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- Reports to Police: Police reports are public records under state law. The report itself will not be confidential but the NCCU Police can protect the confidentiality of the victim's identity. Criminal investigations records, including names of victims and witnesses, are released only upon court order.
- Reports to Other Campus Security Authorities: Reports to other Campus Security Authorities are kept as confidential as possible. The information must be shared with the Title IX Coordinator, and for Clery statistics, will be shared with the Clery Coordinator. Information from the report may be used in a Timely Warning if the incident poses a continuing threat to the campus. There will be no other police involvement unless desired by the victim.
- Accommodations and Protective Measures: NCCU will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the NCCU's ability to provide them.

## **WRITTEN NOTICE OF VICTIM'S RIGHTS, OPTIONS, AND RESOURCES**

Whenever a student or employee reports to the institution that he or she has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, NCCU provides the victim a written explanation of his or her rights and options. This document is called the Consolidated Victim's Rights Form.

This written explanation includes:

- The importance of preserving evidence
- How and to whom the offense should be reported
- Options about the involvement of law enforcement
- The right of victims and the institution's responsibilities for orders of protection, restraining orders, or similar lawful orders issued by a criminal or civil court
- Information on how the institution will protect confidentiality, including protective measures and any accommodations provided
- Existing counseling, health, mental health, victim advocacy, legal assistance, student financial aid, and other services available for victims, both within the institution and in the community. Immigration and Visa is handled through our partnership with Legal Aid of Durham.
- Options for, available assistance in, and how to request changes in academic, living, transportation, and working situations or protective measures, including a statement that NCCU will make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether or not the victim chooses to report the crime to campus or local law enforcement.
- Where to obtain information on disciplinary procedures for students and employees

The Form also includes a listing of additional rights provided to victims under North Carolina law if the victim chooses to report the crime to law enforcement. These rights include:

- Availability of medical services

- Availability of victim's compensation and contact information
- District Attorney's address and phone number
- Notice that the victim will be notified of the arrest of the accused within 72 hours of the arrest
- Name and address of investigator to contact if the victim has not been notified of an arrest within six months
- Information about the accused's custody status and how to obtain information about pre-trial release or custody status changes

## **RESOURCES**

University Police is a member of the Sexual Assault Response Team (SART). An investigator trained in sexual assault responds to all incidents of sexual assault, domestic violence, dating violence, and stalking. SART is a subcommittee of the Domestic and Sexual Violence Task Force of the Durham Crisis Response Center.

Students may seek assistance at any time from the NCCU Counseling Center at no additional charge. Referrals may be made upon request for relatives, partners, and friends of either the complainant or respondent to various support agencies. Students may seek assistance from NCCU's Student Health Services. Post-assault medical care includes testing and treating for sexually transmitted diseases (STDs). Costs for testing may be paid directly by the student or billed through insurance.

The University Women's Center is a resource for support to both women and men where staff provides informal advising and consulting. Services include advocacy for women's issues, information and helpful referrals to important campus and community resources, and support and assistance dealing with problems such as sexual and relationship violence. The contact number is 919 530-6811.

Below is a list of additional on-campus and off-campus resources. Student Affairs can assist with connecting victims to these services.

<b>On-Campus Resources</b>		
Counseling	Counseling Center	919-530-5294
Medical Care	Student Health Services	919-530-6317
Victim's Advocacy	Women's Center	919-530-6811
LGBT Center	Alphonso Elder Student Union	919-530-5545
Legal Assistance	Law School Domestic Violence Clinic	Request a referral from the Women's Center
Student Financial Aid	Scholarships and Student Aid	919-530-6180
Assistance with changing academic, living, transportation, or work situations	Student Affairs	919-530-7466
Reporting incidents, assistance with obtaining protective orders	University Police	919-530-6106
<b>On-Campus Title IX</b>		
Title IX Coordinator	Director of EEO and Title IX	919-530-6681
Deputy Coordinator	EEO and Employee Relations Consultant	919-530-7992
Deputy Coordinator	Associate Athletic Director	919-530-7053
Deputy Coordinator	Student Conduct Officer	919-530-5287
Deputy Coordinator	Associate Residential Life Director	919-530-7923
<b>Off Campus Resources</b>		
Crisis Intervention	Hopeline (24-hour crisis line)	919-231-4525
Medical Care	Duke Hospital	919-684-8111
Medical Care	Duke Regional Hospital	919-470-4000
Reporting Off-Campus Incidents	Durham City Police	919-560-4600
	Durham County Sheriff Office	919-530-0897
Victim's Advocacy	North Carolina Coalition Against Sexual Assault	919-871-1015
Counseling, Advocacy, other referrals	Durham Crisis Response Center	919-403-6562
Mental Health	Durham Access	919-620-8605
Mental Health	Durham County Mental Health	919-560-7200
Legal Assistance, including Immigration and Visa	Legal Aid of NC Durham	919-688-6396
Counseling	ComPsych Guidance Resources (employees)	866-301-9634

## **STUDENT DISCIPLINARY AND APPEAL PROCESSES**

The Code of the University of North Carolina (UNC) as adopted by the UNC System Board of Governors gives to the Chancellors of the constituent institutions sole responsibility for all matters of student discipline. The North Carolina Central University Chancellor has delegated authority to the Vice Chancellor for Student Affairs to implement policies and procedures for matters of student discipline.

Standards of behavior at North Carolina Central University are intended to enhance and protect the University's general educational process, including research and public service activities, as well as promote personal academic advancement and maturation. Realization of such goals can only be achieved in a civil atmosphere of mutual respect among individuals, of appreciation and respect of the rights of other individuals, and of recognition of the rights of individuals and groups to express dissent. For any community to be self-governing, the rules under which it operates must be promulgated and understood by the community. The Student Code of Conduct is intended to codify and explain the rules for standards of behavior and responsibilities, as well as the rights and remedies accorded to all members of the community. Article II, Acts of Misconduct, defines dating violence, domestic violence, sexual assault, and stalking as prohibited conduct. The student disciplinary process for such conduct is as follows:

***Fundamental Fairness Guarantees***

Students are guaranteed the following elements of fundamental fairness throughout the student conduct process:

A. In cases involving a hearing before a hearing panel or conduct officer:

1. The accused shall be afforded a fair and timely hearing to respond to the allegations.
2. Both the accused and the complainant shall have the opportunity to challenge the conduct officer, panelists, or composition of any hearing panel if the student alleges the officer/panelist/panel is biased or has an interest in the case.
3. The accused shall be informed of the accusations and the evidence.
4. Both the accused and the complainant shall be afforded adequate time to prepare for the hearing.
5. Both the accused and the complainant shall be able to offer relevant evidence and witnesses who can provide direct information and to question witnesses present at the hearing.
6. The accused and the complainant shall have the opportunity to consult with a student conduct officer for clarity of process and procedure.
7. Both the accused and the complainant shall receive in writing the outcome of the hearing.
8. Both the accused and the complainant may appeal the outcome of the hearing in sexual violence/sexual harassment cases only. In all other cases, only the accused may appeal the outcome of the hearing.
9. Both the accused and the complainant shall be afforded confidentiality in the handling of the conduct process in accordance with applicable policy and law.

B. The following special considerations apply to the complainant:

1. The University will not voluntarily release the complainant's name to the public or media except as required by law.
2. Further, University staff will, upon request by the complainant:
  - a. Meet with the complainant privately, at a reasonable place of his/her choice on campus, to discuss the situation in a confidential manner.

- b. Treat the complainant with courtesy, understanding, and professionalism; assist the complainant in privately contacting counseling, advising, and other available resources should the victim so choose.
- c. Issue no contact orders between the complainant and the accused or any other person involved in the incident,
- d. Continue to be available to the complainant to answer questions, explain the systems and processes involved, and be a willing listener; keep him/her informed on the progress of the case as allowed by law and policy.
- e. In cases involving allegations of sexual violence, arrange at the discretion of the conduct officer, an alternative to giving a statement in a face-to-face setting during the hearing. Please note: the complainant has the right not to participate in the hearing if he/she so chooses but the University may still move forward in addressing the alleged violation of the student conduct process.
- f. Arrange for the complainant to have the opportunity to make a statement concerning the impact of the incident on his or her life in the hearing.

### ***Initiation of Charges***

#### **A. Filing of Complaint/Initial Review**

1. Any member of the University community may register a complaint with the Office of Student Rights and Responsibilities against a student for an alleged violation of University policy. The complaint must include factual information supporting the allegation. Allegations concerning violations of this Code must be brought in writing to the attention of the Office of Student Rights and Responsibilities.
2. Upon receipt of a complaint, the Office of Student Rights and Responsibilities will conduct a preliminary investigation of the allegations included in the complaint. In the absence of sufficient substantive evidence, a complaint will be dismissed. The Office of Student Rights and Responsibilities shall provide written documentation to the complainant (person who filed the complaint) that there will be no further substantive review of the allegations made in the complaint.
3. Should the Office of Student Rights and Responsibilities determine that sufficient substantive evidence exists to substantiate the allegations made in the complaint; disciplinary proceedings will be initiated.

#### **B Notification of Conduct Allegations**

Allegations of Code violations will be presented to respondent(s) by means of a written notice of referral from the University Police or in other cases by written or electronic notification from the Office of Student Rights and Responsibilities or designee. This notice will contain the substance of the allegations and refer the Student to the Office of Student Rights and Responsibilities to schedule a Student Conduct Conference.

1. Allegations shall be prepared in writing and directed to the Office of Student Rights and Responsibilities designee. Such allegations shall be submitted as soon as possible after

the incident takes place, preferably within thirty (30) days of the discovery of the violation.

2. The Office of Student Rights and Responsibilities designee will conduct a preliminary screening of the allegations to determine whether (1) the allegations, if proven, would constitute a violation under the Code; and (2) based upon the allegations, there is reasonable belief that such a violation may have occurred. This screening may involve reading of the description of the alleged conduct, or discussion with the individual(s) making the allegations, as appropriate to the situation. The University may decide to proceed with charges without the complainant's consent, if in the professional judgment of the Office of Student Rights and Responsibilities, the University community's interests are best served by proceeding with the conduct process.
3. Following the preliminary screening of the allegations, the Office of Student Rights and Responsibilities designee will schedule a Student Conduct Conference with the respondent to discuss the allegations.

### C. Notification of Charges

1. The accused student will be provided written notification of the charges at least five (5) business days prior to any hearing or administrative review of the charge.
2. The notification shall:
  - a. Specify the alleged violation of this Code. If the accused student is a dependent student, a copy of the written notification shall be sent to the parents/guardians of dependent students.
  - b. Inform the student that he/she is presumed not responsible until proven responsible by a preponderance of the evidence.
  - c. Inform the student that he/she has the right to be represented by an attorney/non-attorney advocate from the moment of notice of an allegation.

### D. Student Conduct Conference.

The purpose of the Student Conduct Conference is to ensure that the accused student understands his or her rights and responsibilities within the student conduct process. The Student Conduct Conference shall be held within five (5) business days of the student's receipt of the notification of alleged charges. The Student Conduct Conference shall be held with a conduct officer from the Office of Student Rights and Responsibilities.

1. At the Student Conduct Conference, the accused student will be:
  - a. Given the opportunity to discuss the allegations and provide information.
  - b. Afforded the opportunity to review the Fundamental Fairness Guarantees.
  - c. Notified of the possible charges which may result from the allegation(s).
  - d. Given notice of the student conduct process to resolve charges in the Code.
  - e. Provided a copy of the Student Code of Conduct and any other appropriate written material.
  - f. Advised to consult further with the conduct officer handling their case concerning any questions or interpretation of procedure.

2. Following this conference, the conduct officer will inform the accused as to whether a formal conduct charge will be pursued to resolve the allegations.
3. If the accused is formally charged with a conduct violation, the conduct officer will inform the student of his/her rights, options available for resolution, and procedures in cases of failure to respond or withdrawal from the University in the face of conduct charges. The following rights will be communicated to all students charged with a violation of the Student Code of Conduct:
  - a. The right to be advised in writing of all charges as initiated in a charge letter.
  - b. The right to decline to make any statements concerning the charges.
  - c. The right to be advised of the evidence that will be presented during the hearing and the identity of individuals who will be present at the hearing.
  - d. The right to submit a written account relating to the alleged charges.
  - e. The right to be represented by a licensed attorney or non-attorney advocate throughout the entire Student Conduct Process, provided written Notice of Representation, signed FERPA authorization and Certification forms are received within two (2) business after notification of allegations. Note: The Notice of Representation must include the identity of the licensed attorney or non-attorney advocate, specification of their status as licensed attorney or non-attorney, and address, telephone number, and email where the licensed attorney may be reached. The FERPA Authorization and Certification forms will be provided in the notification email.
  - f. The right to have a reasonable amount of time to prepare for a hearing.
  - g. The right to request a delay of the hearing for academic or extenuating circumstances.
  - h. The right to admit responsibility for any or all of the charges.
  - i. The right to hear and question witnesses, unless the witnesses are an alleged victim of sexual assault and unless responsibility is acknowledged.
  - j. The right to present relevant evidence and witnesses.
  - k. The right to present character references at the sanctioning (penalty) phase of the hearing.
  - l. The right to request an alternate hearing officer with the same disciplinary authority as the initial officer if it is felt that the officer has an interest in the case or is biased.
  - m. The right to be free from being charged by the university twice for the same instance of misconduct.
  - n. The right to be presumed not responsible until proven otherwise.
  - o. The right to appeal a decision by a hearing or a conduct officer within the limits of the time specified in the Code.

### ***Resolution of Disciplinary Actions***

Students who have disciplinary charges pending against them may choose one or more of the following means of resolution.

- A. Request a hearing.
- B. Plead responsible for the charges, waive a hearing on the charges and accept the sanctions to be levied after an administrative review by the Director, or his/her designee. The Director, or



his/her designee, will consult with appropriate officials and parties involved and determine the appropriate sanction. A written document stating that the accused waives his/her right to a hearing and will accept the sanctions levied by the Director, or his/her designee, must be signed and witnessed by the accused and made a part of the record.

- C. Request that an interim sanction be imposed so that the student may resolve any pending criminal charges prior to proceeding with the campus disciplinary process.

### ***Hearing Procedures***

- A. Administrative Hearings (for accused students who elect to resolve their disciplinary actions before the Director or his/her designee)

The following Administrative Hearing procedures apply in cases where the alleged charges do not rise to the level of warranting a suspension or expulsion from the University, as determined by the Office Student Rights and Responsibilities. In addition, these procedures also apply when a student desires to resolve a charge(s) that could result in his/her suspension or expulsion from the University if OSRR determines that resolution of the issues via the Administrative Hearing process is appropriate.

1. A student who is charged with an alleged violation of the Student Code of Conduct will be provided an opportunity to meet with a conduct officer selected by the Director. During this meeting, a student may accept responsibility for Student Code of Conduct violations and waive his/her right to a hearing before a judicial panel. A student who fails to attend the meeting with the conduct officer will forfeit his/her right to respond on his/her behalf regarding the alleged violation, unless the student can demonstrate that an extraordinary circumstance prevented his/her appearance as determined by Office of Student Rights and Responsibilities.
2. During the Administrative Hearing, the student will be provided with the following:
  - a. An explanation of the charges;
  - b. A summary of the information gathered in support of the charges;
  - c. A reasonable opportunity for the student to reflect upon and respond on his/her own behalf to the charges; and
  - d. An explanation of the applicable disciplinary procedures.
3. The Administrative Hearing Officer will determine whether he/she finds the accused student responsible or not for a violation of the Student Code of Conduct and, if so, the appropriate disciplinary sanction to apply. In determining the sanction, the conduct officer will consider any aggravating or mitigating factors, including any prior violations of the Student Code of Conduct.
4. The conduct officer will inform the student of the decision in writing within three (3) business days of the conclusion of the hearing.
5. The written decision will include a statement of the charges, the determination, and the sanction to be imposed, if any. This decision is considered to be in full force and effect, unless a notice of appeal is received by the Dean of Students (non suspendable/expellable cases) or the Vice Chancellor of Student Affairs (suspendable/expellable cases) within

three (3) business days after the conduct officer/Administrative Hearing Officer pronounces his/her decision in writing.

6. The standard of proof used in an Administrative Hearing for alleged violations under this Code is the preponderance of the evidence. The Administrative Hearing Officer must determine whether it is “more likely than not” that the alleged violation(s) occurred. The Administrative Hearing officer must be convinced that, based solely on the information presented during the hearing, the conduct described is more likely than not to have occurred.

B. Hearing Panels (University Committee on Student Conduct, Student Judicial Board)

1. University Committee on Student Conduct -When a student is suspected to have engaged in behavior which violates this Code, and which could result in expulsion or suspension, the Director, or his/her designee, will assemble a five-member hearing panel from the University Committee on Student Conduct.
  - a. The Committee shall hold a hearing, consistent with Section 3.04(C) of this Code, within ten (10) business days of being assembled by the Director (or his/her designee).
  - b. Members of the Committee will serve a one-year term but may be reappointed at the discretion of the Director. Any vacancies that occur during the course of the year will be filled by the Director.
  - c. The Committee shall also serve in an advisory capacity to the Director in the revision and promulgation of regulations and procedures related to matters of student conduct. Suggestions regarding potential revisions to the Code from members of the University Committee may be addressed to the Director.
2. Student Judicial Board- the Student Judicial Board shall be composed of fifteen (15) members. Ten (10) members will be selected by an application and interview process. The interviews will be conducted by a member of the Office of Student Rights and Responsibilities staff, and the Student Government Association President, or designee, whenever possible. Five members shall be appointed by the Director and Student Government Association President to serve in Judicial Board leadership positions. The Student Judicial Board shall hear, try and decide cases involving student conduct as determined by OSRR. The Board shall not have the authority to hear cases which involve sexual misconduct or may result in suspension or expulsion.

C. The following procedures apply in cases that may result in suspension or that are being presented before hearing panels:

1. The chair of the hearing panel will state that the hearing is closed to the public. The chair will also remind everyone present that the hearing proceedings are confidential.
2. The chair will facilitate the introductions of those present and will explain the hearing procedures to the parties.
3. The chair will state the charge(s) against the accused student, advise the student of his/her rights and ask the student whether or not he/she agrees or disagrees to the charges.

4. The conduct officer from OSRR will present the University's case in the form of documentary evidence and witnesses. The panel and the accused student will be provided with copies of any documentary evidence introduced during the hearing.
5. The accused student may respond to the charges and may also present evidence in the form of documents and witnesses. The panel and the conduct officer from OSRR will be provided with copies of any documentary evidence introduced during the hearing.
6. The conduct officer from OSRR will be permitted to question the accused student's witnesses and the accused student will be permitted to question the conduct officer or his/her designee's witnesses except the alleged victim of alleged sexual violence (See Article III Section 3.02D.).
7. The conduct officer from OSRR and the accused student will be permitted to present rebuttal evidence following the conclusion of the other party's presentation of evidence.
8. The panel will be permitted to question the conduct officer from OSRR, the accused students and witnesses for both parties. The panel will normally endeavor to question the witnesses following questioning by the opposing party, and will question the parties at the conclusion of their presentations. Nevertheless, panelists are permitted to question witnesses and the parties at any time during the hearing.
9. The conduct officer from OSRR will be provided with the opportunity to make a closing statement.
10. The accused student will be provided with the opportunity to make a closing statement.
11. The Chair will conclude the evidentiary portion of the hearing and set up a time for deliberations to begin at the earliest possible time.
12. During panel hearings, deliberations about responsibility are conducted by the panel in a closed session.
13. The decision of the panel shall be determined by majority vote.
14. If the panel finds that the accused student is responsible, the conduct officer from OSRR and the accused student may present evidence and argument regarding the appropriate sanction. Written statements by either party are permissible.
15. If the panel finds the accused student responsible, the conduct officer from OSRR will indicate whether the student has any prior findings of responsibility for academic or non-academic conduct violations.
16. The panel will then deliberate and determine an appropriate sanction. All sanctions imposed shall be pursuant to and in accordance with the sanctions in Article IV. These deliberations shall be conducted in closed session.
17. The hearing panel shall render a written decision as to whether they find the accused student responsible or not responsible for the charges within two (2) business days of the conclusion of the hearing. The decision shall state the sanction, if any, and the procedures for the appeal. The accused student and the conduct officer from OSRR shall each be given a copy of the decision.
18. Decisions of a panel and sanctions recommended by a panel are considered to be in full force and effect unless a notice of appeal is received by the Vice Chancellor of Student Affairs (suspendable cases) or the Dean of Students (non-suspendable) within three (3) calendar days after the panel pronounces its decision and makes the decision known to the Office of Student Rights and Responsibilities.

### ***In Absentia Consideration of Charges***

- A. A student, who is notified in writing of charges of misconduct under the Code and fails to respond within forty-eight (48) hours, will be sent a reminder letter. After seven (7) calendar days with no response, a Judicial Hold will be placed on the student's account. If the student fails to respond after fourteen (14) business days he/she will have waived his/her right to be heard and will be considered to have entered a plea of responsible for the charges(s) specified. The Office of Student Rights and Responsibilities shall recommend a sanction consistent with established precedent for similar violations.
- B. The Director shall withhold the student's future registration at the university until such time as the Director has had an opportunity to interview and counsel the student. The Director may elect to alter the sanctions, whether greater or lesser, pending the interview.
- C. If the Director determines that the student's failure to appear was not for the purpose of circumventing the processes of this Code, the Director may rescind the disciplinary action and alter the sanction imposed, or refer a student to the appropriate hearing panel to have the allegation heard on its merits.
- D. A student who fails to attend his or her scheduled hearing shall have the case adjudicated by the appropriate hearing panel or administrative officer in the student's absence. Note: a licensed attorney/non- attorney advisor without the presence of the student in question cannot fulfill the student's attendance obligation.

### ***Appeals***

#### **A. Purposes of an Appeal**

Appeals must be submitted in writing. An appeal is not a new hearing. It is a review of the record of the original hearing. The accused student and his/her advisor or attorney has the right to review the accused student's disciplinary file, including any verbatim record (tape recording) of the hearing. In cases involving sexual violence/harassment, the complainant and/or the accused has the right to appeal the student conduct decision.

#### **B. Appellate Process**

##### **1. Time for filing an Appeal**

A written petition for appeal of suspendable offenses shall be filed with the Vice Chancellor of Student of Affairs. A written petition for the appeal of non-suspendable offenses shall be filed with the Dean of Students Office. All petitions for appeals must be filed by 5 p.m. of the third (3rd) business day after the decision was rendered.

##### **2. Appeal Forum**

- a. Decisions resulting from a hearing before the Student Judicial Board or an Administrative Hearing that do not involve suspension or expulsion are limited to an appeal to be heard by the Dean or his/her designee. This is the final appeal that can be requested in these cases.

- b. Decisions from the University Committee on Student Conduct or decisions from an Administrative Hearing that involve the imposition of a sanction of suspension are limited to an appeal to be heard by the Vice Chancellor for Student Affairs.
  - c. Decisions from the Chancellor that involve the imposition of expulsion are limited to an appeal to be heard by the UNC Board of Governors.
3. Grounds for Appeal
- a. An appeal may be sought on two grounds:
    - (1) On a claim of error in the hearing procedure. Appeals on such grounds must be presented, specifically described, in writing, within three (3) business days of the announcement of the decision.
    - (2) On a claim of new evidence or information material to the case which was not available at the time of hearing. Appeals on such grounds must be presented, specifically described, in writing, within three (3) business days of the new evidence having been discovered. Supporting documentation of the date that the new evidence was discovered must be submitted in the petition for appeal.
  - b. The petitioner must specify in writing the grounds which form the basis of his/her appeal. The petitioner has the burden of proving the stated grounds for appeal in the petition. The petitioner must provide factual information to support his/her claim and explain the outcome that he/she is seeking. The appeal should include the following:
    - (1) A copy of the decision being appealed;
    - (2) A statement of the grounds for appeal, which at a minimum should contain a list of alleged errors in the decision or procedure and statement of why the decision or sanctions are in error;
    - (3) A requested remedy; and
    - (4) The signature of the petitioner and the date the appeal is being submitted.

### C. The Appeal

If a student timely submits a written petition for appeal that meets the requirements of Grounds for Appeal, his/her appeal shall be heard by the appropriate person as set forth in the Appellate Process. An official summary of previous action in the case being appealed must be prepared by the Office of Student Rights and Responsibilities and submitted to the individual hearing the appeal and the petitioner. The official summary shall contain a statement of the charges brought against the petitioner, a summary of the evidence, and a statement of the sanction imposed. When appropriate, the summary shall also contain a statement of procedural rulings made and of interpretations of the rules and regulations given during the proceedings. A transcript of the hearing or verbatim record of the hearing (but not the deliberations) shall also be submitted to the individual hearing the appeal.

#### D. Decision on Appeal

After the appeal has been received, a decision to take one of the following actions must be made by the individual hearing the appeal:

1. Uphold the prior decision;
2. Modify the sanction imposed in the prior decision;
3. Remand the case to the initial decision maker with suggestions for a supplemental hearing to receive additional evidence, or for a new hearing;
4. Reverse or modify the prior decision
5. Dismiss the entire case.

#### E. Notice of Decision on Appeal

The individual reviewing/hearing the appeal shall provide a written decision to the petitioner within ten (10) business days of the submission of the appeal. A copy of the decision shall be maintained in the student's disciplinary file in OSRR.

#### F. Appeal to Board of Trustees

A student may appeal the decision of the Vice Chancellor for Student Affairs to the Board of Trustees (BOT) of North Carolina Central University by filing a written petition for appeal with the Chancellor by 5 p.m. of the third (3rd) business day after notice of the decision has been received by the student. A student may communicate with the BOT only by transmitting the communication to the BOT through the Chancellor. That is, a student should write to the Chancellor and request that the Chancellor transmit specific information to the Board of Trustees. Appeals to the Board of Trustees are limited to a claim that the decision violated University policy.

Compliance with these requirements does not constitute a violation of the Federal Educational Rights and Privacy Act.

### **SANCTIONS FOR STUDENT MISCONDUCT**

Sanctions for student misconduct include the following:

#### A. Expulsion

Expulsion severs the relationship of the student with the University. It may be recommended by the appropriate hearing panel but can be imposed or rescinded only by the Chancellor. This penalty implies permanent separation from North Carolina Central University and any institution within the University of North Carolina System, and will likely prevent admission to any other institution of higher education. Students separated from the University by expulsion for reasons which represent a threat to persons or property may not enter University premises or university-related premises without securing prior approval from the Office of Student Rights and Responsibilities.

## B. Suspension.

Suspension severs the student's relationship with the University for no less than the remainder of the semester or summer session in which the sanction is imposed or no more than one year. It is imposed for a specified period of time, the terminal date of which shall coincide with the official ending of an academic semester, summer session, or academic school year. Conditions for readmission may include, but are not limited to, disciplinary probation for a specified length of time; no on-campus housing; restricted visitation to specified University facilities; and a written statement from an accredited mental health professional or medical doctor verifying the capability of the student to function successfully at the University. Students separated from the University by suspension may not enter University premises or university-related premises without securing prior approval from the Office of Student Rights and Responsibilities. If a student is suspended as a result of a disciplinary hearing, any credit earned at another institution during the time of suspension will not be accepted for transfer credit.

## C. Disciplinary Probation.

Disciplinary Probation permits continuation of the relationship between the student and the University. The probationary period is to provide a time of reflection for the student to consider the offense and his/her future responsibilities as a member of the University community. Subsequent violations of university rules, regulations, or policies could result in more severe sanction(s) (even after a particular probationary period expires). Probation is imposed for a specified period of time, the terminal date of which shall coincide with the official ending of an academic semester, summer session, or academic school year. The status of Disciplinary Probation may involve restrictions, conditions, or terms imposed for a definite period of time. Restrictions, conditions, or terms of probation may include, but are not limited to, ineligibility to participate in university activities or events; periodic contact with a designated member of the University community; and restrictions on accessibility to University facilities and/or housing areas.

## D. Disciplinary Warning

Disciplinary Warning involves written notice to the student indicating that specific behavior or activity is in violation of this Code and that repetition of similar or other unsatisfactory behavior would likely result in more serious disciplinary action.

## E. Restitution

Restitution is reimbursement for actual damage or destruction of, or misappropriation of University property or property of any person which results from conduct in violation of this Code. The hearing officer or hearing panel will investigate and determine the appropriate reimbursement.

## F. Residence Hall Separation

Residence Hall Separation involves removal from the University residence hall community for conduct which clearly demonstrates an inability to function appropriately in the residence hall living situation. Such separation may be permanent or for a specified number of semesters. Such separation prohibits accessibility to all or designated residence halls. Visitations will not be permitted without securing prior approval from the hearing officer or panel. In no case will separation be less than the remainder of the semester in which it takes place.

## G. Interim Sanction

When a student is charged with violating a federal, state or local law, the University will normally choose to proceed with the campus disciplinary process pursuant to section 3.04 of this Code. However, a student who faces criminal charges may choose to submit to an interim sanction, such as an interim suspension and/or eviction from University housing, pending the criminal proceeding, provided that such suspension is done in compliance with existing policies. The interim suspension will be imposed by the Office of Student Rights and Responsibilities without a hearing or a ruling on the behavior in question so as to protect the campus community while also protecting the accused student from creating a record that may be used against him or her in criminal court. Once a criminal judgment has been rendered (including prayer for judgment continued), the campus disciplinary process may proceed. The student has the responsibility for timely notifying the University upon the conclusion of the criminal proceeding. If a student chooses to submit to an interim sanction, the student shall be administratively withdrawn from his/her classes, and the student shall only be responsible for fees incurred up to and including the date of the administrative withdrawal. However, the student must complete an Official Administrative Withdrawal Form in order to be withdrawn from his/her classes.

### 1. Interim Suspension.

- a. Purpose of Interim Suspension. In special circumstances, Office of Student Rights and Responsibilities may suspend a student charged with violating this Code for an interim period until the outcome of a full disciplinary hearing based on the merits of the charge.
- b. Circumstances Where Interim Suspension May Apply  
Interim Suspension shall be exercised only in those situations in which there is reasonable cause to believe that the student's alleged act of misconduct is of such a serious nature that his or her continued presence at the University is potentially dangerous to the health and safety of the University community, its property, or its educational mission. Such acts of misconduct include, but are not limited to, all acts of assault and/or battery with any type of weapon or instrument; gross sexual misconduct; rape; hazing; possession of weapons; false bomb threats or community threats against University officials, staff or faculty; armed robbery; arson; the manufacture, distribution, and/or possession of any incendiary or explosive device;



and other acts which might endanger persons or property. This list is not exhaustive or conclusive.

c.. Procedure for Interim Suspension

- (1) To invoke interim suspension, the Director, or his/her designee, will conduct a preliminary investigation and hearing with the student, if possible. The student will be informed of the alleged violation(s) and the name of the person(s) bringing the charge(s). The student will be given an opportunity to explain the circumstances of the alleged behavior that has become the source of the alleged misconduct.
- (2) Parents/guardians of dependent students will be contacted by phone as soon as practicably possible by the Director or his/her designee following the imposition of an interim suspension.
- (3) A judicial board hearing or administrative decision as provided under the Code shall be initiated within seven (7) business days after the date of the interim suspension. The student's interim suspension shall not be used as evidence in any hearing or administrative decision.
- (4) A student who fails to attend his or her scheduled hearing will be heard in absentia as specified in Article III, Section 3.05.
- (5) Should a judicial hearing panel find that the student did not commit the act(s) for which he or she was suspended, the suspension will be revoked and the student immediately reinstated without penalty.

d. Terms of Interim Suspension

Interim suspension is to begin immediately after the preliminary investigation and hearing. The student is to physically remove himself or herself from the property of the University until the initiation of a full hearing and shall be informed that he/she may not trespass. Presence on the campus by the student during the interim suspension shall be considered a violation of this Code, and the student may also be charged with criminal trespass under the state law.

### ***Additional Sanctions***

In addition to the above individual sanctions, any one or a combination of the following may be concurrently imposed for an offense provided that such additional sanctions shall be imposed for a definite period of time. Such sanctions are examples only and do not limit the type of additional sanctions which may be imposed:

- A. Loss of on campus parking privileges
- B. Exclusion from practice or membership in organized groups or activities sponsored by the University
- C. Requirement to perform additional community service or work sanction
- D. Trespass from the University or any University-sponsored event
- E. Requirement to enter into a behavioral contract with the University as a condition of readmission
- F. Required counseling, substance abuse assessment, or similar evaluations
- G. Required participation in a program of education as determined by the Director or his/her designee

In addition to University sanctions, a student found guilty of domestic violence, dating violence, sexual assault, or stalking could be criminally prosecuted in the State courts.

## **EMPLOYEE DISCIPLINARY, SANCTION, AND APPEAL PROCESSES**

The employee disciplinary and appeal processes vary depending upon whether the individual is subject to or exempt from the State Personnel Act. Disciplinary processes for employees subject to the State Personnel Act are set forth by the State Office of Human Resources. There are two reasons (just causes) for discipline or dismissal of employees – unsatisfactory job performance and unacceptable personal conduct. Domestic violence, dating violence, sexual assault, and stalking are considered unacceptable personal conduct category. Disciplinary action can include written warning, demotion, suspension, and termination. These policies can be found at <http://oshr.nc.gov/policies-forms/discipline-appeals-grievances/>. The grievance policy governing SPA employees is set forth by the University of North Carolina System and approved by the North Carolina State Personnel Commission. It applies to SPA employees of all constituent institutions of the University of North Carolina and can be found at [http://www.nccu.edu/formsdocs/proxy.cfm?file\\_id=2666](http://www.nccu.edu/formsdocs/proxy.cfm?file_id=2666). Employees who are exempt from the State Personnel Act are governed by policies adopted by the Board of Trustees of each constituent institution of the University of North Carolina System according to guidelines and requirements set forth by the Board of Governors of the System. The policies governing employment of EPA Non-faculty employees can be found at [http://www.nccu.edu/formsdocs/proxy.cfm?file\\_id=431](http://www.nccu.edu/formsdocs/proxy.cfm?file_id=431). Policies governing Faculty employees are contained in the Chapter VI of the University of North Carolina Code and can be found at <http://www.northcarolina.edu/apps/policy/index.php?pg=toc&id=s4073>.

## **INSTITUTIONAL DEFINITION OF CONSENT**

**Consent:** North Carolina has no definition of consent, therefore we use the Institutional Definition of Consent. Consent is an affirmative decision to engage in mutually acceptable sexual activity given by clear actions or words. It is an informed decision made freely and actively by all parties. Relying solely upon nonverbal communication can lead to miscommunication. It is important not to make assumptions; if confusion or ambiguity on the issue of consent arises anytime during a sexual interaction, it is essential that each participant stops and clarifies, verbally, willingness to continue. Individuals should understand that consent may not be inferred from silence, passivity, or lack of active resistance alone. Furthermore, a current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity. Being intoxicated does not diminish one's responsibility to obtain consent.

**Conduct will be considered “without consent,” if no clear consent, verbal or nonverbal, is given.** It should be noted that in some situations an individual's ability to freely consent is taken away by another person or circumstance. Examples include, but are not limited to, when an individual is incapacitated due to alcohol or other drugs, scared, physically forced, passed out, asleep, unconscious, intimidated, coerced, mentally or physically impaired, beaten, threatened, isolated, or confined.

## CRIMINAL OFFENSES IN THE STATE OF NORTH CAROLINA

### North Carolina General Statute 14-27 defines rape and sexual assault

***First Degree Rape*** - a person is guilty of rape in the first degree if the person engages in vaginal intercourse:

1. With a victim who is a child under the age of 13 years and the defendant is at least 12 years old and is at least 4 years older than the victim;
2. With another person by force and against the will of the other person and; employs a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon; or inflicts serious personal injury upon the victim or another, by one or more other persons.

***Second Degree Rape*** - a person is guilty of rape in the second degree if the person engages in vaginal intercourse with another person:

1. By force and against the will of the other person; or
2. Who is mentally defective, mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know the other person is mentally, or physically helpless.

***First Degree Sexual Assault*** - a person is guilty of a sexual offense in the first degree if the person engages in a sexual act:

1. With a victim who is a child under the age of 13 years and the defendant is at least 12 years old and is at least 4 years older than the victim
2. With another person by force and against the will of the other person, and: (a) employs a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon, or (b) inflicts serious personal injury upon the victim or another, by one or more other persons, or (c) the person commits the offense aided and abetted by one or more other persons.

***Second Degree Sexual Assault*** - a person is guilty of a sexual offense in the second degree if the person engages in a sexual act:

1. By force and against the will of the other person, or;
2. Who is mentally defective, mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know the other person is mentally, or physically helpless.

***Statutory Rape*** - a person is guilty of statutory rape if the person engages in vaginal intercourse or a sexual act with another person:

1. Who is 13, 14, or 15 years old and the defendant is at least six years older than the person except when the defendant is lawfully married to the person.
2. Who is 13, 14, or 15 years old and the defendant is more than four but less than six years older than the person except when the defendant is lawfully married to the person.

North Carolina General Statute 50B-1 defines domestic violence and dating violence as follows:

***Domestic violence***

- (a) Domestic violence means the commission of one or more of the following acts upon an aggrieved party or upon a minor child residing with or in the custody of the aggrieved party by a person with whom the aggrieved party has or has had a personal relationship, but does not include acts of self-defense:
  - (1) Attempting to cause bodily injury, or intentionally causing bodily injury; or
  - (2) Placing the aggrieved party or a member of the aggrieved party's family or household in fear of imminent serious bodily injury or continued harassment, as defined in G.S. 14-277.3A, that rises to such a level as to inflict substantial emotional distress; or
  - (3) Committing any act defined in G.S. 14-27.2 through G.S. 14-27.7.
  
- (b) For purposes of this section, the term "personal relationship" means a relationship wherein the parties involved:
  - (1) Are current or former spouses;
  - (2) Are persons of opposite sex who live together or have lived together;
  - (3) Are related as parents and children, including others acting in loco parentis to a minor child, or as grandparents and grandchildren. For purposes of this subdivision, an aggrieved party may not obtain an order of protection against a child or grandchild under the age of 16;
  - (4) Have a child in common;
  - (5) Are current or former household members;

***Dating Violence*** – (FBI/UCR Defined) 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 existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—

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

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

**North Carolina General Statute 14-277.3A. defines stalking as follows:**

***Stalking*** – Stalking includes engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others' or suffer substantial emotional distress.

A defendant is guilty of stalking if the defendant willfully on more than one occasion harasses another person without legal purpose or willfully engages in a course of conduct directed at a

specific person without legal purpose and the defendant knows or should know that the harassment or the course of conduct would cause a reasonable person to do any of the following:

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

## **TITLE IX POLICY STATEMENT**

It is the policy of North Carolina Central University to prohibit discrimination and harassment on the basis of age, race, color, gender, national origin, religion, disability, protected veteran status, political affiliation, genetic information, gender identity or gender expression and sexual orientation in regard to the administration of education programs, admission of students, employment actions, athletics or other sponsored activities.

NCCU complies with Title IX of the Educational Amendments Act of 1972, which prohibits discrimination on the basis of sex in all programs and activities (including sexual harassment and sexual violence) in the University's educational programs and activities.

Title IX states: No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Title IX also prohibits retaliation for asserting or otherwise participating in claims sex discrimination.

It is the policy of the University to provide educational, preventative and training programs regarding sexual or gender based harassment and discrimination, to encourage reporting incidents, to prevent incidents of sexual and gender based harassment and discrimination from denying or limiting an individual's ability to participate in or benefit from the University's programs; to make available timely services for those who have been affected by discrimination; and to provide prompt and equitable methods of investigation and resolution to stop discrimination, remedy any harm, and prevent its recurrence. Violations of this Policy may result in the imposition of sanctions up to, and including, termination, dismissal, or expulsion, as determined by the appropriate administrators at the University.

For information or if any individual who believes he or she has been discriminated against in violation of Title IX and other applicable laws, or who has witnessed discrimination against another is encouraged to file a complaint with Ann Penn, Interim University Title IX Coordinator at 919-530-6681 or email at [aepenn@ncsu.edu](mailto:aepenn@ncsu.edu).

The Title IX Coordinator has appointed the following Deputy Title IX Investigators to receive complaints of sexual harassment, sexual assault, sexual violence or other sexual misconduct, against students and employees:

Daphne Richardson, EEO and Employee Relations Consultant at 919-530-6920 or email at [drichardson@ncsu.edu](mailto:drichardson@ncsu.edu)

Toya Corbett, Dean of Students at 919-530-7466 or email at [tcorbet7@ncsu.edu](mailto:tcorbet7@ncsu.edu)

Ruth Phillips, Executive Director, Student Health at 919-530-7908 or email at [ruth.gilliam.phillips@ncsu.edu](mailto:ruth.gilliam.phillips@ncsu.edu)

The Deputy Title IX Investigators will communicate and consult regularly and work collaboratively with the Title IX Coordinator who has ultimate responsibility for compliance with Title IX of the Education Amendments Act of 1972.

An employee or student may always file a complaint with: U.S. Department of Education for Civil Rights or the Equal Employment Opportunity Commission.

## **DEFINITIONS**

**Awareness programs:** Awareness programs means community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

**Bystander intervention:** Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

**Ongoing prevention awareness campaigns:** Ongoing prevention and awareness campaigns means programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking.

**Primary prevention program:** Primary prevention programs means programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, 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.

**Proceeding:** Proceeding means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding, investigations, formal or informal meetings, and hearing. It does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

**Result:** Result means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution.

**Risk reduction:** Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

**Sexual Assault:** Sexual assault means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Rape is defined as 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 is defined as the touching of the private parts of another person for the purposes 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 is defined as nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape:** Statutory Rape is nonforcible sexual intercourse with a person who is under the statutory age of consent.

## **SEX OFFENDER REGISTRY**

The North Carolina General Assembly created the North Carolina Sex Offender and Public Protection Registry in January 1996. This law outlines registration requirements for persons living in North Carolina, non-resident students and non-resident workers. The Registry serves as a resource to help protect and inform the public. A list of registered sex offenders is made available by the state authorities to the local law enforcement agency (City of Durham Police Department) that has jurisdiction where the institution of higher education is located. The North Carolina Sex Offender Registry is found at [sexoffender.ncdog.gov](http://sexoffender.ncdog.gov) The U.S. Department of Justice National Sex Offender website is found at [www.nsopw.gov](http://www.nsopw.gov) .

## **Missing Student Notification Policy**

North Carolina Central University takes student safety seriously. The following policy and procedures have been established to assist in locating missing NCCU students who reside in on-campus housing.

### **REPORTING A MISSING STUDENT**

If an individual has reason to believe that a student who legally resides in on-campus housing is missing, he/she should immediately notify University Police (919-530-6106), the Dean of Students (919-530-6311), or Residential Life (919-530-6227). Any person to whom a missing student report is made, if not the University Police, will notify the University Police immediately. This team will work together to share information under the leadership and coordination of the Chief of Police. For students who do not reside on campus and are reported missing, the university may provide reasonable response and assistance as resources and time allow.

## **INVESTIGATING A REPORT OF A MISSING STUDENT**

Upon receiving information that a student cannot be located and may be missing, the Chief of Police in collaboration with Residential Life personnel and the Dean of Students will initiate an investigation. Before presuming that the student is missing, reasonable measures will be taken to determine whether anyone familiar with the student has seen or heard from him/her recently or is aware of where he/she may be.

Investigating a missing student report includes, but is not limited to, the following:

- Obtain information from the reporting individual about the student, such as a physical description, including clothes he/she may have been wearing when last seen; who he/she may be with or where he/she may be; his/her physical and mental well-being; and the reasons he/she believes the student is missing. (University Police Chief)
- Attempt to contact the student via his/her cell phone (if available) and/or email address. (Dean of Students)
- Check the student's room to see if he/she is present. (Residential Life personnel)
- Contact Residential Life Community Directors, roommates, friends, employers and members of clubs and organizations the student may be affiliated with, if known, to obtain information about when and where the student was last seen and if the student's absence is inconsistent with his/her established patterns of behavior. (Residential Life personnel)
- Contact the student's professors to ascertain the student's recent attendance in class. (Dean of Students)
- Obtain a photograph of the student, if available, from student ID card records and use this information (and/or the physical description) to conduct a search, with possible assistance from Residential Life personnel or others, of the campus and buildings where the student has classes. The Chief of Police may issue an ID card photograph to personnel involved to assist in the identification of the missing student. (University Police Chief)
- Contact the Police and Public Safety Department's Parking Section to determine if the student has a vehicle registered on campus; if the student has a vehicle, University Police officers will attempt to locate the vehicle on campus. (University Police officers)
- Check access card logs (e.g. through Dining Services, Library, Walker Complex) to determine the last time the student's NCCU ID card was used, access logs to NCCU email and/or NCCU computer accounts, as well as any surveillance video. (University Police Chief)

## **NOTIFYING APPROPRIATE PERSONS OF A REPORT OF A MISSING STUDENT**

If the student cannot be located after reasonable efforts, the following individuals will be notified no later than 24 hours after the student has been determined to be missing:

- The Dean of Students will contact the Confidential Contact identified by the student (see below).
- If the missing student is under the age of 18 and is not an emancipated individual, the Dean of Students will notify the student's custodial parent or legal guardian.



- The Chief of Police will notify the local law enforcement agencies.
- The Dean of Students will notify the Vice Chancellor for Student Affairs

This policy does not preclude the university from implementing the procedures described above in less than 24 hours if circumstances warrant a faster implementation.

## **CONFIDENTIAL CONTACT**

Students residing in on-campus housing have the option to confidentially identify an individual to be contacted by NCCU in the event he/she is determined to be missing for more than 24 hours. Students are provided the option of designating a confidential contact at the time of residence hall check-in. The student may register one or more individuals to be contacted strictly for missing persons purposes. This contact may be anyone, even if the student has already identified an emergency contact for other purposes. Students may identify the same or different individuals for emergencies and missing persons contact. The missing person contact name is confidential and will be revealed only to law enforcement in the context of conducting a missing person investigation.

Students will be informed at the time they register the confidential contact:

- If they identify such an individual, NCCU will notify that person no later than 24 hours after they have been determined to be missing.
- If they are under age 18 and are not an emancipated individual at the time they are determined to be missing, NCCU must notify the student's custodial parent or legal guardian.
- Regardless of whether student has identified a confidential contact person, is 18 years of age or older, or is an emancipated minor, the university will notify local law enforcement no later than 24 hours after he/she has been determined to be missing.
- The confidential contact information will be accessible only by authorized campus officials and law enforcement officers in furtherance of a missing person investigation

In addition to informing resident students of this policy at the time of residence hall check-in, Residential Life personnel discuss the policy with resident students at the beginning of the academic year in residence hall meetings.

## **EXTERNAL COMMUNICATIONS**

In case of a missing student, local law enforcement agencies may provide information to the media that is designed to obtain public assistance in the search for a missing student. In doing so, the local law enforcement agencies will consult with NCCU Public Relations. Any media request to the University will be directed to the Public Relations Office.

## Disclosure of Crime Statistics

**Table 1 – Crime Reports for Calendar Years 2013, 2014, and 2015**

Reports of Crime	Year	On Campus	On Campus Residential Facility	Public Property	Non Campus Building or Property	Total	Unfounded
Murder and Non-Negligent Manslaughter	2015	0	0	0	0	0	0
	2014	0	0	0	0	0	0
	2013	0	0	0	0	0	-
Negligent Manslaughter	2015	0	0	0	0	0	0
	2014	0	0	0	0	0	0
	2013	0	0	0	0	0	-
Rape	2015	8	7	0	0	8	0
	2014	5	4	0	0	5	0
Forcible Fondling	2015	1	0	0	0	1	0
	2014	0	0	0	0	0	0
Forcible Sex Offense ***	2013	2	2	0	0	2	0
Non-Forcible Sex Offense ***	2013	0	0	0	0	0	0
Incest	2015	0	0	0	0	0	0
	2014	0	0	0	0	0	0
	2013	0	0	0	0	0	-
Statutory Rape	2015	0	0	0	0	0	0
	2014	0	0	0	0	0	0
	2013	0	0	0	0	0	-
Robbery	2015	6	0	1	0	7	0
	2014	7	1	2	0	9	0
	2013	5	1	0	0	5	-
Aggravated Assault	2015	4	0	1	0	5	0
	2014	5	1	0	0	5	0
	2013	8	2	0	0	8	-
Burglary	2015	19	12	0	0	19	0
	2014	21	15	0	0	21	0
	2013	14	10	0	0	14	-
Motor Vehicle Theft	2015	3	0	1	0	4	0
	2014	1	0	0	0	1	0
	2013	1	0	1	0	2	-
Arson	2015	3	3	0	0	3	0
	2014	0	0	0	0	0	0
	2013	0	0	0	0	0	0
Domestic Violence	2015	13	9	0	0	13	0
	2014	0	0	0	0	0	0
	2013	2	2	0	0	2	0
Dating Violence	2015	13	9	0	0	13	0
	2014	8	6	0	0	8	0
	2013	5	2	0	0	5	0
Stalking	2015	3	2	0	0	3	0
	2014	3	1	0	0	3	0
	2013	1	0	0	0	1	0















2013

<b>Residence Hall</b>	<b>Total Fires</b>	<b>Fire Number</b>	<b>Cause of Fire</b>	<b>Injuries Requiring Treatment</b>	<b>Deaths</b>	<b>Value of Property Damage</b>
Annie Day Shepard Hall 207 Cafeteria Dr.	0	0	N/A	0	0	0
Baynes Hall 116 Eagle Campus Dr	1	1	Undetermined – trash can fire	0	0	\$0-\$99
Chidley Main Hall. 828 E. Lawson St.	0	0	N/A	0	0	0
Eagleson Hall 524 George St.	0	0	N/A	0	0	0
Eagle Landing 408 Brant St.	0	0	N/A	0	0	0
Graduate Apartments 202 Eagle Campus Dr.	0	0	N/A	0	0	0
McLean Hall 2103 Fayetteville St.	0	0	N/A	0	0	0
Rush Hall 215 Cafeteria Dr.	0	0	N/A	0	0	0
Ben Ruffin Hall 1850 Fayetteville St.	0	0	N/A	0	0	0
Tyronza Richmond Hall 820 E. Lawson St.	0	0	N/A	0	0	0
New Residence Hall 2 822 E. Lawson St.	1	1	Undetermined – burning paper	0	0	\$0-\$99
Martha Street Apartments 609 Martha St.	0	0	N/A	0	0	0

## NORTH CAROLINA CENTRAL UNIVERSITY POLICE DEPARTMENT 2015 Annual Summary of Internal Affairs Investigations

It shall be the policy of the North Carolina Central University Police Department to receive and investigate all complaints from the public, students, faculty and staff of alleged misconduct against its employees. The department believes it has an obligation to the university community and its employees to thoroughly investigate itself to maintain the trust of those we serve. All complaints are accepted and documented. Complaints may be submitted in person, over the phone, through e-mail, or in writing. Anonymous complaints or complaints from persons who wish their names to be held in confidence will be accepted for investigation.

Listed below is the number of internal investigations for the years 2012 - 2015

Year	Number of complaints	Allegations	Internal Affairs Inv.	Supervisor Investigation	Student	Faculty/Staff	Citizen
2012	11	20	7	4	3	2	6
2013	5	7	1	4	2	2	1
2014	8	10	4	4	5	3	0
2015	0	0	0	0	0	0	0

A comparison of internal investigations for the year 2012-2015 reveals a significant reduction in complaints filed against employees of the Police Department. This can be attributed to training, awareness and sensitivity to the university community.

*Definitions applicable to the above listed categories:*

*Not sustained – There is insufficient proof to confirm or to refute the allegation.*

*Sustained - Facts exist which prove specific allegation or other wrongdoing during the investigation.*

*Other – Policy failure*