



**SEXUAL MISCONDUCT POLICY
and
PROCEDURES TO ADDRESS
SEXUAL MISCONDUCT**

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SEXUAL MISCONDUCT POLICY and PROCEDURES TO ADDRESS SEXUAL MISCONDUCT

July 1, 2016

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Questions or comments related to this publication should be directed to

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Gee Building 105, 336-506-4133, Lorri.Allison@alamancecc.edu.

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Sexual Misconduct Policy

PURPOSE

Alamance Community College (the “College” or “ACC”) is committed to providing an educational environment in which all employees and students, without regard to sex, sexual orientation or gender identity, have a right to work and learn free from sexual harassment and sexual violence. The College will promptly, fairly, and impartially investigate sexual harassment and/or sexual violence complaints by members of the College community (students, employees, and third parties such as contracted workers and volunteers) or by visitors against members of the College community or visitors regarding on-campus conduct and off-campus conduct that affects the learning experience of students, the work environment of employees, or the campus climate. The College will provide to student, applicant, and employee complainants appropriate processes and accommodations in order to minimize a hostile environment, prevent the recurrence of a sexual harassment or sexual violence incident, and address its effects.

Sexual harassment (including sexual violence) is deemed a form of sex discrimination prohibited by North Carolina General Statutes 126-16; by Title VII of the Civil Rights Act of 1964, as amended, which prohibits sex discrimination in employment; and by Title IX of the Educational Amendments of 1972, which prohibits sex discrimination against students and employees in educational institutions which receive federal funds.

Sexual Misconduct Policy

DEFINITIONS

Sexual harassment is defined as a deliberate, unsolicited and unwelcomed sexual advance, request for sexual favors, or other verbal and/or physical conduct of a sexual nature or with sexual implications; or unwelcome conduct based on sex or sexual stereotyping:

1. Which has or may have direct employment consequences resulting from the acceptance or rejection of such conduct;
2. Has or may have direct admissions, enrollment, grading or academic consequences resulting from the acceptance or rejection of such conduct;
3. Which results in a work or learning environment that a reasonable person would find to be intimidating, hostile, or offensive and/or interferes with an employee's work performance or student's academic performance;
4. Which denies or limits a student's ability to participate in and/or benefit from a school program.

Sexual violence is defined as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability, or a medically diagnosed impairment. Sexual violence is a criminal offense. A number of different defined acts are criminal offenses and fall into the category of sexual violence, including rape, sexual assault, sexual battery, and sexual coercion. North Carolina criminal sex crimes (in part) are defined in N.C. G.S. §14-27.1 and in the North Carolina Domestic Violence Act as set forth in N.C.G.S. §50B-1. All such acts of sexual violence are forms of sexual harassment covered under Title IX.

Definitions of related terms (such as consent, dating violence, domestic violence, rape, sexual abuse, sexual assault, sexual battery, sexual coercion, and stalking) are found in "Procedures to Address Sexual Misconduct," a document updated and published annually in the student handbook and on the College's web site.

Sexual Misconduct Policy

REPORTING OPTIONS

Students and employees are encouraged to report sexual misconduct (harassment or violence) to one or more of the following: the Title IX Coordinator (who is ACC's Director of Human Resources), a College "responsible employee," a College "counselor/advisor," their employment supervisor, a College security official, a local law enforcement officer, a local medical professional, a local mental health professional or a pastoral counselor. See "Procedures to Address Sexual Misconduct" for contact information.

College "responsible employees" are all faculty members, administrators, and support staff (including student employees and contracted service providers) except the Title IX Coordinator and designated "counselors/advisors"; all student services staff members except designated "counselors/advisors"; and campus security staff. A "responsible employee" shall report to the College's Title IX Coordinator or designee relevant details of instances of sexual misconduct made known to him or her, and he/she shall inform the complainant of his/her right to file a Title IX complaint with the College and to report a crime to campus security and/or local law enforcement.

College "counselors/advisors" are not considered "responsible employees" for reporting purposes but are counselors/advisors whom students or employees may consult confidentially for support and information. These designated individuals are the Director of Student Success, Coordinator of Career and College Promise, Coordinator of Transfer Success, Coordinator of Disability Services, counselor trainees working under the supervision of a professional counselor, ACC-selected/appointed sexual assault responders, and ACC-approved third parties providing confidential counseling services on the campuses or by referral. These "counselors/advisors" are not required to report incidents except as described below, and they will provide information about support services students can use whether or not they file a complaint on-campus or with off-campus authorities. "Counselors/advisors" will report incidents under certain specific circumstances, including an informed consent release by the complainant, a threat of harm to self or others, a court order, or harm to minors. (NCGS 14-27.5) See "Procedures to Address Sexual Misconduct" for contact information.

Sexual Misconduct Policy

REPORTING OPTIONS

There is no time limit to invoking this policy to respond to alleged sexual misconduct. However, complainants are encouraged to report allegations of sexual misconduct immediately in order to maximize the College's ability to obtain the relevant information and witness testimony needed to complete a thorough and impartial investigation. The College will resolve complaints within 60 days of the initial report (not including appeal processes) unless fact-finding is delayed to defer to law enforcement evidence gathering, or if other special circumstances such as College break periods apply.

Malicious or frivolous claims of sexual misconduct are prohibited, and, if substantiated, may result in disciplinary action against the instigator.

An anonymous report of sexual misconduct is not considered a complaint under this policy; however, the College will attempt to perform an inquiry as to any anonymous report received. A third party complaint, made on behalf of someone else who has been the victim of sexual misconduct/harassment/violence, will be investigated by ACC. Complainants should be aware it may be difficult to keep the victim's identity confidential during the investigation because of the circumstances of the charge.

Sexual Misconduct Policy

CONFIDENTIALITY

In general, the College will obtain consent from the complainant before beginning an investigation. However in cases involving potential criminal conduct College officials reserve the authority to determine, consistent with State and local law, whether appropriate law enforcement authorities should be notified. If the College determines the alleged perpetrator poses a serious and immediate threat to the College community, the campus security supervisor may be called upon to issue a timely warning to the community as required by the Clery Act. Such a warning does not include information that identifies the victim.

If the complainant requests confidentiality or asks that the complaint not be pursued, the College will take reasonable steps to investigate and respond to the complainant consistent with the complainant's request. The College will inform the complainant that its ability to respond may be limited. The College's Title IX Coordinator or designee will evaluate the complainant's request for confidentiality in the context of ACC's obligation to provide a safe environment for students and employees, and will inform the complainant prior to starting an investigation if it cannot ensure confidentiality. At minimum in every case of reported sexual violence, an anonymous report of the incident must be provided by the Title IX coordinator to campus security staff in order to comply with campus crime reporting (Clery Act) requirements.

The College will maintain as confidential any accommodations or protective measures provided to students or employees, to the extent that confidentiality does not impair the ability of the College to provide the protective measures.

Sexual Misconduct Policy

RETALIATION

Those who make complaints or otherwise participate in investigative and/or disciplinary processes under this policy are protected from retaliatory acts. No employee or student may engage in interference, coercion, restraint, or reprisal against any person alleging sexual misconduct. Perpetrators of retaliation will face disciplinary action. Likewise, claims of sexual misconduct that are substantiated as malicious or frivolous may result in disciplinary action against the instigator.

Sexual Misconduct Policy

RESOLUTION OPTIONS

Informal Resolution Options:

The complainant has the right to end an informal resolution process at any time and pursue formal resolution. See “Procedures to Address Sexual Misconduct” for more information about each informal option.

1. Confidential consultation with the Title IX Coordinator or designee for support, information, and/or exploration of possible actions.
2. Confidential counseling and referral: “Counselors/advisors” as designated in this policy may counsel a student confidentially to provide support, information, referral, and/or exploration of possible actions.
3. Informal voluntary mediation, contingent on the availability of qualified mediators. This option is available only for complaints of sexual harassment, but not for sexual violence including rape, sexual abuse, sexual assault, and sexual battery.

RESOLUTION OPTIONS

Formal Resolution Options:

The complainant has the right to pursue the applicable following options individually or simultaneously as applicable.

1. If the accused is an Alamance Community College student, such individual shall file a formal complaint with campus security and/or the Vice President for Student Success and follow the College’s grievance procedures/student conduct process as described in the student handbook. Note that:
 - A. Investigation and resolution will be prompt, fair, and impartial.
 - B. The standard of evidence for a finding of “responsible” is preponderance of the evidence.
 - C. Accuser and accused are entitled to have an advisor of their respective choice present at a disciplinary proceeding and any related meetings. An advisor serves on a consulting (non-participatory) basis in a disciplinary hearing.
 - D. Sanctions assigned to a student found responsible include one or more of the following: letter of reprimand, general probation, restrictive probation, suspension, explicit dismissal, indefinite dismissal.

Sexual Misconduct Policy

2. If the accused is an Alamance Community College employee, contracted employee, or visitor, such individual shall file a formal complaint with campus security, employment supervisor, and/or the Title IX Coordinator (Director of Human Resources) and follow the College's grievance procedures. An employee found responsible will be assigned one or more of the following disciplinary sanctions: oral warning, written warning, special training appropriate to the findings, probation, suspension, dismissal.
3. File a criminal complaint with a local law enforcement agency. Campus security staff will assist with this process.
4. File a complaint directly with the appropriate Federal or North Carolina agency (ex. Equal Employment Opportunity Commission, Office of Civil Rights).

Sexual Misconduct Policy

NOTIFICATION OF OUTCOME

The College will notify the complainant in writing whether or not it found that sexual misconduct occurred, any individual remedies offered to the complainant, and other steps the College has taken to eliminate a hostile environment and prevent recurrence. In cases that involve institutional grievance/disciplinary proceedings on allegations of sexual harassment not involving sexual violence, the College will disclose to the complainant matters about the sanction that are directly related to the complainant. In cases that involve institutional grievance/disciplinary proceedings on allegations of sexual violence, the College will notify the accuser and the accused simultaneously and in writing of the outcome of the proceeding, appeal procedures, any change to the result following appeal, and a summary of the final results and effective date. Final results are defined as the name of the accused, the findings of the proceeding, any sanctions imposed by the College, and the rationale (if any). Names of any other persons, such as a victim/survivor or witness, will be included only with the consent of those persons. The College will not require a party to abide by a nondisclosure agreement that would prevent the re-disclosure of information related to the outcome of the proceeding.

Sexual Misconduct Policy

TRAINING AND EDUCATION

The College expects all employees and students to participate in training and education on sexual harassment and sexual violence topics at regular intervals. Training and education topics and content provided by the College will be consistent with Title IX and Campus SaVE Act regulations and recommendations. New employees and students will receive training, educational programs, and materials on Title IX; sexual misconduct awareness and prevention topics; procedures for reporting and resolving complaints; procedures for making referrals; and roles of various members of the College community in addressing sexual misconduct. Ongoing prevention and awareness programs, materials, and campaigns will be provided for all employees and students. Employees in specific roles will participate in specialized training. Those roles include Title IX Coordinator, responsible employees, counselors/advisors, complaint investigators, hearing officials, grievance committee members, and campus security staff. The sexual misconduct policy and procedures will be published in key College publications (ex. General Catalog, Student Handbook, Employee Handbook, College web site) made widely available to members of the College community.

Procedures to Address Sexual Misconduct

These procedures are a companion document to Alamance Community College's Sexual Misconduct Policy, providing definitions, sources of assistance, and practical information to help students and employees understand options and rights available to address sexual misconduct. The procedures should be read and used in conjunction with the College's Sexual Misconduct Policy. Content includes:

- Important Definitions
- Procedures Immediately After a Sexual Violence Incident
- Procedures for Bystanders
- Procedures for Risk Reduction
- Procedures to Report Sexual Misconduct
 - Report to the Title IX Coordinator
 - Disclosure to College Counselors/Advisors
 - Disclosure to Employee Assistance Program (EAP) Counselor
 - Report to College Responsible Employees
 - Report to Alamance Community College Campus Security
 - Report at Public Awareness Events
 - Report to Law Enforcement
 - Report to External Agencies
- Procedures for Investigations and Accommodations
- Procedures for Complaint Resolution
 - Informal Resolution Options
 - Formal Resolution Options
- Procedures of the Student Conduct/Grievance Process Specific to Sexual Misconduct Allegations
- Procedures for Notification of Outcome
- References
- Appendix A: Definitions of North Carolina Criminal Sex Crimes (in part) and North Carolina Domestic Violence Act

Procedures to Address Sexual Misconduct

IMPORTANT DEFINITIONS

Consent is defined as clear, knowing, and voluntary agreement by all parties, given actively by words or demonstrated actions, to engage in sexual activity. Consent is not implied or given by silence, lack of resistance, a previous relationship, or prior participation in sexual activity between the parties. Consent to one form of sexual activity does not imply consent to other forms of sexual activities. Consent can be withdrawn at any time. Consent has not been obtained in situations when someone is forced, threatened, pressured, intimidated, manipulated, or has fear of being injured if he/she does not engage in the sexual activity; in situations when someone is unable to give consent or is incapable of resisting due to sleep, involuntary physical restraint, unconsciousness, or under the influence of drugs or alcohol; or in situations when someone has a physical or mental disability that inhibits his/her ability to give consent.

Dating Violence is defined as sexual or physical abuse or threat of abuse committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, where the existence of such a relationship is determined by considering the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence is defined as a felony or misdemeanor crime of violence committed a) by a current or former spouse or intimate partner of the victim; b) by a person with whom the victim shares a child in common; c) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; d) by a person similarly situated to a spouse of the victim under the domestic or family violence laws in which the crime of violence occurred; or e) by any other person against an adult or youth victim who is protected from that person's acts under the domestic violence laws of the jurisdiction in which the crime of violence occurred.

Hostile Environment is defined as: a situation of discriminatory or sexual nature that has occurred and created an adverse setting; an intimidating or offensive environment that causes a person to be fearful; and/or a setting that denies, limits or interferes with a person's ability to participate in or benefit from a program, activity or job.

Rape is defined as 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.

Procedures to Address Sexual Misconduct

Sex offenses under North Carolina criminal law: North Carolina criminal sex crimes (in part) are defined in N.C. G.S. §14-27.1, in the North Carolina Domestic Violence Act as set forth in N.C.G.S. §50B-1; and stalking is defined in G.S. §14-277.3A. See Appendix A of this document or see N.C. General Assembly web site: <http://www.ncleg.net/gascripts/statutes/Statutes.asp>

Sexual Abuse is defined as intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person without his or her consent, or of a person who is unable to consent or refuse.

Sexual Assault is defined as any type of sexual contact or behavior that occurs without the explicit consent of the recipient. Falling under the definition of sexual assault are sexual activities such as forced sexual intercourse, forcible sodomy, child molestation, incest, fondling, and attempted rape.

Sexual Battery is defined as sexual contact by a person by force and against the will of the recipient or with a recipient the person knows or should reasonably know is mentally disabled, mentally incapacitated or physically helpless.

Sexual Coercion is defined as using pressure, alcohol, drugs, or force to have sexual contact with someone against his/her will.

Sexual Harassment is defined as a deliberate, unsolicited and unwelcomed sexual advance, request for sexual favors, or other verbal and/or physical conduct of a sexual nature or with sexual implications; or unwelcome conduct based on sex or sexual stereotyping:

1. Which has or may have direct employment consequences resulting from the acceptance or rejection of such conduct;
2. Has or may have direct admissions, enrollment, grading or academic consequences resulting from the acceptance or rejection of such conduct;
3. Which results in a work or learning environment that a reasonable person would find to be intimidating, hostile, or offensive and/or interferes with an employee's work performance or student's academic performance;
4. Which denies or limits a student's ability to participate in and/or benefit from a school program.

Procedures to Address Sexual Misconduct

Sexual Violence is defined as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability, or a medically diagnosed impairment. Sexual violence is a criminal offense. A number of different defined acts are criminal offenses and fall into the category of sexual violence, including rape, sexual assault, sexual battery, and sexual coercion. North Carolina criminal sex crimes (in part) are defined in N.C. G.S. §14-27.1 and in The North Carolina Domestic Violence Act as set forth in N.C.G.S. §50B-1. (See Appendix A) All such acts of sexual violence are forms of sexual harassment covered under Title IX.

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to a) fear for the person's safety or the safety of others; or b) suffer substantial emotional distress.

Procedures to Address Sexual Misconduct

PROCEDURES IMMEDIATELY AFTER A SEXUAL VIOLENCE INCIDENT

Someone who is a victim/survivor of sexual violence has many choices and decisions to make. Steps to take as quickly as possible are:

1. The victim should go to a safe place.
2. To report a crime of sexual violence, the victim should notify the police or sheriff immediately. In an emergency, telephone 911. Non-emergency telephone numbers for jurisdictions near Alamance Community College are:
 - Alamance County Sheriff's Department (336) 570-6300
 - Burlington Police Department (336) 229-3503
 - Burlington Police Department
Victim Assistance Program (336) 229-3582
 - Elon Police Department. (336) 584-1301
 - Haw River Police Department (336) 578-4141
 - Gibsonville Police Department (336) 449-7926
 - Graham Police Department. (336) 570-6711
 - Mebane Police Department. (919) 563-9031
3. The victim should preserve all physical evidence of the sexual violence. Do not shower, bathe, douche, eat, drink, wash hands, or brush teeth until after a medical examination. Save all the clothing being worn at the time of the incident. Place each item of clothing in a separate paper bag, not plastic. Do not clean or disturb anything in the area where the sexual violence occurred.

Procedures to Address Sexual Misconduct

PROCEDURES IMMEDIATELY AFTER A SEXUAL VIOLENCE INCIDENT

- The victim should obtain medical care as soon as possible. Go to a hospital emergency clinic or a specialized clinic that provides treatment for sexual violence victims. Even if there seem to be no physical injuries, get a medical examination, have a urine sample obtained if a “rape” drug is suspected, and discuss with a health care provider the risk of sexually transmitted disease and/or pregnancy resulting from the sexual violence. A medical exam helps preserve evidence of sexual violence. In Alamance County, go to Alamance Regional Medical Center, 1240 Huffman Mill Road, Burlington, NC 27215. Telephone (336) 538-7000. For sexual assault victims, Alamance Regional’s sexual assault nurse examiner (SANE) team offers private, confidential treatment in a quiet secluded suite.
- The victim should write down or record as much as he/she can remember about the circumstances of the sexual violence, including a description of the perpetrator.

Procedures to Address Sexual Misconduct

PROCEDURES IMMEDIATELY AFTER A SEXUAL VIOLENCE INCIDENT

- The victim should seek victim assistance by contacting one or more of the following:

Hotlines

- Sexual Assault Crisis Hotline:** Telephone (336) 226-0260
24 hours a day, 7 days a week to reach CrossRoads Sexual Assault Response and Resource Center Crisis Line.
- Rape Crisis Hotline for Greensboro:** Telephone (336) 273-7273
- Domestic Violence Crisis Hotline:** Telephone (336) 226-5985
24 hours a day, 7 days a week to reach Family Abuse Services of Alamance County.

Centers/Places to Go

Rape Crisis Center:

CrossRoads Sexual Assault Response and Resource Center

- Locations: (Burlington) 1206 Vaughn Road, Burlington, NC 27217
(Caswell) 339 Wall Street, Yanceyville, NC 27379
- Telephone: (336) 228-0813
- Email: crossroads@crossroadscares.org
- Website: <http://www.crossroadscares.org>

Domestic Violence:

Family Abuse Services of Alamance County

- Location: Family Justice Center, 1950 Martin Street,
Burlington, NC 27217
- Telephone: (336) 226-5982
- Website: <http://www.familyabuse services.org>.

Services include 24-hour crisis line, counseling, court advocacy/accompaniment, information and referral, emergency shelter, support groups, community educations, transitional housing for women and children homeless because of domestic violence.

Family Justice Center of Alamance County

- Location: 1950 Martin Street, Burlington, NC 27217
- Telephone: (336) 570-6019

ACC “counselor/advisor”

See “Reporting Procedures” below for ACC counselor/advisor names and contact information.

Procedures to Address Sexual Misconduct

PROCEDURES IMMEDIATELY AFTER A SEXUAL VIOLENCE INCIDENT

Other victim assistance agencies:

Women's Resource Center in Alamance County

Location: 411 West Fifth Street, Suite B, Burlington, NC 27215
Telephone: (336) 227-6900
Email: info@wrcac.org
Website: http://wrcac.org.

Local mental health providers:

Consult telephone yellow pages or call for referrals:

Crisis Line in Alamance County: (336) 513-4444
Crisis Line other counties: (888) 543-1444

Local clergy and/or pastoral counselors:

Contact your own church or look for a contact in the telephone yellow pages of your community, under "places of worship."

Local law enforcement:

See contact information in #2 above

Visa and immigration assistance:

The Immigration Advocates Network (non-profit) National Immigration Services Directory lists a number of contacts including Elon University School of Law Humanitarian Immigration Law Clinic in Greensboro and Church World Service Immigration and Refugee Program in Greensboro and Durham. Get details at www.immigrationadvocates.org/nonprofitlegaldirectorysearch?state=NC

Financial Aid assistance:

Financial Aid Office, Alamance Community College, Gee Building 100
Telephone: (336) 506-4340
E-mail: financialaid@alamancecc.edu

Procedures to Address Sexual Misconduct

Legal assistance:

Legal Aid of North Carolina—Durham Office

Street Address: 201 West Main Street, Suite 400, Durham, NC 27701

Mailing Address: P.O. Box 2101, Durham, NC 27702

For Legal Help: 1-866-219-5262 (toll free)

Phone: _____ 919-688-6396

Fax: _____ 919-682-8157

Legal Aid of North Carolina's Durham office provides legal assistance in civil matters (non-criminal matters) to eligible, low-income clients in Caswell, Durham, Franklin, Granville, Person, Vance and Warren counties.

Legal Aid of North Carolina—Pittsboro Office

Street Address: 959 East Street, Suite A&B, Pittsboro, NC 27312

Mailing Address: P.O. Box 1728, Pittsboro, NC 27312

For Legal Help: 1-866-219-5262 (toll free)

Phone: _____ 919-542-0475

Fax: _____ 919-545-0735

Legal Aid of North Carolina's Pittsboro office provides legal assistance in civil matters (non-criminal matters) to eligible, low-income clients in Alamance, Chatham, Lee, Moore, Orange, and Richmond counties.

Legal Aid of North Carolina—Greensboro Office

Street Address: 122 North Elm Street, Suite 700, Greensboro, NC 27401

For Legal Help: 1-866-219-5262 (toll free)

Phone: _____ 336-272-0148

Fax: _____ 336-333-9825

Legal Aid of North Carolina's Greensboro office provides legal assistance in civil matters (non-criminal matters) to eligible, low-income clients in Davidson, Guilford, Montgomery, Randolph, Rockingham, and Rowan counties.

Procedures to Address Sexual Misconduct

PROCEDURES FOR BYSTANDERS

The College expects all campus community members to take reasonable actions to prevent or stop an act of sexual misconduct. Bystanders can help in several ways, including direct intervention, seeking help from an authority figure, notifying campus security, or calling local law enforcement. If a bystander sees an act of sexual misconduct and makes the decision to intervene, it is important to do so safely and by use of words, not violence. If a sexual misconduct act cannot be stopped with words, the bystander should ask others for help and call law enforcement.

When a victim/survivor confides in a bystander or acquaintance, it is important to listen respectfully and let the victim tell his or her story. The listener can help by 1) being nonjudgmental—no contradicting or “playing devil’s advocate”; 2) helping the victim/survivor identify others in whom to confide; 3) asking the victim/survivor what would help him/her feel safe; 4) encouraging the victim/survivor to get medical attention and counseling; 5) encouraging the victim/survivor to report the act if he/she feels comfortable doing so.

Procedures to Address Sexual Misconduct

PROCEDURES FOR RISK REDUCTION

Individuals can reduce the risk of sexual violence by communicating with others, by situational awareness, and by trusting their instincts. Some specific actions are:

Communicating with others.

- Keep a cell phone with you or know where a phone is located.
- Travel and/or party with a friend or in a group.
- If you feel uncomfortable, scared, or pressured, say “Stop it,” “No,” or leave and call for help. Do this even if you said yes but changed your mind, or if you had sex with this partner before, or if you were kissing and “making out.”
- If you go out with someone you do not know well, have a group date, meet him/her in a public place, or tell a close friend in advance what your plans are.

Situational awareness.

- Be aware of your surroundings, both where you are and who is around you.
- Keep doors and windows to homes and cars locked.
- Do not leave your beverage unattended or accept a drink from an open container.
- Avoid mixing alcohol, or drugs, with sexual decisions.
- Try to avoid isolated areas.
- Walk with purpose and avoid putting music headphones in both ears if you are walking alone.
- Always have extra money to get home.

Trusting instincts.

- If a situation or location feels overwhelming or uncomfortable, “trust your gut” and get out to go to a safe place.
- If someone makes you feel uncomfortable by getting into your physical space repeatedly, or by making sexual comments and references, or by offering attention or gifts for sexual contact with you, tell him/her “no” or do not spend time with the person.
- “Make waves” if you feel threatened.

Procedures to Address Sexual Misconduct

PROCEDURES TO REPORT SEXUAL MISCONDUCT

There are several options for reporting sexual misconduct. Complainants may report a complaint both to the College and to off-campus authorities concurrently, and College officials will assist a complainant to notify a law enforcement agency. Complainants may decline to notify campus or law enforcement authorities.

REPORT TO THE TITLE IX COORDINATOR

Alamance Community College's Title IX Coordinator is:

Ms. Lorri Allison

Director of Human Resources

Gee Building 105

336-506-4133

Lorri.Allison@alamancecc.edu.

When a complaint or report is received, the Title IX Coordinator or designee will meet with the complainant. Regardless of whether or not the complainant chooses to report a sexual violence crime to law enforcement, the Title IX Coordinator will provide a copy of the sexual misconduct policy; a copy of "Procedures to Address Sexual Misconduct"; information about support resources and/or immediate interventions available to the complainant; assistance in arranging adjustments to academic, involvement, or employment circumstances to provide safety and protection; and information about the College's grievance and disciplinary procedures. The Title IX Coordinator will strive to maintain the level of confidentiality requested by the complainant, but at a minimum must report to campus security the nature, date, time, and general location of incidents for record keeping as required under the Clery Act.

Procedures to Address Sexual Misconduct

DISCLOSURE TO COLLEGE COUNSELORS/ADVISORS

Students or employees may confidentially consult with these employees for support, for information, and for referral as desired. Counselors/advisors will provide information about support services students can use whether or not they file a complaint on-campus or with off-campus authorities. Counselors/advisors meet with victims and are not normally required to report any personally identifying information about an incident to the College. The exceptions are that counselors/advisors will report incidents under certain special circumstances including an informed consent release by the complainant, a threat of harm to self or others, a court order, or harm to minors. (NCGS 14-27.5) Counselors/advisors do report the nature, date, time, and general location of an incident to the Title IX Coordinator to help evaluate safety needs on campus. No personally identifying details are shared with the Title IX Coordinator unless the victim gives consent.

College counselors/advisors are:

Ms. Ilona Owens

Director of Student Success

Main Building 233A

336-506-4146

Ilona.Owens@alamancecc.edu

Ms. Jenny Brownell

Coordinator of Career & College Promise

Main Building 363

336-506-4237

Jennifer.Brownell@alamancecc.edu

Dr. Brian Finch

Coordinator of Transfer Success

Main Building 235

336-506-4140

Brian.Finch@alamancecc.edu

Procedures to Address Sexual Misconduct

DISCLOSURE TO COLLEGE COUNSELORS/ADVISORS

Ms. Monica Isbell
Coordinator of Disability Services
Gee Building 100
336-506-4130
Monica.Isbell@alamancecc.edu

Crossroads Sexual Assault Response and Resource Center
ACC On-Campus Services
Graham Campus
Main Building 228
Wednesdays, 9 a.m.-11 a.m.
Other times call Ms. Claudia Patterson at 336-228-0813

DISCLOSURE TO EMPLOYEE ASSISTANCE PROGRAM (EAP) COUNSELOR

The College contracts with Alamance Regional Medical Center's Employee Assistance Counseling Program (EACP) for EAP Services. Consultations and counseling sessions are confidential and no report is made to any College official unless the client provides a release to do so. Call 336-538-7481 or 877-800-9401 to talk to a counselor or set an appointment to meet with a counselor.

Procedures to Address Sexual Misconduct

REPORT TO COLLEGE RESPONSIBLE EMPLOYEES

A "responsible employee" has the duty to report instances of sexual misconduct to the College's Title IX Coordinator or designee, and he/she must tell the complainant of his/her right to file a Title IX complaint with the College and to report a crime to campus security and/or local law enforcement at the same time. The responsible employee will neither pressure a victim to request confidentiality nor pressure a victim to make a full report if he/she is not ready to do so.

When a complainant reports an incident to a responsible employee, the complainant should expect the College to take immediate steps to investigate what happened and resolve the matter. The information reported by a responsible employee to the Title IX Coordinator includes all relevant details about the alleged sexual misconduct including names of the victim and the alleged perpetrator, any witnesses, and any other relevant facts including the date, time, and specific location of the alleged incident. To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the College's response to the report. A responsible employee will not share information with law enforcement without the complainant's consent or unless the complainant has reported the incident already to law enforcement.

College "responsible employees" are:

- All faculty members, administrators, and support staff except the Title IX Coordinator and designated "counselors/advisors"—including student employees and contracted service providers
- All student services staff members except designated "counselors/advisors"
- Public Safety staff

Procedures to Address Sexual Misconduct

REPORT TO ALAMANCE COMMUNITY COLLEGE PUBLIC SAFETY

Public Safety staff are on duty 24 hours a day. Public Safety staff members can receive reports of sexual misconduct. They are able to 1) summon emergency medical assistance, 2) contact law enforcement agencies on behalf of a victim, 3) refer complainants to the Title IX Coordinator, 4) refer complainants to College counselors/advisors for confidential consultation. Public Safety staff will take only actions approved by the victim except in situations of clear and present danger or as otherwise required by applicable law (ex. reporting harm to minors). In those cases the security staff may respond immediately to the danger and/or may issue a “timely warning” to the campus community as required by the Clery Act. Such a warning does not include information that identifies the victim.

In some cases, the Title IX Coordinator may designate a Public Safety staff member to serve in the role of investigator of a sexual misconduct complaint.

Public Safety staff are responsible for preparing and publishing an annual report of certain crime statistics for the past three years as required by the Crime Awareness and Campus Security Act (Clery Act). Statistics for crimes of sexual violence are included, but no personally identifying information about individuals is included in the report.

To contact Public Safety in an emergency situation:

Telephone: (336) 506-4286;

Or ask any College employee for assistance.

To contact Public Safety in a non-emergency situation:

Telephone: (336) 506-4202 for the Director of Public Safety;

Or contact the Public Safety department through the switchboard operator/switchboard at the information desk located directly inside the College’s main entrance.

Procedures to Address Sexual Misconduct

REPORT AT PUBLIC AWARENESS EVENTS

If a person discloses a situation only through a public awareness or educational event such as “Take Back the Night,” a vigil, a protest, or other public event, the information the person provides at the event or program will not result in an investigation.

Procedures to Address Sexual Misconduct

REPORT TO LAW ENFORCEMENT

A law enforcement agency will provide victim assistance and investigation of alleged sexual violence crimes. Law enforcement personnel will assist victims with obtaining orders of protection, restraining orders, or other similar lawful orders issued by a criminal or civil court. North Carolina's protective order is described in the General Statutes, G.S. 50C-5.

The College's Title IX Coordinator or campus security staff can assist the complainant to contact the appropriate law enforcement agency.

- Alamance County Sheriff's Department(336) 570-6300
- Burlington Police Department(336) 229-3503
- Burlington Police Department
Victim Assistance Program(336) 229-3582
- Elon Police Department(336) 584-1301
- Haw River Police Department(336) 578-4141
- Gibsonville Police Department(336) 449-7926
- Graham Police Department(336) 570-6711
- Mebane Police Department(919) 563-9031

Procedures to Address Sexual Misconduct

REPORT TO EXTERNAL AGENCIES

File a complaint directly with the appropriate agency:

Equal Employment Opportunity Commission (EEOC) Field Office
2303 W. Meadowview Road, Suite 201
Greensboro, NC 27407
Telephone: (800) 669-4000

Equal Employment Opportunity Commission (EEOC) National Headquarters:
131 Main Street NE, Suite 4NW02F
Washington, DC 20507
Telephone: (202) 663-4900

Office for Civil Rights (OCR) Regional Office for North Carolina
District of Columbia Regional Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202-1475
Telephone: (202) 453-6020
Email: OCR.DC@ed.gov

Office for Civil Rights (OCR) National Headquarters Office
U. S. Department of Education
Mary E. Switzer Building
330 C Street SW
Washington, DC 20202
Telephone: (800) 421-3481

Procedures to Address Sexual Misconduct

PROCEDURES FOR INVESTIGATIONS AND ACCOMMODATIONS

Alamance Community College will promptly, fairly, and impartially investigate sexual harassment and/or sexual violence complaints by members of the College community or visitors against employees, students, and third parties (such as contracted workers, volunteers, or visitors) regarding on-campus conduct and off-campus conduct that affects the learning experience of students or the campus working and/or learning environment. The investigator is the Title IX Coordinator (Director of Human Resources) or designee, or a campus security staff member as appropriate to the nature and circumstances of the complaint.

In general, the College will obtain consent from the complainant before beginning an investigation. However in cases involving potential criminal conduct College officials reserve the authority to determine, consistent with State and local law, whether appropriate law enforcement authorities should be notified.

If the complainant requests confidentiality or asks that the complaint not be pursued, the College will take reasonable steps to investigate and respond to the complainant consistent with the complainant's request. However, the College will inform the complainant that under those conditions the College's ability to respond may be limited. The College's Title IX Coordinator or designee will evaluate the complainant's request for confidentiality in the context of its obligation to provide a safe environment for students and employees, and will inform the complainant prior to starting an investigation and/or issuing a "timely warning" to the College community if it cannot maintain confidentiality. At minimum in every case of sexual violence reported to anyone other than off-campus professional or pastoral counselors, a report of the incident without personally identifiable information must be provided by the Title IX Coordinator to campus security staff in order to comply with campus crime reporting (Clery Act) requirements.

Procedures to Address Sexual Misconduct

PROCEDURES FOR INVESTIGATIONS AND ACCOMMODATIONS

The College will provide to student, applicant, and employee complainants appropriate processes, accommodations, and referrals in order to minimize a hostile environment, prevent the recurrence of a sexual harassment or sexual violence incident, and address its effects. (Examples include modifications of course schedules and/or working arrangements; adjustments in course assignments and/or tests; academic support; security escorts; no-contact orders; and assistance with accessing other victim advocacy, academic support, health or mental health services, and legal assistance in the campus or local community.) The Title IX Coordinator and Vice President for Student Success or designee(s) will coordinate the provision of accommodations. The College will maintain as confidential any accommodations or protective measures provided to students or employees, to the extent that confidentiality does not impair the ability of the College to provide the protective measures.

Those who make complaints or otherwise participate in investigative and/or disciplinary processes under this procedure are protected from retaliatory acts. No employee or student may engage in interference, coercion, restraint, or reprisal against any person alleging sexual misconduct. Perpetrators of retaliation will face disciplinary action.

An investigation of a complaint is to be conducted by the Title IX Coordinator or designee. In general an investigation and resolution (not including appeals of the resolution) will be completed within 60 days after the complainant makes an initial report. An investigation is fact-finding and usually entails interviewing/questioning the complainant, interviewing/questioning the accused person, interviewing/questioning witnesses, reviewing student and personnel files, reviewing other evidence (ex. recordings, documents), and summarizing the findings.

Procedures to Address Sexual Misconduct

PROCEDURES FOR COMPLAINT RESOLUTION

Informal Resolution Options:

The complainant has the right to end an informal resolution process at any time and pursue formal resolution. Informal resolution methods are:

1. Confidential consultation with the Title IX Coordinator or designee for support, information, protective accommodations, and/or exploration of possible complaint actions. To pursue this option, the complainant should contact Title IX Coordinator Ms. Lorri Allison, Director of Human Resources, Gee Building 105, 336-506-4133, Lorri.Allison@alamancecc.edu.
2. Confidential counseling and referral: "Counselors/advisors" as designated in this policy may counsel a student confidentially to provide support, information, referral, and/or exploration of possible complaint actions. See "Procedures to Report "Sexual Misconduct" section above for contact information of ACC counselors/advisors.
3. Informal voluntary mediation, contingent on the availability of qualified mediators. This option is available only for complaints of sexual harassment, but not for sexual violence including rape, sexual abuse, sexual assault, and sexual battery.

Procedures to Address Sexual Misconduct

PROCEDURES FOR COMPLAINT RESOLUTION

Formal Resolution Options:

The complainant has the right to pursue the applicable following options individually or simultaneously as applicable.

1. If the accused is an Alamance Community College student, file a formal complaint with campus security and/or the Vice President for Student Success and follow the College's grievance procedures/student conduct process as described in the student handbook. Sanctions assigned to a student found responsible include one or more of the following: letter of reprimand, general probation, restrictive probation, suspension, explicit dismissal, indefinite dismissal.
2. If the accused is an Alamance Community College employee, contracted employee, or visitor, file a formal complaint with campus security, employment supervisor, and/or the Title IX Coordinator (Director of Human Resources) and follow the College's grievance procedures. An employee found responsible will be assigned one or more of the following disciplinary sanctions: oral warning, written warning, special training appropriate to the findings, probation, suspension, dismissal.
3. File a criminal complaint with a local law enforcement agency. Campus security staff will assist with this process.
4. File a complaint directly with the appropriate external agency (ex. Equal Employment Opportunity Commission, Office of Civil Rights). See contact information in "Report to External Agencies" in this document.

Procedures to Address Sexual Misconduct

PROCEDURES OF THE STUDENT CONDUCT/GRIEVANCE PROCESS SPECIFIC TO SEXUAL MISCONDUCT ALLEGATIONS

General:

1. A written complaint must be submitted to the Vice President for Student Success that includes the name(s) of the students involved, witness names, description of alleged infraction, date, time, and place of alleged infraction, and any action taken up to the time the complaint is submitted.
2. The standard of evidence for a finding of “responsible” is preponderance of the evidence.
3. Accuser and accused are entitled to have an advisor of their choice present at a disciplinary proceeding and any related meetings. An advisor serves on a consulting (non-participatory) basis in a disciplinary hearing or other meetings.
4. In a disciplinary proceeding or grievance appeals hearing, third party or hearsay evidence/testimony is admissible if relevant to the case. The hearing official will decide relevance and admissibility.
5. In a disciplinary proceeding or grievance appeal hearing, no questions will be asked about the accuser’s sexual history with anyone other than the accused.
6. In a disciplinary proceeding or grievance appeal hearing, a current or previous dating or sexual relationship between accuser and accused does not imply consent or preclude a finding of sexual misconduct.

Procedures to Address Sexual Misconduct

PROCEDURES OF THE STUDENT CONDUCT/GRIEVANCE PROCESS SPECIFIC TO SEXUAL MISCONDUCT ALLEGATIONS

Appeals to the Grievance Committee:

1. The Grievance Committee members for sexual misconduct appeals are specifically identified and trained in advance to serve in that role.
2. The burden of proof, under the standard of preponderance of evidence, is on the party initiating the appeal.
3. Accuser and accused are entitled to have an advisor of their choice present at a grievance hearing and any related meetings. An advisor serves on a consulting (non-participatory) basis in a hearing or other meetings.
4. In a disciplinary proceeding or grievance appeals hearing, third party or hearsay evidence/testimony is admissible if relevant to the case. The hearing official will decide relevance and admissibility.
5. In a grievance appeal hearing, no questions will be asked about the accuser’s sexual history with anyone other than the accused.
6. In a grievance appeal hearing, a current or previous dating or sexual relationship between accuser and accused does not imply consent or preclude a finding of sexual misconduct.
7. If one of the parties appeals the Vice President for Student Success’s decision to the Grievance Committee, then both accuser and accused have the right to be present throughout the grievance hearing.
8. The College does not require the accuser to be present at the grievance appeal hearing.
9. If the accuser and accused are not willing to be in the hearing room at the same time, the College will accommodate the situation by use of appropriate technology or other arrangements.
10. Parties will not personally question or cross-examine each other in a grievance appeal hearing, but may submit questions to the chair of the Grievance Committee who will ask the questions if relevant to the case.

Procedures to Address Sexual Misconduct

PROCEDURES FOR NOTIFICATION OF OUTCOME

The College will notify the complainant in writing whether or not it found that sexual misconduct occurred, any individual remedies offered to the complainant, and other steps the College has taken to eliminate a hostile environment and prevent recurrence. In cases that involve institutional grievance/disciplinary proceedings on allegations of sexual harassment not involving sexual violence, the College will disclose to the complainant matters about the sanction that are directly related to the complainant. In cases that involve institutional grievance/disciplinary proceedings on allegations of sexual violence, the College will notify the accuser and the accused simultaneously and in writing of the outcome of the proceeding, appeal procedures, any change to the result following appeal, and a summary of the final results and effective date. Final results are defined as the name of the accused, the findings of the proceeding, any sanctions imposed by the College, and the rationale (if any). Names of any other persons, such as a victim/survivor or witness, will be included only with the consent of those persons. The College will not require a party to abide by a nondisclosure agreement that would prevent the re-disclosure of information related to the outcome of the proceeding.

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Appendix A

Definitions of North Carolina Criminal Sex Crimes (in part) and of North Carolina Domestic Violence Act

N.C.G.S. § 14-27.1. Definitions.

As used in this Article, unless the context requires otherwise:

- (1) “Mentally disabled” means (i) a victim who suffers from mental retardation, or (ii) a victim who suffers from a mental disorder, either of which temporarily or permanently renders the victim substantially incapable of appraising the nature of his or her conduct, or of resisting the act of vaginal intercourse or a sexual act, or of communicating unwillingness to submit to the act of vaginal intercourse or a sexual act.
- (2) “Mentally incapacitated” means a victim who due to any act committed upon the victim is rendered substantially incapable of either appraising the nature of his or her conduct, or resisting the act of vaginal intercourse or a sexual act.
- (3) “Physically helpless” means (i) a victim who is unconscious; or (ii) a victim who is physically unable to resist an act of vaginal intercourse or a sexual act or communicate unwillingness to submit to an act of vaginal intercourse or a sexual act.
- (4) “Sexual act” means cunnilingus, fellatio, anilingus, or anal intercourse, but does not include vaginal intercourse. Sexual act also means the penetration, however slight, by any object into the genital or anal opening of another person’s body: provided, that it shall be an affirmative defense that the penetration was for accepted medical purposes.
- (5) “Sexual contact” means (i) touching the sexual organ, anus, breast, groin, or buttocks of any person, (ii) a person touching another person with their own sexual organ, anus, breast, groin, or buttocks, or (iii) a person ejaculating, emitting, or placing semen, urine, or feces upon any part of another person.
- (6) “Touching” as used in subdivision (5) of this section, means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim.

Appendix A

Definitions of North Carolina Criminal Sex Crimes (in part) and of North Carolina Domestic Violence Act

N.C.G.S. § 50B-1. Domestic violence; definition.

- (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;
 - (6) Are persons of the opposite sex who are in a dating relationship or have been in a dating relationship. For purposes of this subdivision, a dating relationship is one wherein the parties are romantically involved over time and on a continuous basis during the course of the relationship. A casual acquaintance or ordinary fraternization between persons in a business or social context is not a dating relationship.

