

# *University of North Carolina Wilmington*

## ANNUAL SECURITY REPORT

2015



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## A Message from the Chief of Police

The services, collaborations and culture of the University of North Carolina Wilmington are designed to provide a safe and secure environment for the campus experience. This Annual Security Report contains important information about many of the resources available to the campus community. Each of us has a role in providing for a safe community – read on to learn more.



University police officers are sworn and certified law enforcement officers who are armed, have full powers of arrest and are trained far beyond the minimum required of North Carolina law enforcement officers. Many of the university's police officers have extensive military and civilian law enforcement experience and have purposely chosen campus policing as a career. The university's police department works closely with other law enforcement agencies in the region, specifically the Wilmington Police Department and New Hanover County Sheriff's Office. These agencies share response plans, training resources, information and other assets. The police department also works very closely with other areas of the university to meet the needs of an active campus community 24 hours a day.

The UNCW Campus Crime and Security Report is published each year in compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act [20 USC 1092 (f)]*. The report is compiled in accordance with the guidelines set forth in U.S. Department of Education, Office of Postsecondary Education, [The Handbook for Campus Safety and Security Reporting](#), Washington, D.C., 2011.

This report includes statistics for the previous three years concerning crimes that occurred on campus, in certain off-campus buildings or property owned/controlled by UNCW and on public property within, or immediately adjacent to and accessible from, the campus. The report also includes institutional policies concerning campus security, sexual assault and other matters. A copy of this report can be obtained by contacting the UNCW Police Department.

I hope you will partner with us to keep UNCW safe!

Yours in service,

David M. Donaldson  
Chief of Police

## **Commitment to Equal Education and Employment Opportunity**

The University of North Carolina at Wilmington is committed to and will provide equality of educational and employment opportunity for all persons regardless of race, gender, gender identity, sex (such as marital status or pregnancy), age, color, national origin (including ethnicity), religion, disability, sexual orientation, genetic information, political affiliation, veteran status, or relationship to other university constituents — except where a protected status represents a bona fide educational or occupational qualification or where marital status is a statutorily established eligibility criterion for state-funded employee benefit programs.

This affirmation is published in accordance with 41 CFR Part 60 and is implemented in accordance with the following laws and their amendments: Title VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972 (20 USC § 1681); the Equal Pay Act of 1963; Executive Order 11246; the Age Discrimination in Employment Act of 1967; the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; ADA Amendments Act of 2008; the Vietnam Era Veterans' Readjustment Assistance Act of 1974; the Civil Rights Restoration Act of 1988; N.C. General Statutes Chapters 116 and 126; and Title II of the Genetic Information Non Discrimination Act of 2008.

To ensure that equal educational and employment opportunity exists throughout the university, a results-oriented equal opportunity/affirmative action program has been implemented to overcome the effects of past discrimination and to eliminate any artificial barriers to educational or employment opportunities for all qualified individuals that may exist in any of our programs. The University of North Carolina at Wilmington is committed to this program and is aware that with its implementation, positive benefits will be received from the greater representation and development of previously under-utilized human resources.

## **Preparation of the Annual Security Report and Disclosure of Crime Statistics**

As part of the annual statutory requirement set forth in the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990, the University of North Carolina Wilmington prepares an Annual Security Report to help current and future students, as well as their parents and/or guardians, understand the campus security trends, campus security policies and programs aimed at identifying, deterring or curtailing crime. The university uses information maintained by the University Police, information provided by other university offices such as the Student Affairs Division which contains the Office of the Dean of Students and Housing and Residence Life, and other campus security authorities as well as information provided by local law enforcement agencies surrounding the UNCW. Each of these offices provides updated policy information.

This report provides statistics for the previous three years concerning reported crimes that occurred on campus, in certain off-campus buildings or property owned, leased or controlled by UNCW. This report also includes institutional policies concerning campus security, such as policies regarding sexual assault, alcohol and other drugs.

The university distributes a notice of the availability of this Annual Security Report by October 1 of each year to every member of the university community. Anyone, including prospective students and employees, may obtain a paper copy of this report by contacting the University Police at 910.962.2222 or by visiting <http://www.uncw.edu/police>.

## **Safety, Our Number One Priority**

The University of North Carolina Wilmington takes great pride in the community and offers students, faculty and staff many advantages. This community is a great place to live, learn, work and study, however, this does not mean that the campus community is immune from all of the other unfortunate circumstances that arise in other communities. With that in mind, UNCW has taken progressive measures to create and maintain a safe environment on campus.

Though the university is progressive with its policies, programs and education, it is up to each one of us to live with a sense of awareness and use reasonable judgment when living, working or visiting on campus.

## **Reporting Crimes and Other Emergencies**

The university has a number of ways for campus community members and visitors to report crimes, serious incidents and other emergencies to appropriate university officials. Regardless of how and where you decide to report these incidents, it is critical for the safety of the entire university community that you immediately report all incidents to the UNCW Police Department to ensure an effective investigation and appropriate follow-up actions, including issuing a crime alert or emergency notification.

## **Voluntary, Confidential Reporting**

If crimes are never reported, little can be done to help other members of the community from also being victims. We encourage university community member to report crimes promptly and to participate in and support crime prevention efforts. The university community will be much safer when all community members participate in safety and security initiatives.

If you are the victim of a crime or want to report a crime you are aware of, but do not want to pursue action within the university or criminal justice system, we ask that you consider filing a voluntary, confidential report. Depending upon the circumstances of the crime you are reporting, you may be able to file a report while maintaining your confidentiality. The purpose of a confidential report is to comply with your wish to keep your personally identifying information confidential, while taking steps to ensure your safety and the safety of others. The confidential reports allow the university to compile accurate records on the number and types of incidents occurring on campus. Reports filed in this manner are counted and disclosed in the Annual Security Report. In limited circumstances, the police department may not be able to assure confidentiality and will inform you in those cases.

Anyone may call the UNCW Police Department at 910.962.2222 to report concerning information. Callers may remain anonymous.

## **Reporting to University Police**

We encourage all members of the university community to report all crimes and other emergencies that occur on campus to the UNCW Police in a timely manner. In an emergency, dial **911**. UNCW Police have a dispatch center that is available by phone at 910.962.2222 or in person 24 hours a day at 5126 Lionfish Drive. Though there are many resources available, UNCW Police should be notified of any crime, whether or not an investigation continues, to assure the university can assess any and all security concerns and inform the community if there is a significant threat to the university community.

## **Anonymous Reporting**

If you are interested in reporting a crime anonymously, you can access the police through the department's website: [www.uncw.edu/police](http://www.uncw.edu/police). By policy, we do not attempt to trace the origin of the person who submits this form, unless such is deemed necessary for public safety. Persons may also report crimes through the TEXT A TIP. Begin your message via phone to "CRIMES" or via the web site [www.tip708.com](http://www.tip708.com). You can also submit tips through New Hanover County Crime Stoppers at 800.531.9845 or 910.763.3888.

## **Reporting to Other Campus Security Authorities**

While the university prefers that community members promptly report all crimes and other emergencies directly to the UNCW Police at 910.962.2222 or 911, we also recognize that some may prefer to report to other individuals or university offices. The Clery Act recognizes certain university officials and offices as "Campus Security Authorities (CSA)." The act defines these individuals as an "official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution."

The following university officials or members of designated offices, by virtue of their titles and position, are required to notify the police department of incidents of offenses occurring in certain geographic locations associated with UNCW:

1. UNCW Police: All personnel
2. Office of Housing and Residence Life: All professional staff, resident assistants and desk receptionists, including contracted security guards
3. Office of the Dean of Students: All professional staff
4. Athletic Department: Athletic director, other administrators, trainers and coaching staff
5. Campus Recreation: All professional staff
6. Campus Life: All professional staff
7. UNCW faculty/staff advisors of registered student organizations
8. UNCW Title IX coordinator

## **Confidential Resources**

The trained professionals designated below can provide counseling, information and support in a confidential setting. These confidential resources will not share information about an individual (including whether that individual has received services) without the individual's express permission, unless there is a continuing threat of serious harm to the patient/client or to others or there is a legal obligation to reveal such information (e.g., suspected abuse or neglect of a minor). These professionals are also available to help an individual make a report to the university.

### **CARE (Collaboration for Assault Response & Education)**

The CARE office is located on the second floor of DePaolo Hall, across from the Student Health Center, in the CARE/CROSSROADS suite. CARE can be contacted at 910.962.CARE. Emergency or after-hours consultation is also available by calling the CARE responder at 910.512.4821. [care@uncw.edu](mailto:care@uncw.edu)  
Hours: Monday – Friday, 8 a.m. – 5 p.m.

### **Counseling Center**

The Counseling Center is located on the second floor of DePaolo Hall and provides confidential services to students. The Counseling Center can be contacted at 910.962.3746. Emergency or after-hours consultation is available by contacting the University Police.  
Hours: Monday – Friday, 8 a.m. – 5 p.m.

### **Student Health Center**

The Student Health Center is located on the second floor of DePaolo Hall, across from the CARE offices. The Student Health Center can be contacted at 910.962.3280.  
Hours: Monday – Wednesday and Friday, 8 a.m. – 5 p.m., Thursday, 9 a.m. – 5 p.m.

### **Mandatory Reporting of Child Abuse**

Individuals who suspect that a child is being harmed or observe a child being harmed should contact law enforcement by calling 911. In addition, under North Carolina law, individuals who reasonably suspect that a child under the age of 18 has been abused or neglected by a parent, guardian or caregiver have an obligation to report that suspicion to a county department of social services. The New Hanover County Department of Social Services may be reached at 910.798.3400.

### **Emergency Phones and Call Boxes**

There are more than 150 emergency phones and call boxes located across the campus, in the parking deck and in elevators to make obtaining assistance convenient and easy to find. Standing tall and prominently, “blue-light” fixtures reflect the university's commitment to a greater level of personal security for all students, employees and visitors. Call boxes require only the push of a button to contact UNCW Police through a speakerphone. A bright strobe light on the top of the call box is activated when

you push the button, helping police quickly locate you. If you are unable to speak or need to seek safer shelter, there are indicators in place to let police dispatchers know which call box has been activated. Police officers will respond any time a call box is activated, whether someone speaks into the speaker or not. A quick button press can make the difference in solving or even preventing a crime. In addition to using the call box to report emergencies, you should also use them to report simple suspicious activities that may warrant immediate police attention, or anytime you wish to contact the UNCW Police.

For a map of campus call box locations, please visit [http://uncw.edu/ba/flash/callbox\\_map.pdf](http://uncw.edu/ba/flash/callbox_map.pdf).

You should study the locations that lie along your regular routes of campus travel so you will know how to find the closest call box in an emergency.

The police department provides regular spot-check maintenance of the campus call boxes. To report any kind of problem relative to the operation or appearance of campus call box, please call the police department at 910.962.2222.

### **Crimes Involving Student Organizations at Off-Campus Locations**

UNCW does not have any officially recognized off-campus student organizations.

### **Timely Warning Reports – CRIME ALERTS**

In an effort to provide timely notice to the campus community in the event of a Clery Act crime that may pose a serious or ongoing threat to members of the community, the UNCW Police Department issues “crime alerts.” The UNCWPD will generally issue crime alerts for the following crimes: arson, aggravated assault, criminal homicide, robbery, burglary, sex assaults and hate crimes. UNCW Police may post these warnings through any of the following methods: email, broadcast voicemail, website postings, community meetings, print media, televised media, public postings, telephone, personal communications and text messages.



The university also may send text message alerts to those who choose to register their cell phone numbers. The text messaging can be a very effective way to send important information to the campus community. To receive UNCW Alert messages, log onto [mySeaport](#), scroll down the left side navigation and click “Register to Receive UNCW Emergency Texts.” Provide or update your phone number and/or email address. Then click “submit.”

The purpose of these crime alerts is to notify the campus community of the incident and to provide information that may enable community members to protect themselves from similar incidents. The university will issue crime alerts whenever the following criteria are met: 1) a Clery crime is reported; 2) there is a serious or continuing threat to other members of the campus community because of this crime.

Additionally, the University Police may, in some circumstances, issue crime alerts when there is a pattern of crimes against persons or property. At UNCW, the chief of police will generally make the determination, in consultation with other university offices, if a crime alert is required. However, in emergency situations, any police supervisor may authorize a crime alert.

## **Emergency Management at UNCW, Emergency Response and Evacuation Procedures**

The Office of Environmental Health and Safety is responsible for the All-Hazards Emergency Operations Plan (EOP). This plan is designed to be an all-hazards disaster response and emergency management plan that complies with FEMA guidelines for Higher Education that includes planning, mitigation, response and recovery actions.

Our priorities are:

- Life safety, infrastructure integrity and environmental protection during an emergency
- Coordination with university departments to write, maintain, test and exercise the All-Hazards Plans
- Cooperation, integration and mutual aid with local, state and federal planning, response and public safety agencies and their All Hazards Plan.

A summary of the university's emergency response procedures is located at <http://www.uncw.edu/emergencyandsafety/index.html>. Included at this webpage is detailed information regarding the university's emergency notification policy, including how to enroll in the emergency notification system to ensure you receive emergency notices on university and cellular telephones.

## **Drills, Exercises and Training**

To ensure the university's emergency management plans remain current and actionable, the university will conduct an emergency management exercise, at a minimum, once yearly. These exercises may include tabletop drills, emergency operations center exercises or full-scale emergency response exercises and include several departments from across the campus. The university conducts after-action reviews of all emergency management exercises.

In conjunction with at least one emergency management exercise each year, the university will notify the community of the exercise and remind the community of the information included in the university's publicly available information regarding emergency response procedures [http://www.uncw.edu/ehs/emergency\\_management.html](http://www.uncw.edu/ehs/emergency_management.html).

The university's policy concerning Emergency Notification, Response and Evacuation Procedures is reprinted below.



## EMERGENCY NOTIFICATION, RESPONSE AND EVACUATION PROCEDURES

<b>Authority:</b>	Chancellor
<b>History:</b>	Revised August 21, 2012; Revised May 24, 2011; Established August 21, 2009
<b>Source of Authority:</b>	UNC Code, Appendix 1, Section XV
<b>Related Links:</b>	UNCW Police
<b>Responsible Offices:</b>	UNCW Police, University Relations, Environmental Health & Safety

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### **I. Purpose**

These procedures are established in compliance with the Higher Education Opportunity Act (§485(f)(1)(J); 20 U.S.C.S. §1092(f)) to provide emergency response, notification and evacuation procedures for campus.

### **II. Scope**

These procedures apply to all university members and visitors to campus.

### **III. Reporting Emergencies**

Individuals should report all emergencies by calling 911 from any telephone, whether cellular, landline or campus extension, by pushing the emergency intercom button or the bluelight emergency phone buttons (Emergency Call Boxes), which are available at various locations on the campus properties. False alarms or abuse of the notification system is a violation of campus policies as well as North Carolina law.

### **IV. Responsibility for Emergency Response and Notification**

A. Generally, the UNCW Police Department (UPD) is responsible for providing immediate emergency response to and investigating reports of criminal actions and/or initiating or providing assistance to other agencies and departments for other types of emergencies occurring on property owned, leased and managed by UNCW.

B. Once a confirmed significant emergency or dangerous situation involving immediate threat to the health or safety of students or employees is occurring on campus, the campus community shall be notified, unless UPD determines and

pronounces that issuing an immediate notification would place the community at a greater risk or would compromise efforts to contain the emergency. Any delay in notification shall be for as short a time as possible. It is anticipated that initial notifications will be the responsibility of UPD. However, it is recognized that any number of circumstances may cause this responsibility to fall to University Relations or, in some cases, another designated office(s) / department (s). Additional messages may be released by UPD as the incident or situation dictates and as time permits. In situations where the initial emergency notification was made by UPD, University Relations has responsibility for broadcasting further messages to the UNCW community. The Chief of Police, or designee, shall notify University Relations of the incident and shall notify that office when UPD has transferred responsibility for further notifications to them. UPD will work to continue to update and brief University Relations staff on incident developments, advising on the content and timing of further communications.

A. The initial message shall be brief and direct to notify the community and advise on, such as whether to seek shelter, secure doors, avoid or evacuate a location(s) or take other action as needed. Any of following emergency communications, as well as others as deemed appropriate, may be utilized depending on the type and nature of the emergency:

1. Seahawk Siren System – used for emergencies requiring shelter in place to stay safe. The siren will be utilized during sudden emergencies, such as tornadoes, hazardous materials incidents, or active shooters.
2. University’s emergency notification system, which sends the message to all UNCW email addresses and sends voice and text messages to cell phone numbers voluntarily provided by students, faculty and staff. This system also has the capability of populating social media, RSS and CAP.
3. Campus Intercom System – The campus intercom system may be used to notify persons indoors in a manner similar to the Seahawk Siren System. It may be used to provide shelter in place or evacuation information as necessary for a variety of emergencies. The active listening function of this system will only be used by law enforcement in actual emergencies.
4. In-person communication by one individual to another person or group of persons.

B. University Police and University Relations shall test the notification systems no less than annually and its effectiveness will be monitored by Environmental Health & Safety emergency management function.

C. At a minimum this policy shall be publicized as follows:

1. Annually in the Campus Crime and Security Report

2. At <http://www.uncw.edu/emergencyandsafety/index.html>
3. New Student Orientation
4. Publication in the UNCW Emergency Action Plan

## **Emergency Notification**

UNCW is committed to ensuring the campus community receives timely, accurate and useful information in the event of a significant emergency or dangerous situation on campus or in the local area that poses an immediate threat to the health and safety of campus community members. UNCW uses the "UNCW Alert" emergency notification service, available to students, staff and staff. UNCW Alert includes nearly 20 different communication tools that the university may deploy during an emergency. Pay attention to emails, text messages, phone calls and other communications from "UNCW Alert." They are official UNCW emergency updates. Messages sent by UNCW Alert are simulcast to the university community via our news wire at <https://sites.google.com/site/uncwalert>, UNCW's Facebook page, Twitter or at the subscriber's choice, a secondary email account.

UNCW performs a university-wide annual test of the system. The following procedures outline the process the university uses when issuing emergency notifications.

### **Procedures Used to Notify the Campus Community**

In the event of a situation that poses an immediate threat to members of the campus community, the university has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of emergency notification. These methods of communication include the mass notification system UNCW Alert and the university's email system. They could also include verbal announcements within a building and public address system on police cars. The university will post updates during a critical incident on the homepage.

### **Confirming the Existence of a Significant Emergency or Dangerous Situation and Initiating the Emergency Notification System**

Generally, the UNCW Police Department is responsible for providing immediate emergency response to and investigating reports of criminal actions and/or initiating or providing assistance to other agencies and departments for other types of emergencies occurring on property owned, leased and managed by UNCW.

Once a confirmed significant emergency or dangerous situation involving immediate threat to the health or safety of students or employees is occurring on campus, the campus community shall be notified, unless UNCW Police determines and pronounces that issuing an immediate notification would place the community at a greater risk or would compromise efforts to contain the emergency. Any delay in notification shall be for as short a time as possible.

It is anticipated that initial notifications will be the responsibility of UNCW Police. However, it is recognized that any number of circumstances may cause this responsibility to fall to the Office of University Relations (OUR) or, in some cases, another designated office(s) or department(s).

### **Determining the Contents of the Emergency Notification**

The university has developed a number of template messages addressing several different emergency situations. The individual authorizing the alert will select the template message most appropriate to the ongoing situation and modify it to address the specifics of the present incident. In those cases where

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

Additional messages may be released by UNCW Police as the incident or situation dictates and as time permits. In situations where the initial emergency notification was made by UNCW Police, the Office of University Relations has responsibility for broadcasting further messages to the UNCW community. The chief of police, or designee, shall notify University Relations of the incident and shall notify that office when UNCW Police has transferred responsibility for further notifications to them. UNCW Police will work to continue to update and brief University Relations staff on incident developments, advising on the content and timing of further communications.

### **Procedures for Disseminating Emergency Information to the Greater Community**

If the university activates its emergency notification system in response to a situation that poses an immediate threat to members of the campus community, several offices at the university are responsible for notifying the larger community about the situation and steps the university has taken to address the emergency, primarily the Office of University Relations.

### **Enrolling in the University's Emergency Notification System**

We encourage members of the campus community to enroll in the UNCW email and text alert emergency notification by visiting <https://appserv02.uncw.edu/cellphone/default.aspx>. We encourage university community members to regularly update their information at the same site.

### **Security of and Access to University Facilities**

At UNCW campus, administrative offices are open from 8 a.m. until 5 p.m., Monday through Friday, and academic buildings generally are open from 7 a.m. until 11 p.m. Academic buildings are scheduled to be open on weekends only as needed. Access to individual classrooms and laboratories is limited to those enrolled in the courses meeting there. Likewise, access to most programs is limited to those enrolled in the program or otherwise authorized access. Academic, administrative and support buildings are secured each evening at the conclusion of the scheduled activity for the facility by building staff, housekeeping staff, the UNCW Police Department or electronically through a computerized access control system administered by access management. Reservations and requests for facility use are administered by the campus life reservations office for campus life facilities, the facilities use manager for academic space, information technology systems for it facilities, athletics facilities and event management for athletic facilities or department building coordinators.

Many cultural and athletic events held in the university facilities are open to the public. Other facilities such as the bookstore, library and Fisher Student Center are likewise open to the public. Only those who have a demonstrated need are issued keys to a building.

## Special Considerations for Residence Hall Access

All ground floor accessible doors to UNCW's traditional style residence halls as well as the Seahawk Landing, Seahawk Village and Seahawk Crossing are locked 24 hours per day, seven days a week. These residence halls operate under a computerized access control system. Identification cards are coded so that only students who are residents in a particular hall are authorized electronic access entry to that hall; the system denies entry to all unauthorized persons. These are present on all main entrance doors. All other ground accessible doors are alarmed. When any exterior door is left ajar, an audible alarm is activated. When a door is malfunctioning, personnel are summoned for immediate repair or to secure it. Remember to lock your doors and windows. All residence hall and apartment exterior doors are equipped with locks and with crash bars to ensure a quick emergency exit.

Only residents and their invited guests are permitted in the living areas of the residence halls. It is the resident's responsibility to ensure that his/her guests are aware of the university and residence hall policies. Guests are not provided with room keys or door access cards nor are they authorized to use their host's card temporarily for access. Guests must be escorted by a resident of the building at all



times. All exterior doors are locked 24 hours a day. It is the responsibility of residents and staff members to challenge or report individuals who cannot be identified as residents or the guests of residents. When University Police receive a report of an unescorted person in a residence hall, a police officer is dispatched to identify that person. Officers and security guards patrol in and around the residence hall complexes.

Contracted security personnel are assigned in the residence hall areas from midnight until 8 a.m. During the summer when groups who are not regularly associated with UNCW are using the university residence halls, exterior doors are locked 24 hours a day. Each guest is issued an identification card that allows him or her to gain access to their assigned building via the electronic access control system. Residence halls are staffed 24 hours per day. Police officers randomly patrol common hallways throughout residence halls and the exterior grounds. The University Apartments, University Suites, Seahawk Landing, Seahawk Village and Seahawk Crossing are considered private residences, as are rooms within the traditional residence halls.

## Desk Receptionists (DRs)

DRs are student staff members who work at the front desk of each of the traditional residence halls between 8 a.m. and midnight. DRs are responsible for answering the front desk telephone, providing loaner keys and issuing supplies. The DR is also responsible for providing security in the hall by maintaining an awareness of residents and others entering and leaving. The DR may request individuals entering the building to show a UNCW ID and may inspect bags/backpacks.

## **Night Security Staff**

Security guards work at the front desks in each residential area from midnight to 8 a.m. seven days a week whenever a building is open for residents. These individuals perform many of the same duties as the DR staff, and they closely monitor access to each of the residential areas.

## **Residence Assistants (RAs)**

RAs are UNCW students of sophomore standing or above who are responsible for: (1) getting to know each person on the floor or in the assigned area, (2) familiarizing students with residence hall and university rules and regulations, (3) assisting with the enforcement of these rules and regulations, (4) helping residents maintain an environment conducive to studying and learning, (5) acting as a liaison between residents and the Office of Housing and Residence Life, (6) facilitating student-to-student and student-to-staff interaction, (7) assisting in the development of educational and social programs and (8) being on duty from 5 p.m. to 8 a.m. and on weekends from 5 p.m. Friday until 8 a.m. Monday on a rotating basis.

## **Residence Coordinator (RCs)**

RC's are full-time professionals who report to the associate director of residence life. These individuals live on campus and are assigned to administer a specific residence hall or area; supervise a graduate assistant; resident assistants; coordinate the educational, social and recreational programs; and enforce university policy. Each RC is also a campus conduct officer who adjudicates on-campus student discipline. In addition, they assist Housing and Residence Life by performing specific administrative duties. It is the responsibility of the RC to work actively with staff and students to promote a positive community environment. One of these professional staff members is on duty each evening to respond to emergencies in the residential facilities.

## **Assistant Residence Coordinators**

The Office of Housing and Residence Life employs graduate assistants. They serve in an area of campus where they assist the residence coordinator by helping supervise a RA staff and DR staff, advising hall government and coordinating area programming effort.

Residence hall rules and regulations may be accessed through the following link:

<http://www.uncw.edu/Stuaff/housing/GFOCL/rulesregs.html>.

## **Security Considerations for the Maintenance of Campus Facilities**

UNCW is committed to campus safety and security. Locks, landscaping and outdoor lighting are designed for safety and security. Sidewalks are designed to provide well-traveled, lighted routes from parking areas to buildings and from building to building. Sidewalks and building entrances are illuminated to provide well-traveled lighted routes from parking areas to buildings and from building to building. Generally, the responsibility for maintaining campus buildings and grounds falls to the physical plant, a department within the university's Office of Facilities. Physical plant personnel conduct inspections of academic and administrative buildings and the campus grounds. Each business day police personnel report, to the Office of Facilities and others, maintenance issues observed as being in need of care or

correction. Annually, representatives from the student body and several university departments, including the Office of Housing and Residence Life, Environmental Health & Safety, UNCW Police, physical plant and others walk the campus to identify security issues and prompt corrective actions. A centralized online work order system is available for UNCW employees to submit specific maintenance items. These actions are in addition to routine maintenance and repair programs administered for the safety and security of campus facilities.

We encourage community members to promptly report any security concern, including concerns about locking mechanisms, lighting or landscaping to either Facilities, Housing and Residence Life or the UNCW Police.

## **Fire Safety**

Fire safety is a top priority. All campus housing facilities have state-of-the-art fire detection and alarm systems as well as fire suppression sprinkler systems. The systems are tested and certified on a yearly basis in conjunction with the Department of Insurance, the UNCW Department of Environmental Health and Safety (EH&S) and physical plant electrical shop. Fire drills are conducted by the Housing and Residence Life staff and EH&S once each fall and spring semester. The vacating of the buildings during these drills is overseen by the Housing and Residence Life staff, the UNCW Police Department and EH&S. The Wilmington Fire Department and the UNCW Police Department respond to every general fire alarm.



## **UNCW Annual Fire Safety Report and Fire Log**

In compliance with the Higher Education Opportunity Act (Public Law 110-315) University of North Carolina Wilmington publishes annually a [Fire Safety Report](#) and Fire Log. This report is published through Environmental Health and Safety and is available through their homepage <http://uncw.edu/ehs>. The report contains fire statistics; a description of fire safety systems in each residential housing facility; the number of fire drills held the previous calendar year; the institution's policies on portable electrical appliances, smoking and open flames in housing facilities; procedures for student housing evacuations; policies for fire safety and training programs for students, faculty and staff; a list of the titles of each person or organization to which individuals should report a fire has occurred; and plans for future improvements in fire safety, if determined necessary by the institution.

## **Response to Missing/Endangered Persons**

It is the policy of the UNCW Police Department to thoroughly investigate all reports of missing persons and to support and assist missing person investigations originating outside our jurisdiction. In addition, the department holds that every person reported missing will be considered at risk until significant information to the contrary is confirmed.

There is no required waiting period for reporting a missing person. A person may be declared “missing” when his or her whereabouts are unknown and unexplainable for a period of time that is regarded by knowledgeable persons as highly unusual or suspicious in consideration of the subject’s behavior patterns, plans or routines.

**UNCW Policy 04.140 Missing Residential Student Policy outlines the following:**

- A. Residential students are to be informed that he/she has the option to identify an individual to be contacted by the institution not later than 24 hours after the time that the student is determined missing.
- B. Residential students who are under 18 years of age and not emancipated individuals are to be informed that the university is required to notify a custodial parent or guardian no later than 24 hours after the time that the student is determined to be missing.
- C. Residential students are to be informed that the university will notify the appropriate law enforcement agency no later than 24 hours after the time that the student is determined missing.
- D. Residential students are to be informed that he/she has the option to confidentially identify an individual and his or her telephone number(s) to be contacted by the institution no later than 24 hours after the time that the student is determined missing. The Office of Housing and Residence Life will collect and maintain the confidential contact information. The student is responsible for ensuring that the contact information is current and accurate.

If the student is a residential student, the staff of the UNCW Department of Housing and Residence Life will conduct a preliminary investigation in order to verify the situation and to determine the circumstances that exist relating to the reported missing student.

- 1. A staff member will attempt to contact the subject student via his or her telephone, email and/or by other methods of communication.
- 2. If the subject student cannot be reached, two staff members will visit the room of the resident student in question to verify their whereabouts and/or wellness, and, in some cases, deliver a message to contact a parent or family member who is searching for them.
- 3. If the residential student is not at the room, but it is occupied, the residence life staff will attempt to gain information on the student’s whereabouts and/or wellness from questioning the occupants.
- 4. If there is no response when the staff member knocks on the door of the room or there are occupants who do not know of the subject’s whereabouts, the residence life staff will enter into the room in question, by key if necessary, to perform a health and safety inspection. The staff members will take note of the condition of the room and look for visible personal property (wallet, keys, cell phone, clothing, etc.), which might provide clues as to whether the subject student has taken an extended trip or leave from the residence hall.

5. If the student is not found in the room, the residence life staff will attempt to gain information of the student's whereabouts from roommates, members of the residential community or friends. The residence life staff will also attempt to acquire additional phone numbers for the subject student (if not already on file) and use them to initiate contact.
6. At any step in the process, staff members will immediately report any suspicious findings to UNCW Police.
7. If all of these steps do not provide residential staff with an opportunity to speak with the missing resident or to learn his or her whereabouts, UNCW Police will be contacted to investigate further.
8. If the missing student is determined to be under the age of 18, Housing and Residence Life staff will notify the Office of the Dean of Students so that contact will be made with the student's parents within 24 hours. If the missing student is determined to be over the age of 18, Housing and Residence Life staff will notify the Office of the Dean of Students so that contact will be made with the student's confidential contact within 24 hours.
9. If these steps provide residential staff with an opportunity to speak with the missing residential student, verification of the student's state of health and intention of returning to campus is made. If needed, a referral will be made to the UNCW Counseling Center. The Division of Student Affairs shall contact UNCW Police to document that a missing student investigation was begun and apprise them of the student's state of health and well-being.

The complete policy regarding missing residential students can be viewed at: [UNCW Policy 04.140](#).

## About the UNCW Police Department



The UNCW Police Department protects and serves the UNCW community 24 hours a day, 365 days a year. The department supports and delivers a number of campus safety and security programs including community safety and crime prevention programming, physical security, behavioral threat assessment and special event management. The department operates a communications center that is staffed and equipped to receive and respond to telephone, electronic and radio communications 24 hours a day. Through contractual agreement, the New Hanover County 911 Center provides dispatch and emergency communications functions to UNCW.

The University of North Carolina Wilmington provides a fully functional police agency empowered under North Carolina General Statute 116-40.5. Police officers are certified under the North Carolina Department of Justice Criminal Justice Education and Standards Commission and possess full arrest authority. Generally, the UNCW Police Department is responsible for providing immediate emergency response to and investigating reports of criminal actions and/or initiating or providing assistance to other agencies and departments for other types of emergencies occurring on property owned, leased and managed by UNCW. University Police also refer students to the Campus Conduct System for minor violations and violations of campus policy. The police department is located on the east side of campus, on Lionfish Drive. We encourage all UNCW community members to immediately report all crimes that

occur on campus or other university property to the UNCW Police Department at 910.962.2222 or by immediately dialing 911.

All sworn police officers have completed a Basic Law Enforcement Training (BLET) course and recertify annually as required by the North Carolina Criminal Justice Training and Standards Division just as all municipal police officers in North Carolina do. Officers all undergo a minimum of 24 hours annual Mandatory In-Service Training (MIST) prepared by the North Carolina Criminal Justice Training and Standards Division.

### **UNCW Police Department Values**

The UNCW Police Department will, through all of our employees, uphold the public's trust and maintain accountability to our community through the following values which are essential to meeting the department's mission:

1. Excellence in problem solving.
2. Excellence in community policing.
3. Active support for university programs.

### **UNCW Police Department Mission Statement**

The University of North Carolina Wilmington Police will provide quality police service to our community on a 24-hour basis. We will continually develop and deliver the best law enforcement services in North Carolina. We will enforce all laws of the State of North Carolina and all rules and regulations set forth by the university in a manner that will be of maximum benefit to all and will offer whatever assistance we can lawfully render without regard to the parameters of traditional policing responsibilities. We will encourage substantial interaction with the students, faculty and staff to coadunate the community.

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

The UNCW Police Department benefits from an excellent working relationship with surrounding law enforcement agencies. Local and state agencies are all participants in a comprehensive countywide communication system that allows direct linkage between the various agencies. Local and state agencies provide support to the UNCW Police Department when requested. Additionally, the UNCW Police Department has mutual aid agreements with all UNC System schools and has entered into an agreement with New Hanover County that provides a limited expansion of the university's law enforcement jurisdiction. The terms of the agreements establish the conditions under which either agency may request and/or provide assistance to the other and the circumstances of the expanded jurisdiction. It should be noted that the UNCW Police Department does not patrol or respond to routine calls for service in the areas of expanded jurisdiction. The Wilmington Police Department and the New Hanover County Sheriff's Office also cooperate for training on preplanned large-scale exercises and events.

## Security Awareness and Crime Prevention Programs

UNCW Police services focus on one primary concern: to protect and serve all who come to campus. The services of our department center on enhanced customer service, reduction of crime and the improvement of the quality of life for students, faculty, staff and visitors at UNCW. To make UNCW a safer community, take steps to protect yourself. Call UNCW Police if you have a safety concern or note suspicious activity. In an emergency, call 911 or use an emergency call box. The department maintains a Daily Crime Log that is available to the public during normal business hours and can be accessed in the lobby of the UNCW Police Department building (5126 Lionfish Drive). This [Crime Log](#) can also be accessed through the UNCW Police Department's website:

<https://itsappserv01.uncw.edu/policenet/log.aspx>.

Information is an important component in the continuing effort to increase campus safety. A well-informed campus can better protect itself. Every student, faculty member and staff member shares the responsibility for providing a safe campus. Every campus community member should be educated and aware of the services the department offers. The police department is founded on the values of community policing and crime prevention. To this end, the department provides crime prevention information, materials and education to the campus throughout each school year. One of the goals of the UNCW Police Department is to prevent crimes before they occur.

### Crime Prevention and Education

The Police Department coordinates crime prevention and community policing activities through formal policing models, identified at UNCW, as Police and Community Networking (PAC'N) and Patrol Areas of Responsibility (PARs). These policing models allow individual police officers and patrol squads to give particular emphasis to the residential areas of the campus while also maintaining services to the greater campus community. To this end, police staff work especially closely with resident students, as well as Housing and Residential Life resident assistants and residence coordinators and other designated personnel across the campus. The PAC'N and PARs platforms are designed to allow officers to assist community members in defining problems, developing solutions and implementing strategies to solve problems and prevent crimes. A variety of formal and informal educational programs are facilitated through these initiatives including:

- Sexual assault education and prevention
- Property security – [Operation ID](#)
- Traffic injury prevention
- Response to emergencies such as an active shooter
- [Bike registration, safety and security](#)
- Drug and alcohol awareness
- Personal safety and property security
- Basic car maintenance

Information on these and other programs provided through the UNCW Police Department is available at the following link, [www.uncw.edu/police/program.html](http://www.uncw.edu/police/program.html) or by contacting the police department at 910.962.2222. Additional programming and presentations can be coordinated through the UNCW Police Department.

## **Rape Aggression Defense**

As part of its crime prevention effort, the police department offers [RAD– Rape Aggression Defense \(http://uncw.edu/police/radschedule.html\)](http://uncw.edu/police/radschedule.html) – classes throughout the year. The RAD system is a program of realistic self-defense tactics and techniques. RAD is a comprehensive course for women that begins with awareness, prevention, risk reduction and avoidance. RAD teaches physical self-defense as a viable option for a woman who is attacked. In addition to being offered as a co-curricular activity, RAD is an elective lab in PED 101. Multiple sessions of RAD are offered each semester and are promoted on the police department’s website, through academic classes, on public bulletin boards and discussed in community meetings.

## **Buckled and Sober at 25**

The UNCW Police Department, along with other local and state law enforcement agencies, is a proud participant in the North Carolina’s Governor’s Highway Safety Initiative. This program is the University Police Department’s traffic campaign intended to reduce incidents of impaired driving and increase voluntary compliance with passenger restraint and speed laws.

## **Ride-Along Program**

Individuals interested in making law enforcement a career or simply want to experience another perspective can ride along with a UNCW police officer during a patrol shift.

In addition to the many programs offered by the University Police and other university offices, the university has established a number of policies and procedures related to ensuring a reasonably safe campus community. These policies include:

## **Student Behavioral Intervention Team / Workplace Violence Assessment Team**

In order to extend our efforts on emergency preparedness and prevention, UNCW has established a Student Behavioral Intervention Team and a Workplace Violence Assessment Team. The objective of these teams is to put in place a structured process for evaluating potentially threatening situations that occur at the university. The multi-disciplinary team is comprised of members from around the university community.

## **Weapons Policy**

UNCW policy ([http://www.uncw.edu/policies/documents/05-501\\_Weapons\\_on\\_Campus.pdf](http://www.uncw.edu/policies/documents/05-501_Weapons_on_Campus.pdf)) prohibits the possession and use of weapons on university owned or controlled property, except as allowed by law. [N.C. General Statute § 14-269.2](#) grants the possession of weapons on state property in the following circumstances:

## **Individuals with Valid Concealed Handgun Permits**

Any person who has a valid concealed handgun permit or who is exempt from obtaining a concealed handgun permit may possess a handgun on campus only in the following manner:

### **1. Locked Vehicles or Containers**

The handgun must be in a closed compartment or container within the person's locked vehicle or in a locked container securely affixed to the person's vehicle.

### **2. Entry or Exit of Vehicle**

The person may unlock his/her vehicle for entry or exit provided the handgun remains in the closed compartment at all times and the vehicle is locked immediately following the entrance or exit.

## **UNCW's Response to Sexual and Gender Violence**

### **Personal Safety**

Theft and alcohol related offenses are common on university campuses. However, they don't stand-alone. Despite law enforcement's efforts, serious crimes do occur on campuses. It is important to report any suspicious incidents to police and always remain alert and vigilant.

One of the more serious crimes that too often is unreported is sexual assault. It is important to know what these crimes are, because in many cases, victims do not realize that they have been victimized. Additionally, crimes of this nature are very difficult for victims to report for a number of very complex reasons. In an effort to address these concerns, UNCW has developed a Student Gender Based/Sexual Misconduct Policy that defines sexual assault, and outlines the steps that should be followed in the event that such an assault occurs. We provide the information below, and the policy in its entirety, to assist those who may have been victims of sexual assault or who have a friend who has been sexually assaulted.

### **If You Are Sexually Assaulted**

- Get to a safe place, one that is well-lit and where there are other people, preferably people you know and trust.
- Do not bathe, douche, brush your teeth, drink, change clothing or even comb your hair before seeking medical attention. It is only natural to want to do so, but you may be destroying physical evidence that could be needed later if you wish to pursue criminal charges.
- Call for help! People who care and who will provide you with support and information are available 24 hours a day via **UNCW CARE at 910.512.4821** or at the **Rape Crisis Center at 910.392.7460**. Staff members at both centers can help you consider your reporting options, decide what to do next and accompany you through the process.
- To report the assault, call **UNCW Police at 910.962.2222 or ext. 911** on-campus. A student has the option to pursue a criminal complaint with the appropriate law enforcement agency, to pursue a complaint through the campus conduct process, or to pursue both processes simultaneously. See Sections VII and X of the Student Sexual Misconduct Policy for more information about reporting options.
- Get immediate medical attention. You may have injuries that you may not have realized occurred during the assault.

- Evidence collection and emergency treatment are available 24 hours a day at the local emergency rooms.
- The Abrons Student Health Center can provide students with immediate needs or subsequent follow-care.
- The North Carolina Rape Victims Assistance Program and Crime Victims Compensation Act covers most, if not all, medical costs related to rape.
- If you wish, call a friend, family member or other trusted person to be with you.



04.130

## STUDENT GENDER-BASED/SEXUAL MISCONDUCT POLICY

**Authority:** Chancellor

**History:** Reformatted July, 2005; Revised July 31, 2012, Revised August 18, 2014; Revised January 2015; Revised August 13, 2015

**Source of Authority:** 20 U.S.C. §1092(f) (also known as The Clery Act) and Title IX

**Related Links:** Harassment Prevention; Harassment Resolution Procedures, UNCW Police

**Responsible Office:** Vice Chancellor for Student Affairs

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### I. INTRODUCTION

UNCW is committed to providing programs, activities and an educational environment free from sex discrimination, and expects all members of its community to act in a respectful, responsible and civil manner towards one other. The Student Gender-Based/Sexual Misconduct Policy sets forth resources available to students, describes prohibited conduct, and establishes procedures for responding to reports of gender-based/sexual misconduct (including sexual harassment, sexual assault and other unwelcome sexual and gender-based behaviors).

If you are consulting this policy because you have been the victim of abuse or assault, please also refer to [http://uncw.edu/care/forVictimsWhatToDo.htm\\_for](http://uncw.edu/care/forVictimsWhatToDo.htm_for) additional information on steps to consider in the immediate aftermath of an incident, or call a confidential CARE Advocate, available 24 hours a day, at 910-512-4821.

As a recipient of Federal funds, the university is required to comply with Title IX of the Higher Education Amendments of 1972, 20 U.S. C. § 1681 *et seq.* (“Title IX”), which prohibits discrimination on the basis of sex in education programs or activities. Sexual misconduct, as defined in this policy, is a form of sex discrimination prohibited by Title IX. As explained in Section V of this policy, gender-based misconduct, sexual misconduct, sexual harassment, dating violence, domestic violence and stalking are all forms of misconduct prohibited by this policy. All such forms of misconduct are referred to generally as “gender-based/sexual misconduct” throughout this policy.

This policy addresses complaints of gender-based/sexual misconduct where the victim (complainant) and accused (respondent) are enrolled as students at UNCW. Complaints relating to sexual misconduct by a member of the university faculty or staff should be reported to the university’s Title IX Coordinator, University Police or the Office of Human Resources. Complaints relating to sexual misconduct by a non-university member should be reported to the law enforcement agency of the jurisdiction in which the misconduct took place. Details regarding UNCW’s policy for employee harassment may be found at <http://www.uncw.edu/policies/conduct.html>.

### II. PURPOSE

*Acts of gender-based discrimination, harassment and sexual misconduct, including dating violence, domestic violence and stalking, will not be tolerated at UNCW.* In order to provide a safe campus community within which all members are valued and respected, policies and procedures for addressing gender-based/sexual misconduct have been established in accordance with Title IX requirements and are detailed herein.

This policy applies regardless of the victim's or respondent's sexual orientation, sex, gender identity, gender expression, age, race, nationality, class status, ability or religion.

Anyone wishing to make a complaint of gender-based/sexual misconduct by an enrolled student at UNCW should contact the university's Title IX Coordinator, University Police, and/or the Office of the Dean of Students. UNCW provides confidential resources, support, and advice to students through UNCW CARE, the Counseling Center, and the Abrons Student Health Center. (A list of resources and relevant contact information are included on the last page of this policy.) Reports may also be made online at [studentsexualmisconduct.com](http://studentsexualmisconduct.com).

Any university employee, faculty/instructor, staff, administrator or person working on behalf of an officially sanctioned university office, event or activity, including resident assistants ("responsible employees"), receiving notice of gender-based/sexual misconduct is required to file a report with the Title IX Coordinator within one (1) business day of receiving the notice, unless that notice was communicated to an official who can provide professional confidentiality (see "Confidentiality Resources" below). Clery Act crime statistic and timely warning reporting duties must also be observed (as explained in Section VI.C. below). Allegations of gender-based/sexual misconduct by a student will be promptly investigated, findings will be issued, acts of discrimination will be redressed, and appropriate remedial action will be taken.

In addition to violating university policy, gender-based/sexual misconduct may also constitute criminal activity. Victims are encouraged to inform law enforcement authorities about instances of sexual misconduct. The chances of a successful criminal investigation are greatly enhanced if evidence is collected and maintained by law enforcement immediately following an assault. Victims may inform law enforcement officers without making a criminal or university complaint. Victims who make a criminal complaint may simultaneously pursue a university complaint. The University can assist victims in making a complaint to law enforcement officials.

## **A. JURISDICTION**

The university may respond formally to alleged incidents of gender-based/sexual misconduct:

1. that occurred on campus; or
2. that were part of official university programs (regardless of location); or
3. when the victim and respondent are UNCW students.

## **B. LIMITATION PERIOD**

Students who are victims of gender-based/sexual misconduct are encouraged to file complaints as soon as possible in order to maximize the university's ability to provide support, obtain evidence and conduct a thorough, impartial and fair investigation; however, there is no period of limitations.

A complaint may be filed at any time while the respondent is enrolled as a student at UNCW, regardless of the length of time between the alleged misconduct and the decision to file a complaint. Failure to promptly report may result in the loss of relevant evidence and witness testimony and may impair the university's ability to effectively enforce this policy and assign appropriate remedies.

## **C. CONFIDENTIAL RESOURCES**

If a victim prefers the details of an incident to be kept confidential, they can speak to professional staff in the following offices:

- UNCW Collaboration on Assault Response & Education (CARE)
- UNCW Counseling Center
- Abrons Student Health Center

Additionally, the Rape Crisis Center, Domestic Violence Shelter and Services and campus ministers will honor confidentiality. Confidential resources may need to share otherwise confidential information in a situation where an imminent danger to a victim or another individual exists in the

opinion of the professional staff or administrator. In addition, all university resources are required by North Carolina law to report abuse or neglect upon a child or any disabled person and to report non-identifying statistical information as required by the Clery Act.

Public awareness events such as “Take Back the Night” or other forums at which students disclose experience with sexual violence are not considered notice to the school for the purpose of triggering an individual investigation unless the victim initiates a complaint.

Research involving human subjects (which require approval by UNCW’s Institutional Review Board for the Protection of Human Subjects) may ask subjects to provide personal information in a confidential setting. Information about an incident covered under this policy may be disclosed by a research subject as part of participation in that research. Researchers involved in the research shall not report the incident to the Title IX Coordinator.

## **I. ADVOCACY & SUPPORT SERVICES**

No person should bear the effects of gender-based/sexual misconduct, dating violence, domestic violence and stalking alone. The safety, health and well-being of community members impacted by gender-based/sexual misconduct are of paramount concern; therefore, UNCW offers a range of services and resources to address these needs and support students affected by gender-based/sexual misconduct, dating violence, domestic violence or stalking.

Through UNCW CARE, the university’s violence prevention and intervention program, the university provides confidential consultation and victim advocacy services to students who have experienced gender-based/sexual misconduct, dating violence, domestic violence, stalking, or harassment. CARE responds to students who have been victimized, as well as those affected by someone else’s experience with abuse or assault. CARE provides supportive services, including crisis response, individual advocacy and accompaniment services, acts as an advisor in the campus conduct system, and, coordinates with both on-campus and off-campus resources.

CARE’s Victim Advocates will inform and counsel victims of their rights and available resources to help empower victims to make informed decisions and choices in responding to and coping with the effects of sexual misconduct. Victims can also access victim advocacy via the Rape Crisis Center and Domestic Violence Shelter and Services. Advocates assist victims, but the choice of what actions to pursue belongs solely to the victim. A Victim Advocate from CARE is available at any time, and contact information can be found on the last page of this policy. Additional information for victims is available at [www.uncw.edu/care](http://www.uncw.edu/care).

Support services for students who are respondents of (charged with) sexual misconduct are available, including an advisor from the Office of the Dean of Students and the confidential resources of the Counseling Center and Abrons Student Health Center.

A student experiencing sexual misconduct or physical abuse is strongly encouraged to seek medical attention. Victims are encouraged not to bathe, douche, brush their teeth, drink, change clothing or even comb their hair before seeking medical attention. It is only natural to want to do so, but doing so may destroy physical evidence that could be needed later if charges are pursued. Even if one bathes or washes, evidence can still be collected at the hospital, preferably within 120 hours of an assault. Evidence collection is not essential for pursuing a campus conduct process, but there are still good reasons to seek medical treatment such as to address the possibility of pregnancy, detect and prevent sexually transmitted infections, and to treat any physical injuries. One may have sustained injuries that they may not realize occurred during the assault.

- Evidence collection and emergency treatment is available 24 hours a day at the local emergency rooms (see Resources below).
- The Abrons Student Health Center can provide victims with immediate care or subsequent follow-care.

- The North Carolina Rape Victims Assistant Program and Crime Victims Compensation Act cover most, if not all, medical costs related to rape.
- Law enforcement will be called to the hospital, but a victim is not obligated to talk to them.

If a victim wants to pursue criminal charges, they should contact UNCW Police at 910-962-2222, or emergency 911. UNCW Police can assist victims in identifying and contacting the appropriate law enforcement agency. Advocates from UNCW CARE are available to give victims information about the criminal prosecution process, assist victims in notifying appropriate law enforcement agencies, accompany victims to interviews and act as a resource for the victim with off-campus agencies associated with criminal prosecution.

In addition to victim advocacy services and law enforcement, the university's support services include, but are not limited to:

- Counseling services for students who have been assaulted or who have concerns regarding gender-based/sexual misconduct, dating/domestic violence or stalking.
- Referral to off-campus agencies that provide services for students who have experienced gender-based/sexual misconduct, dating violence, domestic violence or stalking.
- Assistance to students who have been sexually assaulted or experienced other gender-based/sexual misconduct, dating violence, domestic violence or stalking in obtaining medical services.
- Procedures for campus conduct action when students who have been the victim of gender-based/sexual misconduct, dating violence, domestic violence or stalking wish to pursue formal resolution by the university, including administrative orders of no contact between parties or reassignment of campus housing.
- Assistance to students who have been sexually assaulted or experienced other gender-based/sexual misconduct, dating violence, domestic violence or stalking in pursuing criminal action against their assailants, including assistance pursuing a protective order issued by the courts.
- Year-round primary prevention and education programs, awareness events and print and video resources addressing a variety of topics related to gender-based/sexual misconduct, dating/domestic violence, or stalking. These programs include education for new students, risk reduction strategies, bystander intervention trainings and campaigns, and emerging and established evidence-based prevention efforts. These efforts are designed to stop dating/domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.
- Training of students, faculty, and staff on relevant resources, policies and reporting obligations. Additional specialized training is given to those officials participating in the investigation and adjudication of complaints of gender-based/sexual misconduct at least annually regarding issues related to domestic violence, dating violence, sexual assault, and stalking, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

#### **A. ACADEMIC ACCOMMODATIONS AND INTERIM MEASURES**

Academic accommodations and other interim remedies may be requested and honored, if reasonably available, regardless of whether the victim chooses to report the crime to university police or local law enforcement or proceed with a university investigation. When necessary the university will take immediate steps to protect a victim pending the final outcome of an investigation, including academic accommodations and other interim measures. Academic accommodations and interim measures provided to students will be maintained as confidential to the extent possible.

Academic accommodations and interim measures will be made on a case by case basis and may include, but are not limited to:

- reassignment of housing assignment
- changing work schedules
- altering academic schedules
- accessing academic support (tutoring)
- obtaining an administrative order of no contact which states that students may by no means communicate with, directly or indirectly, another student listed by the university

## **B. AMNESTY**

The university community encourages the reporting of *Code of Student Life* violations, especially sexual misconduct. Sometimes victims are hesitant to report to university officials because they fear that they themselves may be charged with policy violations, such as underage drinking at the time of the incident. It is in the best interests of the university community that as many victims as possible choose to report to university officials. Any individual, including the victim, a witness or a third party who makes a report will not be subject to disciplinary action by the University for their own personal consumption of alcohol or other drugs at or near the time of the incident, providing that any such violations did not harm or place the health or safety of any other person at risk.

## **I. TITLE IX COORDINATOR**

The Title IX Coordinator has primary responsibility for overseeing all aspects of compliance with Title IX and related regulations across the institution, including but not limited to: Recruitment, Admissions, Financial Aid, Athletics, Sex-Based Harassment, Pregnant and Parenting Students, Investigations and Adjudication procedures, Academic and Extracurricular Activities and Employment.

The Coordinator serves as the point of contact for coordinating the University's efforts in response to all forms of gender-based or sexual equity issues and he/she ensures that the University's response is effective, timely, thorough, and follows all legal mandates. The Title IX Coordinator's core responsibilities related to Gender-Based Sexual Misconduct include overseeing the university's response to Title IX reports and complaints and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. The Title IX Coordinator may choose an appropriately trained designee(s) as needed.

The Title IX Coordinator is:

Dr. Terrence Curran  
Associate Provost  
Academic Affairs  
Campus Box 5900  
Alderman Hall 109A  
(910) 962-3876  
currant@uncw.edu

### **Deputy Title IX Coordinator**

The role of the Deputy Title IX Coordinator is to coordinate training to students, faculty and staff on student gender based/sexual misconduct issues, facilitate initial intake of cases which may lead to additional investigations- including investigating facts relevant to the complaint- determine appropriate interim measures for a victim upon learning of a report or complaint of sexual misconduct, and ensure that the appropriate grievance process is initiated in response to the complaint. The Deputy Title IX Coordinator may choose an appropriately trained designee(s) as needed. The Deputy Title IX Coordinator is:

Dr. Brian Victor  
Associate Vice Chancellor for Student Affairs  
Campus Box 5985  
DePaolo Hall 2015  
(910) 962-7771

## **I. DEFINITION OF TERMS**

### **A. SEXUAL MISCONDUCT**

State law defines various violent and/or non-consensual sexual acts as crimes. Additionally, UNCW has defined categories of sexual misconduct, as stated below, for which action under this policy may be imposed. Generally speaking, UNCW considers Non-Consensual Sexual Intercourse violations to be the most serious, and therefore typically imposes the most severe sanctions, including suspension or expulsion, for students who commit such offenses. However, UNCW reserves the right to impose any level of sanction, ranging from a written warning up to and including suspension or expulsion, for any act of sexual misconduct or other gender-based offenses, including intimate partner or relationship (dating/domestic) violence, non-consensual sexual contact and stalking based on the facts and circumstances of the particular grievance. Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, gender, sexual orientation and/or gender identity of those involved. Sexual misconduct occurs when sexual acts are attempted or committed without consent and/or by force, threat, coercion, or pressure, or through the use of the victim's mental or physical helplessness, of which the assailant was aware or should have been aware.

Violations include:

1. **Non-Consensual Sexual Intercourse** is defined as any sexual penetration or intercourse (anal, oral or vaginal), however slight, with any object, by a person upon another person that is without consent and/or by force. Sexual penetration includes vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth to genital contact or genital to mouth contact.
2. **Non-Consensual Sexual Contact** is defined as any intentional sexual touching, however slight, with any object by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another individual, or any other bodily contact in a sexual manner.
3. **Sexual Exploitation** refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, in situations in which the conduct does not fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse or Non-Consensual Sexual Contact. Examples of sexual exploitation include, but are not limited to:
  - a. sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed);
  - b. taking pictures or video or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent);
  - c. prostituting another student;
  - d. engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted infections (STI) and without informing the other person of the infection, and further includes administering alcohol or drugs (such as "date rape" drugs) to another person without his or her knowledge or consent.

### **B. CONSENT**

The definition of consent is central to the recognition of both sexual assault and sexual misconduct. The university defines consent as mutually voluntary permission to engage in sexual activity demonstrated by clear actions and/or words. This decision must be made freely, consciously, knowingly and actively by all participants, as shown by the totality of the circumstances.

**Intoxication is not an excuse for failure to obtain consent.**

Silence, passivity, acquiescence, or lack of active resistance does not constitute or imply consent on its own.

Previous participation in sexual activity, however recent, does not indicate current consent to participate, and consent to one form of sexual activity does not imply consent to another form of sexual activity.

Consent can be withdrawn at any time.

**Consent has *not* been obtained in situations where the individual:**

1. is forced, coerced (defined as a unreasonable amount of pressure), manipulated, or has reasonable fear as the result of a threat (such as, the individual or another will be injured if the victim does not submit to the act); or
2. is incapacitated by alcohol, other drugs, sleep, etc. Because consent must be given consciously, sexual activity is prohibited with someone one knows to be, or should know to be, incapacitated. Incapacitation means the individual cannot make rational, reasonable and informed decisions; or
3. has a mental or physical disability which inhibits or precludes his/her ability to give knowing consent.

In North Carolina, a minor (meaning a person under the age of 16 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 16 years old may be a crime, as well as a violation of this policy, even if the minor willingly engaged in the act.

**C. DATING VIOLENCE**

Dating violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The relationship between the alleged perpetrator and the victim is determined based on the following factors:

1. the length of the relationship;
2. the type of relationship; and/or
3. the frequency of interaction between the persons involved in the relationship.

**D. DOMESTIC VIOLENCE**

Domestic violence is defined as abuse or violence committed by:

1. a current or former spouse of the victim;
2. a person with whom the victim shares a child in common; and/or
3. a person who is cohabitating with or has cohabitated with the victim as a spouse.

Dating and domestic violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

The state definition of domestic violence can be found in North Carolina General Statute §50B-1 [http://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter\\_50B/GS\\_50B-1.pdf](http://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_50B/GS_50B-1.pdf), which is applicable to criminal prosecutions for domestic violence in North Carolina, but may differ from the definition used by the university to address policy violations.

**E. STALKING**

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to feel fear for his or her safety or the safety of others or suffer substantial emotional distress. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. “Course of conduct” is defined as a pattern of two or more acts over a period of time, however short, that evidence a continuity of purpose. Stalking behaviors include, but are not limited to, the

following behaviors if they occur when it is known or reasonably should have been known that such behavior or one's presence is unwanted by a recipient:

1. non-consensual communication including in-person communication, telephone calls, voice messages, text messages, email messages, social networking site postings, instant messages, postings of pictures or information on Web sites, written letters, gifts, or any other communications that are undesired and/or place another person in fear;
2. following, pursuing, waiting, or showing up uninvited at a workplace, place of residence, classroom, or other locations frequented by a victim;
3. surveillance and other types of observation, whether by physical proximity or electronic means.

The state definition of stalking can be found in North Carolina General Statute §14-277.3A ([http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/BySection/Chapter\\_14/GS\\_14-277.3A.pdf](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/BySection/Chapter_14/GS_14-277.3A.pdf)) which is applicable to criminal prosecutions for domestic violence in North Carolina, but may differ from the definition used by the university to address policy violations.

## **B. SEXUAL HARASSMENT**

Sexual harassment is a form of sexual misconduct and is defined as any unwelcome conduct of a sexual nature. It may include, but is not limited to:

1. unwelcome sexual advances;
2. requests for sexual favors; and/or,
3. other verbal, non-verbal, or physical conduct of a sexual nature.

Sexual harassment may occur in a single incident, as well as in persistent behaviors. Both men and women are protected from sexual harassment, and sexual harassment is prohibited regardless of the sex of the harasser.

### **Two Types of Sexual Harassment**

#### **1. Hostile Environment**

Hostile environment sexual harassment includes any situation in which there is harassing conduct that is sufficiently severe, pervasive/persistent and patently/objectively offensive such that it alters the conditions of education or employment, from both a subjective (the victim's) and an objective (reasonable person's) viewpoint.

The determination of whether an environment is "hostile" must be based on the totality of the circumstances. These circumstances may include, but are not limited to:

- a. the frequency of the conduct
- b. the nature and severity of the conduct
- c. whether the conduct was physically threatening
- d. whether the conduct was humiliating
- e. the effect of the conduct on the victim's mental or emotional state
- f. whether the conduct was directed at more than one person
- g. whether the conduct arose in the context of other discriminatory conduct
- h. whether the conduct unreasonably interfered with the victim's educational or work performance
- i. whether the statement is a mere utterance of an epithet which engenders offense in an employee or student, or offends by mere discourtesy or rudeness
- j. whether the speech or conduct deserves the protections of academic freedom

#### **2. Quid Pro Quo**

Quid pro quo sexual harassment exists when there are:

- a. unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and/or
- b. submission to or rejection of such conduct results in adverse educational or employment action.

## **G. RETALIATION**

Retaliation is defined as any form, direct or indirect, including through third parties, of intimidation, threat, coercion or any other type of discrimination in response to an individual's complaint or participation in investigation or conduct processes.

It is a violation to retaliate against any person making a complaint of gender-based/sexual misconduct or against any person cooperating in the investigation, including testifying as a witness. For the purposes of this policy, retaliation includes:

1. intimidation;
2. threats;
3. harassment; and/or
4. any other adverse action taken against any such victim or third party.

Retaliation toward a student who reports sexual misconduct is strictly prohibited. Any act by a respondent, other students or their agents, of reprisal, interference, restraint, discrimination, coercion or harassment against any person using these procedures shall constitute a policy violation and shall be subject to prompt, appropriate and significant disciplinary action.

Retaliation should be reported immediately to the Title IX Coordinator, CARE Advocate, University Police or the Office of the Dean of Students.

## **H. INTIMIDATION**

Intimidation is defined as implied threats or acts that cause a reasonable fear of harm in another and includes, but is not limited to:

5. threatening to commit a sexual act upon another person;
6. stalking; and/or,
7. cyber-stalking.

## **I. OTHER CIVIL RIGHTS OFFENSES, WHEN THE ACT IS BASED UPON GENDER/SEX**

Other offenses include, but are not limited to:

8. Threatening or causing physical harm, extreme verbal abuse or other conduct which threatens or endangers the health or safety of any person on the basis of their actual or perceived membership in a protected class.
9. Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of their actual or perceived membership in a protected class. Discrimination can also involve treating an individual less favorably because of his or her connection with an organization or group that is generally associated with people of a certain protected class.
10. Intimidation, defined as implied threats or acts that cause a reasonable fear of harm in another on the basis of actual or perceived membership in a protected class.
11. Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the UNCW community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the hazing policy) on the basis of actual or perceived membership in a protected class. Hazing is also illegal under North Carolina law and prohibited by UNCW policy.
12. Bullying, defined as repeated and/or severe aggressive behavior that is likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally on the basis of actual or perceived membership in a protected class.
13. Violation of any other UNCW rules, when such violation is motivated by the actual or perceived membership of the victim on the basis of sex or gender or in a protected class, may be pursued using this policy and process.

## **VI. REPORTING & CONFIDENTIALITY/PRIVACY**

It is important to report any student gender-based/sexual misconduct, dating violence, domestic violence, stalking or harassment as soon as possible, though no formal time limitation is imposed on reporting by the university. There are several ways to take action by filing a:

1. criminal complaint with law enforcement authorities;
2. university complaint; and/or
3. third-party report.

Gender-based/sexual misconduct may constitute both a violation of university policy *and* a criminal offense. The university conduct system is not a substitute for instituting criminal or civil action, so the university encourages victims (“complainants”) to report alleged gender-based/sexual misconduct promptly to university officials *and* to local law enforcement.

UNCW Police and CARE are available to assist complainants in making reports to law enforcement agencies based on jurisdictional boundaries.

### **A. FILING A REPORT**

Anyone who would like to make a complaint of gender-based/sexual misconduct by a UNCW student should contact the university’s Title IX Coordinator, an advocate in the Collaboration for Assault Response and Education (CARE) Office, University Police, and/or the Office of the Dean of Students. Reports may also be made online at <http://uncw.edu/sexualmisconduct>.

Any responsible employee university office or employee receiving notice of gender-based/sexual misconduct is required to file a report with the Title IX Coordinator within one (1) business day of receiving the notice, unless that notice is communicated to an official who can provide professional confidentiality (see Confidential Resources herein). Clery Act crime statistic and timely warning reporting duties must also be observed.

Allegations of gender-based/sexual misconduct made by a student against a university employee should be reported to the Title IX Coordinator, University Police, Human Resources or the Office of the Dean of Students in accordance with the university’s Harassment Prevention Policy which can be found online at <http://www.uncw.edu/policies/conduct.html>.

If a criminal complaint is filed in addition to a complaint with the university, the university will not wait for the conclusion of any criminal investigation or proceedings before proceeding with its own investigation. The university may need to temporarily delay the fact-finding portion of the investigation while law enforcement gathers evidence. In the event of such a delay, the university will take interim measures as needed to protect the victim (“complainant”) and the university community. The university will promptly resume and complete its fact-finding portion of the investigation once it learns that law enforcement has gathered evidence for the criminal investigation.

### **B. CONFIDENTIALITY/PRIVACY**

In compliance with applicable laws and regulations, the university will take precautions to protect the confidentiality/privacy of both parties. However, complainants should understand that under conditions of imminent harm to the community, the university is obligated by federal law to inform the community of the occurrence for the protection of all members of the community. Additionally, the university cannot control confidentiality violations by non-university members who may be involved as witnesses or participants in an investigation or conduct hearing nor can the university control confidentiality violations by complainants/respondents after they receive outcome notifications.

A complainant may make a request for confidentiality/privacy at any point. This type of request means that the complainant does not want her/his identity known to the respondent and witnesses, or that the complainant wishes to withdraw the report. If at any point the complainant requests

privacy, the university will make all reasonable attempts to comply with this request. In a situation where a complainant requests privacy, or removes her/himself from the investigative or campus adjudicatory process, the university's ability to investigate, respond to, or assign penalties for the allegations may be more limited.

The university is required by Title IX to weigh the complainant's request for confidentiality/privacy with the university's commitment to provide a reasonably safe and nondiscriminatory environment. There are situations in which the university may override the complainant's request for confidentiality in order to meet its Title IX obligations, including but not limited to cases which:

1. involved significant violence;
2. the university has reason to believe that the perpetrator has harmed more than one individual;
3. the university has reason to believe there are multiple perpetrators;
4. the university has received prior reports of alleged misconduct at that location;
5. there is deemed to be a threat of significant danger to the university community; or
6. involves minor status.

These instances will be limited and, to the extent possible, the university will only disclose information regarding alleged incidents to individuals who are responsible for or involved in the university's response.

If the university determines that it must disclose the complainant's identity to an alleged perpetrator, the Title IX Coordinator will inform the complainant prior to making the disclosure and will take interim measures necessary to protect the complainant and ensure the safety of others.

A complainant who initially requests confidentiality may later retract that request and ask that a full investigation be conducted.

## **C. CLERY ACT OBLIGATIONS**

### **FEDERAL STATISTICAL REPORTING OBLIGATIONS**

All university employees, including the confidential resources of the Abrons Student Health Center and UNCW CARE, but not professional or pastoral counselors, are required to report non-identifying statistical information about certain crimes, including any alleged sexual misconduct, dating violence, domestic violence, or stalking, as required by state and federal law, and in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. This statistical information is used for compiling the annual UNCW Campus Crime and Security Report and by UNCW Police for purposes of advising the campus community of any potential safety risks or concerns.

### **FEDERAL TIMELY WARNING OBLIGATIONS**

Victims of gender-based/sexual misconduct should also be aware that university administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The university will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

## **VII. THE INVESTIGATIVE PROCESS**

In accordance with state and federal laws, both the respondent and complainant are permitted to have a support person (not an active participant in the process but present for emotional support) and a university advisor, licensed attorney or non-attorney advocate accompany them through the campus conduct process (state law) and through Title IX hearings (federal law). The advisor/advocate may be a licensed attorney, non-attorney advocate or university advisor selected by the student or appointed by the university. Students are permitted these options at any point through the initial intake process, formal investigation and/or hearing process. Students who wish to use a licensed attorney or non-attorney advocate must do so in compliance with procedures

established by the Office of the Dean of Students, as described in Section II-2-I of the *Code of Student Life*.

Reports of gender-based/sexual misconduct, dating violence, domestic violence, stalking or gender-based harassment will be investigated in a thorough and timely manner as follows:

#### **A. INITIAL INVESTIGATION (“Intake”)**

Upon receipt of notice of any allegation of misconduct, the Title IX Coordinator or designee will send a letter via email to the victim verifying receipt of the complaint and informing the complainant of various support services. The complainant will be invited to meet with the Title IX Coordinator so she/he can learn about their options under this policy. This meeting may also involve a discussion of any accommodations that may be appropriate concerning the complainant’s academic, university housing and/or university employment arrangements (see Academic Accommodations and Interim Measures herein). If the complainant attends the meeting she/he will have an opportunity to identify their alleged assailant, if possible, and provide other initial details, and may elect to provide a written account of the incident. The Title IX Coordinator will gather initial information and determine whether the information, if true, would constitute a violation of this policy. At the conclusion of the intake process, the Title IX Coordinator will determine whether there is sufficient information to continue a formal investigation.

#### **B. FORMAL INVESTIGATION**

If the decision is made to proceed with a formal investigation, the process will begin by written notice being provided to both parties. The Title IX Coordinator will prepare and forward a formal complaint to trained Title IX investigators. The formal complaint will include the name of the respondent, the date, location and nature of the alleged misconduct, and a list of any potential witnesses that may need to be interviewed. The complainant may, but is not required to, also provide a thorough written narrative of the incident to aid in the initial investigation. This statement will be used in the conduct process.

If the complainant does not wish to participate in the formal investigation, actions will be taken as outlined in the “Confidentiality/Privacy” section herein. The university may issue an administrative order of no contact or take other reasonably necessary interim measures as described previously herein, in order to provide a safe and nondiscriminatory environment for all students. The university may also elect to proceed with a formal investigation in the absence of participation from the complainant.

#### **C. TITLE IX INVESTIGATORS**

Title IX Investigators are persons who have been designated by the Title IX Coordinator and who have undergone training on investigative methods and Title IX Policy. Investigators may include trained faculty, staff and university administrators. Upon consultation with the Office of General Counsel, the Title IX Coordinator may appoint an external investigator to investigate any case. Investigators are neutral fact-finders who typically conduct interviews and follow-up interviews with the complainant, the respondent and third-party witnesses. At the conclusion of the interviews the Investigators will submit an Investigative Report including but not limited to summaries of all interviews and any relevant evidence – including but not limited to photographs, electronic and forensic evidence – and a detailed written description of the events in question which could constitute a violation of this policy. If a hearing is conducted, the Investigators will attend the hearing to provide testimony about the results of their investigation.

A typical investigation will be completed in sixty (60) days, if not sooner. Reasonable extensions of time are permissible and both parties will be notified in writing if any extension is needed. The investigative report will be shared with the Dean of Students and the Office of General Counsel.

After reviewing the Investigative Report, the Title IX Coordinator and Dean of Students, in consultation with the Office of General Counsel, will determine if there is cause under the Code of

Student Life to conduct a hearing. If a hearing is granted the formal resolution process will begin with written notice provided to the complainant and respondent, and both parties will receive a copy of the Investigative Report.

A complainant whose request for a hearing is denied may appeal that decision within five business days to the Vice Chancellor for Student Affairs, whose decision will be final.

## **VIII. FORMAL RESOLUTION PROCESS**

If a hearing is granted the formal resolution process will begin by written notice being provided to both parties. The hearing will be conducted by the Gender-Based/Sexual Misconduct Board.

### **A. PRE-HEARING/INITIATION OF CHARGES**

The Office of the Dean of Students will initiate conduct charges by issuing a letter to both the complainant and respondent requesting individual pre-hearing meetings with each party. A pre-hearing meeting is designed to introduce a complainant and respondent to the campus conduct process, including familiarizing him/her with student rights and responsibilities. This generally consists of meeting with a student conduct administrator in the Office of the Dean of Students. During the pre-hearing a complainant will:

1. be apprised of his/her rights and responsibilities;
2. be apprised of all relevant evidence available at that time;
3. choose whether he/she would like an advisor, licensed attorney or non-attorney advocate for consultation during the process (as previously stated, both parties may enjoy this support starting at the intake or formal investigation stages as well).

During the pre-hearing a respondent will:

1. be apprised of his/her rights and responsibilities;
2. be apprised of all relevant evidence available at that time;
3. choose whether he/she would like an advisor, licensed attorney or non-attorney advocate for consultation during the process;
4. agree or disagree with the charge(s) against him/her.

### **B. ADMINISTRATIVE HEARING**

A respondent has the right to accept responsibility for the charge(s) and request an immediate administrative “sanctioning” hearing. An administrative hearing is a hearing conducted by a student conduct administrator in the Office of the Dean of Students. The university also reserves the right to forward the case directly to the Gender-Based/Sexual Misconduct Board.

### **C. GENDER-BASED SEXUAL MISCONDUCT BOARD**

The Gender-Based/Sexual Misconduct Board (“GBSM Board”) is a hearing board comprised of three (3) vice chancellors or their designees. Quorum is established by a full GBSM Board (3 members). The vice chancellor for student affairs will designate a chair of the GBSM Board who will participate as a voting member. All GBSM Board members will receive annual training in their responsibilities that draws on professional and expert resources.

In an emergency situation, pursuant to Section II-6-A & B or Section II-2-M of the *UNCW Code of Student Life*, the vice chancellor for student affairs or designee shall have the power to invoke summary suspension. After a hearing, the GBSM Board may ratify the vice chancellor’s action, reverse it or take any other appropriate action. In such emergency situations, the vice chancellor for student affairs shall inform the chancellor of all actions taken either summarily or by the Board under the authority of this policy.

### **D. EXTERNAL ADJUDICATOR**

Upon consultation with the Office of the General Counsel, the Title IX Coordinator may appoint an external adjudicator to hear any case. The external adjudicator will conduct a hearing following the procedures set forth in this policy and the *Code of Student Life*. Such policies and procedures may

include, but are not limited to, a presentation of the Investigative Report from the investigators, testimony from parties involved, and relevant witnesses and any other relevant evidence. The external adjudicator will determine whether any section of the GBSMP has been violated and will decide upon the appropriate sanction. All due process rights, including all appropriate levels of appeal, afforded students through the traditional campus conduct process will apply for cases heard by the External Adjudicator.

#### **E. MEDIATION**

Mediation is not an appropriate route to resolution of gender-based/sexual misconduct cases and will not be used by the university to resolve gender-based/sexual misconduct complaints.

#### **F. STANDARD OF PROOF**

The standard of proof for all allegations of gender-based/sexual misconduct will be preponderance of evidence as mandated by the U.S. Department of Education's Office for Civil Rights, which means that there is greater than a 50% chance, based on all reasonable evidence, that the respondent is responsible for the alleged violation.

#### **G. RECORDING**

All conduct hearings will be audio recorded by the Office of the Dean of Students. In some cases, a transcriber may be present to transcribe the hearing.

#### **H. RANGE OF SANCTIONS**

Sanctions range from written warning up through and including suspension or expulsion from the university.

#### **I. OUTCOME NOTIFICATION**

Both the complainant and respondent will be notified in writing of the outcome of sexual misconduct cases within a reasonable period of time after the hearing concludes (typically two business days). The outcome of a campus hearing is part of the educational record of the student respondent, and is generally protected from release under a federal law, the Family Educational Rights and Privacy Act (FERPA). However, the university observes the following FERPA-permitted disclosures in accordance with Title IX and the Clery Act:

1. Complainants in non-consensual sexual contact/intercourse, sexual exploitation, sexual harassment, dating violence, domestic violence and stalking have an absolute right to be informed of the outcome and relevant sanctions of the hearing, in writing, without condition or limitation. An explanation of appeal rights will be included in such notifications.
2. The university *may* release publicly the name, nature of the violation and the sanction for any student who is found in violation of a university policy that is a "crime of violence" or non-forcible sex offense including:
  - a. Arson
  - b. Burglary
  - c. Robbery
  - d. Criminal homicide
  - e. Assault offenses
  - f. Sex offenses (including statutory rape and incest)
  - g. Destruction/damage/vandalism of property
  - h. Kidnapping/abduction

In any of the above offenses, the university will release the information about the outcome to the complainant.

## **J. APPEAL PROCESS**

Both the complainant and the respondent have the right to appeal the outcome of cases that involve allegations of gender-based/sexual misconduct policy. An “Intent to Appeal” must be filed within two (2) business days after notification of the original decision. The “Request for Appellate Consideration Form” must be submitted within five (5) business days after notification of the original decision. Reasonable extensions of time are permissible. Such petition shall be submitted to the Office of the Dean of Students and explain in detail the reason(s) for the student’s appeal. Original sanctions (with the exception of summary suspension) are normally put into effect only after the final appellate decision has been made. The grounds for appeal in cases involving gender-based/sexual misconduct are listed below:

### **1. COMPLAINANT**

- a. An alleged violation of the rights guaranteed the complainant has occurred; or
- b. The sanction did not represent the severity of the violation committed; or
- c. New evidence, not available during original adjudication, which may have bearing on the outcome.

### **2. RESPONDENT**

- a. An alleged violation of the rights guaranteed the respondent has occurred; or
- b. The sanction is too severe for the violation; or
- c. New evidence, not available during original adjudication, which may have bearing on the outcome.

### **3. APPEAL PROCEDURES**

The Gender-Based/Sexual Misconduct Appeal Panel is comprised of two (2) vice chancellors or their designees who were not on the original GBSM Board.

Upon receiving a petition, the Appeal Panel shall obtain the record of the GBSM Board/student conduct administrator. The record shall include relevant documents, the decision of the hearing including a case summary and rationale for supporting the decision. With this information, the Appeal Panel shall decide whether an Appellate Review is warranted. This decision is based on one or more of the three options for an appeal outlined above. Both the complainant and respondent will be notified in writing of the decision within five (5) business days after receipt of the petition. Reasonable extensions of time are permissible.

If the Appeal Panel determines that an Appellate Review shall be granted, that Review shall be held within five (5) business days of such determination and notification shall be given in writing at least three (3) business days prior to the date set for the Review, specifying time and place of the Review and informing the complainant and/or respondent of his/her rights as outlined herein.

The Appeal Panel will review all written correspondence associated with the case and any new evidence submitted that was not available during the original adjudication. The Appeal Panel may request additional documents and information from the GBSM Board chair who presided over the GBSM Board that heard the case, and may invite the complainant, the respondent, the chair, the investigators and such other persons as deemed appropriate to appear to make statements and respond to questions.

The Appeal Panel has the authority to approve, reject or modify the decision in question or to remand the case back to the GBSM Board. For cases that do not result in suspension or expulsion, the decision of the Appeal Panel is final.

Consistent with Section 502 D (3) of the UNC Policy Manual, where the sanction is suspension or expulsion, an appeal may be made to the Board of Trustees for an individual student conduct case (not campus organizations), provided the appeal is based on 1)

violation of due process; or 2) a material deviation from Substantive and Procedural Standards adopted by the Board of Governors.

For suspension level cases, the appeal to the Board of Trustees is final; for expulsion level cases, a final appeal may be filed with the Board of Governors.

## **IX. STUDENT RESPONSIBILITIES & RIGHTS**

### **A. STUDENT RESPONSIBILITIES**

1. To know and adhere to the *UNCW Code of Student Life*.
2. To be honest and complete in all information they provide in the process.
3. To attend all meetings or hearings in a timely manner.
4. To provide a list of witnesses and any documentary evidence to the Office of the Dean of Students at least three (3) business days prior to the hearing.
5. To complete any imposed sanctions on time and consistent with the decision in their case (for respondents).
6. To comply with all interim measures, including but not limited to, administrative orders of no contact, housing reassignments, and other administrative remedies assigned by the university.
7. To participate in a manner that is civil and respectful.
8. To submit an explanatory or explicative challenge to the selection of designated investigators or adjudicators if a perceived conflict of interest exists. The Dean of Students or designee will approve or deny any challenges.

### **B. COMPLAINANT RIGHTS**

1. To an investigation and appropriate resolution of all credible complaints of gender-based/sexual misconduct made in good faith to responsible employees.
2. If a determination is made that a hearing will occur:
  - a. To a pre-hearing meeting with a student conduct administrator where rights, responsibilities and procedures are explained.
  - b. To review all available information, documents, and a list of witnesses that may testify against him/her.
  - c. To appear in person, hear all testimony and present any relevant information on their behalf, call witnesses and ask questions of any witnesses at the hearing.
  - d. During an administrative, GBSM Board hearing or external adjudicator hearing, both the complainant and the respondent will be permitted to question the testimony of the other. All questions will be posed to the administrator or chair of the board and if the question is relevant and proper the chair will repeat, on behalf of the questioner, the question to be answered.
  - e. To elect not to appear at the hearing. A complainant who elects not to appear at a hearing may not be represented by a university advisor, licensed attorney or non-attorney advocate at the hearing.
  - f. To elect to participate remotely (via video or audio conference).
  - g. To a closed hearing. A closed hearing is closed to the general public.
  - h. To a university advisor, licensed attorney or non-attorney advocate (see Section II-2-H and I of the *Code of Student Life*).
  - i. To an advocate or advisor as well as a support person during the hearing. The support person(s) may not participate in the hearing. Professional victim advocates are available to complainants through UNCW CARE and the Rape Crisis Center.
  - j. To remain present during the entire proceeding, excluding deliberation.
  - k. To not have prior sexual history with anyone other than the respondent admitted as evidence.
  - l. To refuse to answer any questions or make a statement; however, the hearing body shall make its decision solely on the basis of information introduced at the hearing.

- m. To make a “victim impact statement” if the respondent is found in violation of the *Code of Student Life*.
- n. To have all statements, information or comments given during the hearing held in the strictest of confidence by the hearing body before, during and after deliberation.
- o. To have the hearing conducted as outlined in the *UNCW Code of Student Life*.
- p. To be informed in writing of the outcome and any sanction(s) of the conduct hearing (usually within two business days) of the end of the hearing.
- q. To have one level of institutional appeal as outlined in the UNC Policy Manual 700.4.1.

### C. RESPONDENT RIGHTS

1. To an investigation and appropriate resolution of all credible complaints of gender-based/sexual misconduct made in good faith to responsible employees.
2. If a determination is made that a hearing will occur:
  - a. To a pre-hearing meeting with a student conduct administrator where rights, responsibilities and procedures are explained.
  - b. To written notice of the charge(s). In the event that additional charges are brought, additional written notice must be forwarded to the respondent. Notices are sent via e-mail pursuant to Section II-2-A of the *Code of Student Life*.
  - c. To review all available information, documents, and a list of witnesses prior to the hearing that may testify against him/her. This is a continuing obligation of the complaining party and the dean of students/designee.
  - d. To accept responsibility and request an immediate administrative “sanctioning” hearing (although the university reserves the right to forward the case to GBSM Board).
  - e. To appear in person, hear all testimony and present any relevant information on their behalf, call witnesses and ask questions of any witnesses at the hearing.
  - f. During the hearing, both the complainant and the respondent will be permitted to question the testimony of the other. All questions will be posed to the administrator or chair of the board and the chair will repeat, on behalf of the questioner, the question to be answered, unless, upon consultation with the General Counsel, a question is deemed irrelevant or in violation of this GBSM Policy, federal or state law, and/or Department of Education Office of Civil Rights guidance.”
  - g. To elect not to appear at the hearing, in which case the hearing shall be conducted in absentia (in the respondent's absence). A respondent who elects not to appear at a hearing may not be represented by a university advisor, licensed attorney or non-attorney advocate at the hearing.
  - h. To know the identity of witnesses testifying against them.
  - i. To a closed hearing. A closed hearing is closed to the general public.
  - j. To a university advisor, licensed attorney or non-attorney advocate (see Section II-2-H and I).
  - k. To an advocate or advisor as well as a support person during the hearing. The support person(s) may not participate in the hearing.
  - l. To refuse to answer any questions or make a statement; however, the hearing body shall make its decision solely on the basis of information introduced at the hearing.
  - m. To have all statements, information or comments given during the hearing held in the strictest of confidence by the hearing body before, during and after deliberation.
  - n. To have the hearing conducted as outlined in the *UNCW Code of Student Life*.
  - o. To have one level of institutional appeal as outlined in the UNC Policy Manual 700.4.1.
  - p. To be informed in writing of the outcome and any sanction(s) of the conduct hearing, usually within two business days of the end of the hearing.

## **X. SPECIAL PROVISIONS**

### **A. ATTEMPTED VIOLATIONS**

The university may investigate and take appropriate action regarding attempts to commit any of the violations listed in this policy as if those attempts had been completed.

### **B. UNIVERSITY AS COMPLAINANT**

The university's role is to investigate complaints and, when appropriate, to provide a process to find fact and assign appropriate remedies. As such, the university typically assumes the role of "presenter" during campus conduct proceedings. However, as necessary, the university reserves the right to initiate a complaint, to serve as the complainant, and to initiate conduct proceedings without a formal complaint by the victim of misconduct.

### **C. FALSE REPORTS**

The university will take appropriate action toward intentional false reporting of incidents. It is a violation of the *Code of Student Life* to make an intentionally false report or any policy violation, and it may also violate state criminal statutes and civil defamation laws.

### **D. ALTERNATIVE TESTIMONY OPTIONS**

For gender-based/sexual misconduct complaints, whether the victim is serving as the complainant or as a witness, alternative testimony options will be given, including but not limited to placing a privacy screen between the victim and the respondent in the hearing room, telephone conference call or allowing the victim to testify from another room via closed circuit. While these options are intended to help make the victim more comfortable, they are not intended to work to the disadvantage of the respondent.

### **E. PAST SEXUAL HISTORY/CHARACTER**

In accordance with guidance from the Department of Justice, questioning about the victim's sexual history with anyone other than the alleged perpetrator will not be permitted. The mere fact of a current or previous consensual dating or sexual relationship between the two parties does not itself imply consent or preclude a finding of sexual misconduct. Testimony about prior sexual relationship between the parties will be permitted only as it is **relevant to the issue of consent**.

While previous conduct violations by the respondent are not generally admissible prior to discussion of sanction recommendations, the Dean of Students/designee may supply previous complaint information to the hearing body when presenting a final statement prior to deliberation, or may consider it him/herself if s/he is hearing the complaint, if:

1. The respondent was previously found to be responsible;
2. A previous incident/complaint was substantially similar to the present allegation and/or;
3. Information indicates a pattern of behavior and substantial conformity with that pattern by the respondent.

### **G. IMPACT ON STUDENT ENROLLMENT**

If a case is assigned for a formal investigation, the university reserves the right to place an encumbrance on the respondent's registration and transcript, including awarding of grades for the current semester, until such time that the investigation and any associated charges are resolved.

## **X. RESOURCES**

### **UNIVERSITY RESOURCES**

UNCW CARE	910-962-2273 / after hours at 910-512-4821
UNCW Police	911 or 910-962-2222
UNCW Counseling Center	910-962-3746
Student Health Center	910-962-3280
Office of the Dean of Students	910-962-3119

Housing and Residence Life 910-962-3241  
Title IX Coordinator 910 -962-3876

**LOCAL RESOURCES**

Rape Crisis Center 910-392-7460 or (800) 672-2903  
Domestic Violence Shelter & Services 910-343-0703  
New Hanover Regional Medical Center 910-343-7799  
Cape Fear Memorial Hospital 910-452-8100  
Wilmington City Police 911 or 910-343-3600  
New Hanover County Sheriff's Office 910-341-4200

**FEDERAL RESOURCES**

U.S. Department of Education, Office of Civil Rights  
<http://www2.ed.gov/about/offices/list/ocr/index.html>  
White House Task Force to Protect Students from Sexual Assault  
<http://www.notalone.gov>

## **Policy With Regard To Employees**

The policy contained above is specific to cases of Student Gender Based/Sexual Misconduct. However, UNCW is committed to ensuring that employees enjoy the same rights and protections as afforded to our students. The policies that specifically address employees are the [Harassment Prevention Policy \(http://uncw.edu/policies/documents/02.200\\_Unlawful\\_Harassment.050605.pdf\)](http://uncw.edu/policies/documents/02.200_Unlawful_Harassment.050605.pdf) and the [Harassment Resolutions Procedures \(http://uncw.edu/policies/documents/02210HarassmentResolutionProcedures.Dec09.pdf\)](http://uncw.edu/policies/documents/02210HarassmentResolutionProcedures.Dec09.pdf).

The full text of these policies is available through these links.

## **North Carolina Sex Offender Registry**

North Carolina law currently requires sex offenders and individuals adjudged to be sexually violent predators to register with the sheriff of the county where they are living; the sheriff maintains a registry of this information that is available to the public upon request. Offenders who are nonresident students or nonresident workers must maintain registration with the sheriff of the county where the offender works or attends school and must also identify the school he or she is attending or his/her place of employment. Sex offender registration information is available on a searchable website maintained by The North Carolina Department of Justice Division of Criminal Statistics at the following link: [NC Sex Offender Registry \(http://sexoffender.ncsbi.gov\)](http://sexoffender.ncsbi.gov).

## **UNCW Policies Governing Alcohol and Other Drugs**

### **Alcohol Policy**

The University of North Carolina Wilmington permits alcohol to be consumed at special activities and programs and in the privacy of residence hall rooms subject to applicable law. UNCW 05.303 Alcohol Policy is designed to promote the positive use or nonuse of alcoholic beverages in a responsible manner. In accordance with North Carolina law, it is illegal for a person under 21 years of age to purchase, possess or consume, or aid or abet such a person in purchasing or consuming any alcoholic beverage. The use of alcoholic beverages at a university event shall be subject to the approval of the chancellor or designee and will comply with applicable federal and state laws and university policy. Primary responsibility for the enforcement of applicable alcohol laws and policies is retained by the UNCW Police Department however it should be noted that any federal, state or local agency with appropriate jurisdiction may also take enforcement action. Any person, group or organization violating policies or laws may be subject to arrest, citation and or referral to the campus conduct system.

The complete alcohol policy is included below.

## ALCOHOL POLICY

5.303

**Authority:**

Chancellor

**History:**

Reformatted and revised May 15, 2008; Updated February 2011 on tentative basis, finalized July 1, 2011

**Source of**

**Authority:**

UNC Code, Section 502

**Related Links:**

Alcohol Beverage Permit; Marketing of Alcoholic Beverages; Facilities Use Policy

**Responsible**

**Office:**

Business Services

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### I. Purpose

The University of North Carolina Wilmington permits alcohol to be consumed at special activities and programs and in the privacy of residence hall rooms subject to applicable law. This policy is designed to promote the positive use or nonuse of alcoholic beverages in a responsible manner.

### II. Scope

University policies concerning the possession and consumption of alcoholic beverages do not contravene federal, state or municipal law regarding their purchase, possession or consumption. This policy is applicable to all property owned or leased by the university.

### III. Prohibited Behavior

- A. In accordance with North Carolina law, it is illegal for any person under 21 years of age to purchase, possess or consume, or for anyone to aid or abet such a person in purchasing or consuming any alcoholic beverages.
- B. Alcoholic beverages are not permitted to be sold by any person, organization or corporation on the campus of the university, including property leased by the university.
- C. It is unlawful for any person to drink alcoholic beverages or to offer a drink to another person or persons, whether accepted or not, on any public road or street, parking lot, sidewalk or other publicly owned or leased place within the city of Wilmington. Refer to policy statement IV.C. for the special events exclusion allowed for access-controlled areas.
- D. State funds and student fees collected by the university cannot be used to purchase alcoholic beverages.
- E. Employees of the university may not consume alcohol during regular working hours, unless they take leave and do not return to work.

#### **IV. Approval and Guidelines for University Events**

- A. The use of alcoholic beverages at a university event shall be subject to the approval of the Chancellor or designee.
  - 1. The Alcohol Beverage Permit must be filed with the Associate Vice Chancellor – Business Services seven (7) days prior to the event.
  - 2. An authorized representative of the UNCW department or sponsoring organization must sign the Alcohol Beverage Permit, acknowledging that all regulations stated in the Alcohol Policy are understood.
- B. Student events at which alcoholic beverages may be consumed can be held only under circumstances in which the sponsoring organization demonstrates reasonable means of insuring the safety of participants and adherence to state law.
  - 1. The advisor or authorized representative to a sponsoring student organization must have supervised the planning.
  - 2. An advisor or authorized representative to a sponsoring student organization must be present for the entire event.
- C. Special events at which alcoholic beverages may be brought in by participants; e.g., athletics tailgating events, are only permitted by departments or department-sponsored programs, within guidelines established by the department representative, in coordination with Office of Risk Management and Insurance, UNCW Police, and Environmental Health and Safety. Permits and/or waivers will be reviewed and approved in advance by the Chancellor's Designee, or the Associate Vice Chancellor – Business Services, at least 14 days prior to the event.
- D. Consumption of alcoholic beverages is only permitted within the approved area designated for the event.
  - 1. Possession and consumption of alcoholic beverages at approved events on the university campus shall be restricted to areas which are not in the public view of students attending classes or students attending planned undergraduate activities, events or programs. Exceptions will be subject to approval of the Chancellor or designee.
  - 2. Use of an Event Manager is encouraged for events that permit alcohol to be served.
  - 3. Use of an approved Event Manager is required for events in which alcohol will be present, but not served by ARAMARK. The area must have controlled access.
- E. Consumption of alcoholic beverages during regular working hours of the university (e.g., 4-5 pm) is only permitted when the majority of event participants are not university employees. Exceptions will be subject to approval of the Chancellor or designee.

- F. Non-alcoholic beverages and sufficient quantities of food must be available at the same place as the alcoholic beverages and featured as prominently as the alcoholic beverages. Quantities of alcoholic beverages purchased for an event shall be in compliance with guidelines set forth by the National Institute on Alcohol Abuse and Alcoholism.
- G. Alcohol shall only be served by the university's food service contractor, except for events as noted in Section IV.C.
  - 1. The university's food service contractor is responsible to ensure proper identification is provided at the time of the event. Only a governmental-issued picture ID displaying date of birth will be accepted as valid identification.
  - 2. A student, 21 years of age or older, may purchase, possess or consume alcohol within the approved area designated for the event, but is prohibited from aiding or encouraging anyone under the age of 21 to possess or consume alcoholic beverages on campus.
  - 3. Alcohol shall not be served to those exhibiting unusual behavior or impaired speech or motor coordination when such behavior appears to be the result of substance abuse.
- H. Individuals and/or sponsoring organizations or units who fail to comply with this policy and the guidelines for alcohol consumption on campus will be subject to disciplinary action. For employees, such disciplinary action would follow the pertinent misconduct procedures. Students who violate this policy will be referred to the Office of the Dean of Students for disciplinary action.
- I. The signing of the Alcohol Beverage Permit by an authorized person of a UNCW department or sponsoring organization acknowledges that breaking of this agreement may justify revocation of privileges to seek future permission to hold activities where alcoholic beverages can be consumed.
- J. The university shall hold any person who violates the law or any university policy while intoxicated fully responsible for his or her action and the consequences thereof.

## Illegal Drug Policy

The possession, use, manufacture or distribution of illegal substances or drug paraphernalia of any kind or in any amount is strictly prohibited on the properties of the University of North Carolina Wilmington. Primary responsibility for enforcement of applicable drug laws and policies is retained by the University Police Department; however it should be noted that any state, local or federal agency with appropriate jurisdiction may also take enforcement action. Any person, group or organization violating policies or laws may be subject to arrest, citation and or referral to the campus judicial system.

The university provides a program of education designated to help all members of the university community avoid abuse of illegal drugs. Education programs:

- A. Provide a system of accurate, current information exchange on the health risks and symptoms of drug use for students, faculty and staff.
- B. Promote and support institutional programming that discourages substance abuse.
- C. Establish collaborative relationships between community groups and agencies and the institution for education, treatment and referral.
- D. Provide training programs for students, faculty and staff to enable them to detect problems related to drug use and refer persons with these problems for appropriate assistance.
- E. Include information about drugs for students and family members in the student orientation programs. The use of prescription and over-the-counter drugs will be addressed.
- F. Support and encourage faculty in incorporating education about drugs into the curriculum where appropriate.
- G. Develop a coordinated effort across campus for drug related education, treatment and referral.

The complete policy regarding illegal drugs is included below.



## **04.110 POLICY ON ILLEGAL DRUGS**

Authority: Board of Trustees

History: Revised June 15, 2012; Reformatted January 2015; Reformatted July 18, 2005; Approved April 13, 1988; supersedes MSC 1.20

Source of Authority: 41 U.S.C. §701; 15 C.F.R. Part 29; UNC Code, Section 1300.1

Related Links: Code of Student Life - Substance Abuse Handbook

Responsible Office: Dean of Students

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### **I. PURPOSE**

The fundamental purpose of the university is to maintain an environment that supports and encourages the pursuit and dissemination of knowledge. That environment is damaged by illegal drug use. Therefore, all members of the academic community, students, faculty, administrators and other university employees share the responsibility for protecting the environment by exemplifying high standards of professional and personal conduct.

### **II. POLICY AND PROGRAM**

- A. The illegal use, possession, sale, delivery and/or manufacture of drugs will not be tolerated and may be grounds for immediate suspension or dismissal of students, faculty, administrators and other university employees.
- B. University policies and programs are intended to emphasize the following:
  1. The incompatibility of the possession, use or sale of illegal drugs with the goals of the university.
  2. The legal consequences of involvement with illegal drugs.
  3. The medical implications of the use of illegal drugs.
  4. The ways in which illegal drugs jeopardize an individual's present accomplishments and future opportunities.
- C. The university provides a systematic substance abuse education and prevention program designed to reach all segments of the campus community. To assist in accomplishing this mission, CROSSROADS: Substance Abuse Prevention and Education Program has developed a well-integrated, centralized program that is a focal point for campus substance abuse education, training and prevention, which monitors the effectiveness of programs for constituencies served. The Counseling Center provides substance abuse counseling and referral services for students and provides consultation to students, faculty and staff.

### **III. EDUCATION**

The university provides a program of education designed to help all members of the university community avoid abuse of illegal drugs. Education programs:

- A. Provide a system of accurate, current information exchange on the health risks and symptoms of drug use for students, faculty and staff.

- B. Promote and support institutional programming that discourages substance abuse.
- C. Establish collaborative relationships between community groups and agencies and the institution for education, treatment and referral.
- D. Provide training programs for students, faculty and staff to enable them to detect problems related to drug use and refer persons with these problems for appropriate assistance.
- E. Include information about drugs for students and family members in the student orientation programs. The use of prescription and over-the-counter drugs will be addressed.
- F. Support and encourage faculty in incorporating education about drugs into the curriculum where appropriate.
- G. Develop a coordinated effort across campus for drug related education, treatment and referral.

## **V. COUNSELING AND REHABILITATION**

- A. The university provides information about drug counseling and rehabilitation services to members of the university community. Persons who voluntarily avail themselves of university services can be assured that applicable professional standards of confidentiality will be observed. Counseling and rehabilitation services include:
  1. Training for professional staff and student staff on drug abuse information, intervention and referral.
  2. Education programs for students who have demonstrated abusive behavior with drugs.
  3. Assessment, counseling and referrals for students.
  4. Consultation, information and referrals for students, staff and faculty.
- B. In providing the above strategies, it is recognized that some campus constituents may prefer professional assistance external to the campus. Therefore, CROSSROADS: Substance Abuse Prevention and Education Program will collaborate with the Counseling Center in the development of appropriate referral mechanisms for these individuals. A listing of off-campus resources for assistance and referral is available for those who choose that option. In the development of this program, it is desired that faculty, students, administrators and other employees be comfortable in the manner in which they are served and have a choice in the selection of appropriate assistance. Individuals served in the Counseling Center on campus can be assured that applicable confidentiality will be maintained.

## **V. ENFORCEMENT AND PENALTIES**

### **A. ENFORCEMENT**

In seeking to enforce established university policy, the university will:

1. Publicize all drug policies.
2. Consistently enforce drug policies.
3. Exercise appropriate disciplinary action for drug policy violations.

## **B. PENALTIES**

The university shall take actions necessary, consistent with state and federal law and applicable university policy to eliminate illegal drugs from the university community. University policy on illegal drugs is publicized in the university catalog, student and faculty handbooks, student orientation materials, on-line resources, letters to students and parents, residence hall meetings and faculty and employee meetings.

Students and faculty members, administrators and other employees are responsible as citizens for knowing about and complying with the provisions of the North Carolina law that makes it a crime to possess, sell, deliver or manufacture drugs designated collectively as “controlled substances” in Article V, Chapter 90 of the North Carolina General Statutes (see State Law I). Any member of the university community who violates that law is subject both to prosecution and punishment by the civil authorities and to disciplinary proceedings by UNCW. It is not “double jeopardy” for both the civil authorities and the university to proceed against and adjudicate a person for the same specified conduct. The university will initiate its own disciplinary proceedings against the student, faculty member, administrator or other employee when the alleged conduct is deemed to affect the interest of the university.

Penalties will be imposed by the university in accordance with procedural safeguards applicable to disciplinary actions against students (see *UNCW Code of Student Life*, Section II), faculty members (see *Policies of Academic Freedom and Tenure*, UNCW, Section VII), and administrators and other employees (see *Procedure No. PER 6.10* and *Personnel Policies for Designated Employment Exempt from State Personnel Act - EPA Administrative Positions*)<sup>1</sup>.

The penalties to be imposed by the university 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 and discharge from employment. The university may also refer matters to law enforcement for prosecution.

- A. For second or subsequent offenses involving illegal drugs, progressively more severe penalties shall be imposed.
- B. Students and faculty members, administrators and other employees found to have violated applicable law of university policies concerning illegal drugs may be required to participate in drug education and counseling program, consent to regular drug testing, and accept such other conditions and restrictions, including a program of community service, as the chancellor or the chancellor’s designee deems appropriate. Refusal or failure to abide such conditions and restrictions may result in additional

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<sup>1</sup> Rules of the State Personnel Commission govern the disciplinary actions that may be taken against SPA employees. Under current commission regulations discharge, rather than suspension, is the applicable penalty for SPA employees in those instances where this policy otherwise requires suspension.

disciplinary action, up to and including, expulsion from enrollment and discharge from employment.

### **SUSPENSION PENDING FINAL DISPOSITION**

When a student, faculty, administrator or university employee has been charged by the university with a violation of policies concerning illegal drugs, he/she may be suspended from enrollment and/or employment before initiation or completion of regular disciplinary proceedings if, assuming the truth of the charges, the chancellor, or in the chancellor's absence the chancellor's designee concludes that the person's continued presence within the university community would constitute a clear and immediate danger to the health or welfare of other members of the university community; provided that, if such a suspension is imposed, an appropriate hearing of the charges against the suspended person shall be held in accordance with applicable campus conduct policy.

### **VI. ASSESSMENT**

The University must comply with the applicable state and federal law regarding illegal drugs including without limitation, the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989. In accordance with the latter, the university must conduct a biennial review of the effectiveness of its educational programs regarding illegal drugs and the consistency of sanction enforcement, and maintain the results of such reviews on file.

## **Alcohol and Drug Education, Prevention and Counseling**

UNCW's Substance Abuse Prevention and Education Program, [CROSSROADS](#), provides a wide range of programs dedicated to the advancement of thoughtful and healthy decision-making regarding the use of alcohol, tobacco and other drugs. CROSSROADS also serves as an educational tool and resource for those students who receive sanctions from the UNCW conduct system. For a complete list of programs offered through CROSSROADS, please go to [www.uncw.edu/crossroads/topics.htm](http://www.uncw.edu/crossroads/topics.htm).

## **Annual Disclosure of Crime Statistics**

While the UNCW campus is a reasonably safe environment, crimes do occur. In addition to the Clery Act crimes statistics below, other common crimes that occur on campus are outlined below:

### **Theft**

Theft is a common occurrence on college campuses. Often this is due to the fact theft is a crime of opportunity. Confined living arrangements, recreation facilities and many open classrooms and laboratories provide thieves with effortless opportunities. Occupants of the residence halls often feel a sense of security and home atmosphere and become too trusting of their peers, while others leave their rooms unlocked when not occupied for short periods of time.

It is important to be very vigilant when it comes to suspicious persons. Never leave items and valuables lying around unsecured. Doors should be locked at all times. The following is a list of suggestions to help you not become a victim of theft:

- Keep doors to residence halls, labs, classrooms locked when not occupied.
- Don't provide access to unauthorized persons in the buildings or classrooms.
- Do not keep large amounts of money with you.
- Lock all valuables, money, jewelry, checkbooks in a lock box or locked drawer.
- Keep a list of all valuable possessions including the makes, models and serial numbers.
- Take advantage of the Operation ID engraving program to have all valuables engraved with specific identifying marks.
- Don't leave laptop computers or textbooks unattended in labs or libraries, even if it is for a short period of time.
- Don't lend credit cards or identification cards to anyone.
- Report loitering or suspicious persons to police immediately; don't take any chances.

### **Identity Theft**

Identity theft is a crime in which someone wrongfully obtains and uses another person's personal information in some ways that involve fraud or deception, typically for economic gain. This personal data could be a Social Security Number, bank account or credit card information. Persons involved in identity theft often use computers or other forms of media to assist them.

There are measures you can take to prevent this from happening to you:

- Do not give anyone your personal information unless there is a reason to trust them and the release is for good reason.
- Never give your credit card information, date of birth or other information over the telephone, unless you can confirm the person receiving that information.
- Complete a credit check frequently to assure there is no suspicious activity.
- Examine financial information often to assure all transactions are authorized and accounted for.
- Use of computer security software on computers and installation of firewalls are good practice.

## **Clery Act Crimes**

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)) requires colleges and universities across the United States to disclose information about crimes that occurred on campus, in certain off-campus buildings or property owned, leased or controlled by UNCW. The UNCW Police Department maintains a close relationship with all police departments in these areas to ensure that crimes reported directly to these police departments that involve the university are brought to the attention of the UNCW Police.

The University Police collects the crime statistics disclosed in the charts through a number of methods. Officers enter reports of crime incidents made directly to the department through a field-based reporting/records management system. After an officer enters the report in the system, a department administrator reviews the report to ensure it is appropriately classified in the correct crime category. The department periodically examines the data to ensure that all reported crimes are recorded in accordance with the crime definitions outlined in the FBI Uniform Crime Reporting Handbook and the FBI National Incident-Based Reporting System Handbook (sex offenses only). In addition to the crime data that the University Police maintains, the statistics below also include crimes that are reported to various campus security authorities, as defined in this report. The statistics reported here reflect the number of criminal incidents reported to the various authorities. The statistics reported for the sub categories on liquor laws, drug laws and weapons offenses represented the number of people arrested or referred to campus conduct authorities for respective violations, not the number of offenses documented.

## **Definitions of Reportable Crimes**

### **Primary Crimes:**

**Murder/manslaughter** – defined as the willful killing of one human being by another.

**Negligent manslaughter** – is defined as the killing of another person through gross negligence.

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

- 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.

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

**Robbery** – is defined as taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

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

**Burglary** – is the unlawful entry of a structure to commit a felony or a theft.

**Motor vehicle theft** – is the theft or attempted theft of a motor vehicle.

**Arson** – any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

#### **Hate Crimes:**

**Hate crimes** – includes all of the crimes listed above that manifest evidence that the victim was chosen based on one of the categories of bias listed below, plus the following crimes.

**Larceny/theft** – includes, pocket picking, purse snatching, shoplifting, theft from building, theft from motor vehicle, theft of motor vehicle parts or accessories and all other larceny.

**Simple assault** – an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

**Intimidation** – to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct but without displaying a weapon or subjecting the victim to actual physical attack.

**Destruction/damage/vandalism of property (except arson)** – to willfully or maliciously destroy, damage, deface or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

## **Categories of Bias:**

**Race** – A preformed negative attitude toward a group of persons who possess common physical characteristics genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind.

**Gender** – A preformed negative opinion or attitude toward a group of persons because those persons are male or female.

**Gender identity** – A preformed negative opinion or attitude toward a group of persons because of what gender those persons identify themselves as being.

**Religion** – A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.

**Sexual orientation** – A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex.

**Ethnicity** – A preformed negative opinion or attitude toward a group of persons of the ethnic group who share common or similar traits, languages, customs and traditions.

**National Origin** – A preformed negative opinion or attitude toward a group of persons of the same national origin who share common or similar traits, languages, customs and traditions.

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

## **Dating Violence, Domestic Violence and Stalking**

**Dating violence** – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

**Domestic violence** – A felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim,
- By a person with whom the victim shares a child in common,
- By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or,

- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Stalking** – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

## Reported Crimes

Geography	On Campus			Residential Facilities			2014 Totals <sup>(1)</sup>		
Year	2012	2013	2014	2012	2013	2014	R	U	A
<b>Offense - By Hierarchy</b>									
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Sex Offenses	3	9		3	4				
Rape			15			10	15	0	15
Fondling			1			0	1	0	1
Incest			0			0	0	0	0
Statutory Rape			0			0	0	0	0
Robbery	1	0	1	0	0	0	1	0	1
Aggravated Assault	1	1	1	0	0	0	1	0	1
Burglary	12	14	5	1	1	1	5	1	4
Motor Vehicle Theft	4	0	4	0	0	0	4	0	4
Arson	0	3	0	0	0	0	0	0	0

Geography	Non-Campus			Public Property		
Year	2012	2013	2014	2012	2013	2014
<b>Offense - By Hierarchy</b>						
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Sex Offenses	0	0		0	0	
Rape			0			0
Fondling			0			0
Incest			0			0
Statutory Rape			0			0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0

Crimes listed in the Residential Facilities category are also included in the On Campus category

(1) Beginning with 2015 ASR, the number of unfounded cases must be reported: R - Reported; U - Unfounded; A – Actual

(2) Beginning with 2015 ASR, sex offenses are required to be broken out into categories

## Reported Crimes Continued

Geography	On Campus			Residential Facilities			2014 Totals <sup>(1)</sup>		
Year	2012	2013	2014	2012	2013	2014	R	U	A
<b>Offense - Not By Hierarchy</b>									
Domestic Violence		0	2		0	0	2	0	2
Dating Violence		0	4		0	0	4	0	4
Stalking		6	6		0	0	6	0	6

Geography	Non-Campus			Public Property		
Year	2012	2013	2014	2012	2013	2014
Domestic Violence		0	0		0	0
Dating Violence		0	0		0	0
Stalking		0	0		0	0

Crimes listed in the Residential Facilities category are also included in the On Campus category

(1) Beginning with 2015 ASR, the number of unfounded cases must be reported: R - Reported; U - Unfounded; A - Actual

## Enforcement Activity

Geography	On Campus			Residential Facilities		
Year	2012	2013	2014	2012	2013	2014
<b>Liquor Law Violations</b>						
Arrests	9	2	15	1	0	1
Referrals	601	504	655	527	425	594
<b>Drug Law Violations</b>						
Arrests	17	15	13	4	8	3
Referrals	128	148	102	90	95	69
<b>Weapons Law Violations</b>						
Arrests	1	2	3	0	1	1
Referrals	5	0	2	4	0	2

Geography	Non-Campus			Public Property		
Year	2012	2013	2014	2012	2013	2014
<b>Liquor Law Violations</b>						
Arrests	0	0	0	0	0	0
Referrals	0	6	0	0	0	0
<b>Drug Law Violations</b>						
Arrests	0	0	0	0	0	0
Referrals	0	7	0	0	0	0
<b>Weapons Law Violations</b>						
Arrests	0	0	0	0	0	0
Referrals	0	0	0	0	0	0

\*Enforcement activity listed as Residential Facilities are also included in the On Campus category.

## Hate Crimes

2012 – There were no reported hate crimes.

2013 – There were two cases of intimidation reported on campus: one that had a racial bias, the other a national origin bias.

2014 – There was one case of intimidation reported on campus that had a sexual orientation bias.