other.
22. Allegations against multiple employees involved in the same incident may be consolidated and considered in a single hearing.
23. The sequence of a Hearing shall be as follows:
- a. The Hearing Officer shall read statements regarding the expectations for the hearing, including expectations regarding truthfulness and confidentiality, and the allegations as listed in the notice which are to be considered at the hearing.
  - b. The University shall present the information alleged in the Formal Complaint and evidence gathered through the investigation process. This may be done by presenting the Investigative Report and relevant evidence and/or through witnesses.
  - c. The Hearing Officer shall allow the Parties to make a short, opening statement summarizing their cases.
  - d. The Complainant shall present their case, including any witnesses. The Hearing Officer and Respondent's Advisor may question the Complainant and witnesses following each of their respective testimonies.
  - e. The Respondent shall present their case, including any witnesses. The Hearing Officer and Complainant's Advisor may question the Respondent and witnesses following each of their respective testimonies.
  - f. The Hearing Officer may limit or exclude questioning that is irrelevant. The Hearing Officer may also enforce the rules of decorum, requiring all Parties and Advisors to participate respectfully and non-abusively.
  - g. The Witnesses, including the Parties, shall wait to be informed by the Hearing Officer whether the question is permitted in the hearing before responding.

- h. The Parties may make a closing statement. A closing statement is a short summary of the information previously presented and conclusions the speaker wishes the Hearing Officer to draw from the information.
- i. Following closing statements, the hearing will be considered closed.

## **DETERMINATION OF RESPONSIBILITY**

- 24. The Hearing Officer's determination of responsibility shall be made on the basis of the preponderance of the evidence, that is, whether the information presented has shown that it is "more likely than not" that the Respondent engaged in the alleged conduct and therefore violated the Title IX Sexual Harassment Policy.
- 25. The Hearing Officer's written decision, including an explanation of the findings and reasoning to support the decision, whether any remedies will be provided to the Complainant, and any disciplinary action against the Respondent will be sent to the Parties through a means where delivery can be verified. The Parties' University email address will be the official primary mode of communication. A copy of the decision will also be provided to Employee Relations and to the Title IX Coordinator.
- 26. The time limit for filing an appeal begins upon delivery of the written decision to the Parties, respectively.
- 27. If the Hearing Officer issues a determination of responsibility for a Respondent who is an SHRA employee:
  - a. The Hearing Officer shall recommend a proposed sanction for consideration by the Respondent's supervisor and University Employee Relations through the processes provided for in the SHRA Disciplinary Action Policy (DAP), if applicable. The written determination of responsibility and any referral from the Hearing Officer may become the official recommendation of the supervisor for any required Pre-Disciplinary Conference (i.e., for sanctions of disciplinary suspension without pay; demotion; or dismissal).
  - b. Any Appeal from a Title IX determination regarding responsibility or from dismissal of a formal complaint based on an allegation that Title IX personnel had a conflict of interest or bias shall be resolved within the Title IX Complaint Resolution Process and shall not constitute a grievable issue under the SHRA Grievance Policy.
  - c. Following the issuance of formal disciplinary action, an SHRA employee may file a grievance in accordance with the University of North Carolina SHRA Grievance Policy (SHRA Grievance Policy).
  - d. In grievances involving disciplinary sanctions imposed based upon the Title IX Complaint Resolution Process, the SHRA Grievance Panel may receive as evidence

the written record of the Title IX Complaint Resolution Process and written determination of responsibility. The review by the SHRA Grievance Panel shall be limited to the question of whether the discipline is supported by just cause.

28. If the Hearing Officer issues a determination of responsibility for a Respondent who is an EHRA non-faculty employee, the recommended sanction will be referred to the Respondent's supervisor and Employee Relations for implementation. The conclusions of the Complaint Resolution Process are not grievable under Section 611 of *The Code*.
29. If the Hearing Officer issues a determination of responsibility for a Respondent who is a faculty member who is the beneficiary of institutional guarantees of academic tenure:
  - a. The determination shall constitute misconduct under Section 603(1)(C) of *The Code*. Once the written decision in the Complaint Resolution Process becomes final (either as issued or following the completion of any Title IX Complaint Resolution Process appeal(s)), the Hearing Officer's sanction shall be a referral to the Chief Academic Officer for appropriate disciplinary sanction, if any.
  - b. In proceedings under Section 603 of *The Code* involving the imposition of serious sanction based upon the Complaint Resolution Process, the Title IX written decision may be included as evidence of the grounds for the sanction, however, the Title IX determination of responsibility is not subject to review.
30. If the Hearing Officer determines that the Respondent is not responsible for a violation of the Title IX Sexual Harassment Policy, the Hearing Officer shall then consider whether the conduct constitutes a violation of the Equal Opportunity, Non-Discrimination and Affirmative Action Policy (NCSU POL 04.25.05). In reaching this determination, the Hearing Officer shall consider all relevant evidence presented during the Hearing, including exhibits and testimony, as well as the Investigative Report and any accompanying exhibits. The Hearing Officer's determination will be made in accordance with NCSU REG. 04.25.02, Section 9.2, with the Hearing Officer serving in the role of the OIED investigator; however, Section 9.2(b) shall not apply, because the Parties will have had an opportunity to review all relevant evidence, the investigative report, and pose questions during the Hearing. The Hearing Officer's final report will be transmitted to the OIED, which will proceed in accordance with NCSU REG 04.25.02.

## APPEALS

31. The Parties shall be notified in writing of their appeal rights when provided with the Hearing Officer's written decision. Either Party may appeal from a Hearing Officer's determination regarding responsibility and from a dismissal of a Formal Complaint (or any allegations therein) based on one or more of 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 an individual Complainant or Respondent that affected the outcome of the matter.

32. Any appeal should be directed to the Title IX Coordinator, who will notify the other Party in writing when an appeal has been filed. An appeal must be received within ten (10) days from the date that the written decision is issued to the Parties through any delivery method where receipt can be verified. If the tenth (10th) calendar day falls on a Saturday, Sunday, or University holiday, the deadline for filing the appeal will be extended to the next University business day. If no timely appeal is filed, the Hearing Officer's written decision will be final. An extension of time to file an appeal may be requested in writing within the ten-day limit, and it is within the discretion of the Title IX Coordinator to grant or deny such requests.

33. The opposing Party shall have ten (10) calendar days from receipt of the notification of appeal from the Title IX Coordinator to provide a written response to the appeal. Upon receipt of an appeal and any written response to the appeal, the Title IX Coordinator shall appoint an Appeal Officer to review the appeal. The Appeal Officer may be a University employee or external third party at the discretion of the Title IX Coordinator. The Title IX Coordinator will send a notice to both Parties identifying the Appeal Officer. Either Party must notify the Title IX Coordinator within five (5) days if they believe the Appeal Officer assigned to the case has a conflict of interest or bias such that the Appeal Officer could not conduct a fair review of the appeal. The Title IX Coordinator shall have the discretion to remove or re-appoint an Appeal Officer if deemed necessary to address a reported conflict of interest or bias.

34. The appeal must contain the following:

- a. A copy of the decision being appealed;
- b. A detailed written statement specifying the grounds for appeal, a list of alleged errors in the decision or procedure, an explanation for why those decisions are in error, and the complete factual basis for the appeal;
- c. A requested remedy; and
- d. The signature of the appellant and date the appeal is being submitted.

37. The Title IX Coordinator will provide the documents submitted on appeal to the Appeal Officer. Appeals will be decided on the record of the original proceedings. New hearings will not be conducted on appeal. However, the Appeal Officer may choose to ask the parties to submit additional information about their positions on appeal, beyond the information in the appeal notice. If the Hearing Officer is alleged to have violated these procedures, the Appeal Officer may ask the Hearing Officer to submit a written response to the appeal. Any written statement submitted must be drawn on information in the record and cannot include new information bearing on responsibility that was not presented at the hearing, except to the extent that new information pertains to the grounds for appeal, was not reasonably available prior to

the hearing, and could affect the outcome of the matter. These written statements become part of the record.

38. Following their review, the Appeal Officer may:

- a. Affirm the findings imposed by the Hearing Officer;
- b. Remand the case to the Hearing Officer based on:
  - (i) Procedural errors that affected the outcome of the proceeding; or
  - (ii) New and significant material information that has become available and was not available previously to a person exercising reasonable diligence, which information could have affected the outcome of the proceeding.
- c. Remand the case to a new Hearing Officer if the Appeal Officer finds that the Hearing Officer had a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent that affected the outcome of the matter.

39. The Appeal Officer will review the appeal documentation and any other information required (i.e. investigative report, hearing transcript, new evidence identified, etc.) to render a decision on the appeal. The Appeal Officer will issue a written decision on the appeal and the rationale for the result within fifteen (15) days of receipt of all documentation required to decide the appeal, but that deadline may be extended for good cause. The decision on appeal will be provided simultaneously to both Parties.

