

**DAVIDSON COUNTY  
COMMUNITY  
COLLEGE**

**2020 Annual Security Report**

**The  
College of  
Davidson  
and Davie  
Counties**

<b>Table of Contents</b>	
<b>Introduction</b>	<b>4-5</b>
<b>DCCC's Commitment</b>	<b>6</b>
<b>Campus Security Reporting – Clery Act Policy 5.4.2</b>	<b>7</b>
<b>The Clery Act: Report Preparation and Obtaining a Copy</b>	<b>7</b>
<b>Reporting a Crime</b>	<b>8</b>
• Campus Security Authorities	
<b>On-Campus Confidential Resources</b>	<b>9</b>
<b>Non-confidential Resources</b>	
• Title IX Coordinator/Title IX Deputy Coordinator	<b>9</b>
• Behavioral and Counseling Services	<b>9</b>
• Reporting	<b>10</b>
• Sex Offender	<b>11</b>
<b>Campus Safety</b>	
• Reporting Procedures	<b>11-13</b>
• Campus Security	<b>13</b>
• Campus Resource Officers (CROs)	<b>13</b>
• Campus Access	<b>13</b>
• Crime Prevention	<b>14</b>
• DCCC Safety Practices	<b>14</b>
<b>Safety Preparedness</b>	<b>14- 15</b>
<b>Security of Campus Facilities and Related Information</b>	
• Surveillance	<b>15</b>
• Student Housing	<b>15</b>
• Annual Fire Safety Report	<b>15</b>
• Missing Student Policy	<b>15</b>
• First Aid Kit Locations	<b>16</b>
<b>Clery Act Requirements in an Emergency</b>	<b>17</b>
<b>Mass Notification and Timely Warnings</b>	
• Notification Systems	<b>17</b>
• Emergency Notification Procedures	<b>18</b>
• Emergency Messages from Home	<b>18</b>
• Emergency Response Scenarios	<b>18-20</b>
• Building Representatives	<b>20</b>
• Emergency Drill Practice	<b>20</b>
<b>Informing the Campus Community about Crimes/Incidents</b>	
• Timely Warnings	<b>21</b>
• Daily Crime Log	<b>21</b>
• Emergency Alert System	<b>21</b>
<b>Sexual Misconduct</b>	
• Violence Against Women Reauthorization Act of 2013	<b>22</b>
• No-Harassment Policy	<b>22-25</b>
• College Commitment to Effective Policy	<b>25</b>
• The Campus Sexual Violence Elimination (SaVE) Act Policy	<b>26-28</b>
<b>Education and Programming</b>	<b>28-30</b>

<b>Relevant Statues</b>	<b>31-54</b>
<b>Drug and Alcohol Information and Programming</b>	<b>55-59</b>
<b>Disciplinary Procedures for Students and Appeals</b>	<b>60-65</b>
<b>Alcohol and Drug Awareness and Prevention Programming and Policies</b>	<b>65-68</b>
<b>Miscellaneous Information</b>	
• <b>Weapons</b>	<b>69-70</b>
• <b>Traffic Accidents</b>	<b>70</b>
• <b>Damages</b>	<b>70</b>
• <b>Personal Accident</b>	<b>70</b>
• <b>Inclement Weather</b>	<b>70</b>
• <b>Media Messages</b>	<b>70-71</b>
<b>Definitions</b>	<b>71-75</b>
<b>Resources</b>	<b>76-77</b>
<b>Campus Crime Stats</b>	<b>78</b>

## **Davidson County Community College**

# 2020 Annual Security Report

## Introduction

Thank you for taking time to review the 2020 Annual Security Report. This report is developed to provide information about the safety and security on campus and be compliant with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics (Clery) Act*, often referred to as the *Clery Act*. One reason this report matters is because it requires greater transparency and timely warnings from colleges and universities about crimes. *The Clery Act* was passed in 1990 and was most recently amended by adding the *Campus Sexual Violence Elimination (SaVE) Act* to the *Violence Against Women Act (VAWA)* amendments in 2013.

It is named for Jeanne Clery, who in 1986 was a college freshman who was raped and murdered in her campus residence. The event led to increased attention on unreported crimes on numerous college campuses across the country. In 1990, Congress enacted the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*. *The Act* has been amended five times since enactment to include increased safety and reporting measures, most recently in 2013.

In this report, you will find statistics, definitions, programming, policies procedures, and campus resources, among other vital information. It is important to note that although policies are included in this report, the policies referenced here are not exhaustive; there are additional policies and procedures that can be found at <https://www.davidsonccc.edu/dccc-policies-and-procedures/>. This report is prepared in compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act*. The Campus Security Act requires that colleges and universities:

1. Publish an annual report every year by October 1<sup>st</sup> that includes three years of campus crime statistics and certain campus security policy statements. This year the Department of Education (DoE) changed the dissemination date to December 31<sup>st</sup>. The statistics reflect reports of sexual assaults, hate crimes, drug and alcohol violations, motor vehicle thefts, and dating violence, among other crimes;
2. Disclose crime statistics for the campus, public areas immediately adjacent to or running through the campus, and certain non-campus facilities and remote classrooms. The statistics must be gathered from campus police or security, local law enforcement and other campus officials who have significant responsibility for students and/or campus activities;
3. Provide timely warning notifications of those crimes that have occurred and pose an ongoing threat to students, faculty and staff, such as fires, on-campus shootings, crimes of sexual violence, among other situations listed under the *Clery Act*;
4. Implement emergency notification procedures if there is an immediate threat to the health or safety of students, faculty, or staff on campus;
5. Provide primary prevention and awareness programs, on an introductory and ongoing basis, on dating violence, domestic violence, sexual assault, and stalking to all incoming student and new employees, including material on bystander intervention and risk reduction.
6. Disclose, in a public crime log, crimes that occurred on campus or within the patrol jurisdiction of the campus police or the campus security department and is reported to the campus police or to campus security.

7. Provide information about rights and options for people reporting crimes to the institution, such as on- and off-campus resources, including anonymous and confidential reporting options

\*DCCC does not maintain on campus housing; therefore, the College is exempt from maintaining a daily fire log, publishing a fire safety report, and including information on policies and practices related to missing persons reporting.

There are distinct crime categories covered within the *Clery Act* Requirements. Institutions of higher education must include four distinct categories of crime in their Annual Security Report crime data. All crimes are classified in accordance with the FBI Uniform Reporting Guidelines. A copy of the Handbook for Campus Safety and Security Reporting may be obtained at the US Department of Education's website at <https://ifap.ed.gov/eannouncements/attachments/HandbookforCampusSafetyandSecurityReporting.pdf>.

Those categories for reporting are:

- 1. Criminal Offenses:**
  - a. Criminal homicide: murder and non-negligent manslaughter, manslaughter by negligence
  - b. Sexual assault: rape, fondling, incest, statutory rape
  - c. Robbery
  - d. Aggravated assault
  - e. Burglary
  - f. Motor vehicle theft
  - g. Arson
- 2. Hate Crimes (any of the above mentioned offenses, and any incidents of)**
  - a. Larceny-theft
  - b. Simple assault
  - c. Intimidation
  - d. Destruction/damage/vandalism of property
- 3. Violence Against Women Act (VAWA) Offenses**
  - a. Domestic violence
  - b. Dating violence
  - c. Stalking
- 4. Arrests and Referrals for Disciplinary Action**
  - a. Weapons law violations
  - b. Drug abuse violations
  - c. Liquor law violations

**DCCC's Commitment**

DCCC is committed to fostering a learning and work environment that exemplifies a culture of care and compassion for one another. To that end, the College is committed to providing the best possible learning and work environment for all its faculty, staff, and students. In striving to achieve this goal, it is important to engage in efforts conducive to maintaining the physical and emotional safety for all students, faculty, and staff. All College employees and students are responsible for taking safety seriously, preventing and/or reporting any unsafe conditions, and continuously practicing safety while performing any work and/or using any College facilities. Members of the campus community are encouraged to immediately report safety concerns of any kind to following individuals:

- Campus Resource Officer (Donnie Inman) - Davidson and (Justin Love) – Davie
- Security Personnel Supervisor (Nick Craver) - Davidson and Davie
- Director of Physical Plant Services (Keith Raker)
- Director, Human Resources (Adrienne Friddle)
- Vice President, Student Affairs (Rhonda Coats)
- Director, Behavioral and Counseling Services (Candice Jackson)
- Any supervisor of an academic program or campus service

Crime reports may be made to the Davidson and Davie Campus Resource Officers. Confidential mental health counseling is provided by Davidson County Family Services on the Davidson site and at their Lexington facility, as well as by the Director of Behavioral and Counseling Services on the Davidson and Davie sites.

It is important to note that if any faculty, staff, or student receives a report or knows of a situation that indicates an unsafe learning or work environment, they are encouraged to make a report to one of the above individuals.

Members of the Davidson County Community College family are encouraged to use the Annual Campus Safety and Security Report for information and as a resource for safe behaviors on and off campus.

According to the Campus Security Reporting – Clery Act Policy [5.4.2](#), the College is committed to providing a safe and secure environment. The College shall comply with the Crime Awareness and Security Act of 1990, as amended by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

This policy provides applicable definitions, safety and reporting procedures

### **The Clery Act: Report Preparation and Obtaining a Copy**

This *Annual Security Report* is required by federal law and contains policy statements and crime statistics for the school. The policy statements address the school's policies, procedures and programs concerning safety and security, for example, procedures for responding to emergency situations and sexual offenses. Three years' worth of statistics are included for certain types of crimes that were reported to have occurred on campus, in or on off-campus buildings or property owned or controlled by the school and on public property within or immediately adjacent to the campus. All statistics are gathered, compiled, and reported to the College community via this report, entitled the "Annual Security Report" which is prepared and distributed the Office of Behavioral and Counseling Services with coordinated preparation with the Clery Report Team. The Clery Report Team has departments, including Physical Plant, Campus Resource Officers, Human Resources, the Dean of Student Engagement and Completion, the Vice President of Student Affairs, and the Vice President of Financial and Administrative Services. Also, the Office of Behavioral and Counseling Services submits the annual crime statistics published in this document to the DoE. The Office of Behavioral and Counseling Services sends an email notification to every enrolled student and current employee on October 1 with either a link to the report or the attachment. The email includes a brief summary of the contents of the report and an emphasis on cultivating a culture of care.

A physical copy of the report can be obtained by making a request to Candice Jackson at [candice\\_jackson@davidsonccc.edu](mailto:candice_jackson@davidsonccc.edu) or by calling 336-224-4516. Also, a copy of the report is located in the Office of Behavioral and Counseling Services in Brooks Student Center Office 218. Also, this report is available online at <https://www.davidsonccc.edu/campus-safety>. You may also request a paper copy from the Director, Behavioral and Counseling Services. All policy statements in the *Annual Security Report* apply to all campuses unless otherwise stated in the report.

## **Reporting a Crime**

The DCCC community – students, faculty, staff, and campus visitors – are encouraged to report all criminal incidences, emergencies, or other public safety concerns occurring within the College’s Clery geography to the Campus Resource Officers in a prompt and accurate manner to support a timely response. The College’s Clery geography includes: on campus property, designated non-campus properties and facilities, public property adjacent to or contiguous to on campus property, and leased, rented, or otherwise recognized and/or controlled buildings, spaces, and/or facilities. To report a crime, do one or more of the following:

- Call 911
- Go to the Campus Resource Office located in Brooks Student Center Office 140 (Davidson) or in the Community Building Office 109 (Davie)
- Call 336-249-8186 ext. 6729 (Davidson), 336-239-5270 ext.4857 (Davie) or 6777

\*Note: A person who chooses to report a crime to the Campus Resource Officer(s) has the right to report the crime to local police departments by calling 911.

## **Campus Security Authorities (CSAs)**

Some students, employees or guests may prefer to report an incident to other individuals or offices outside of the Campus Resource Office. The Clery Act recognizes College officers and offices as Campus Security Authorities (CSAs). A CSA is a term specific to the Clery report, meaning four groups of individuals and organizations associated with the higher education institution.

- A campus police department or a campus security department within the higher education institution
- Any individual(s) who have responsibility for campus security but who are not part of the campus police department or a campus security department
- Any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses
- An official of an institution who has significant responsibility for students and/or campus activities or an individual who has the authority and the duty to take action or respond to particular issues on behalf of the College

Note: Counselors working in the scope of their professional licenses are not considered CSAs and are not required to report crimes to be included in this report.

CSAs and their supervisors should understand their reporting obligation and the types of information they must share. As a CSA immediate reporting of crimes to the CROs is necessary.



## **On-Campus Confidential Resources**

The trained professionals below can provide confidential counseling, information, and support to students. Sometimes students who have experienced a threatening or physically or emotionally unsafe event prefer to process it with a confidential resource rather than report it to non-confidential resources. Other times, they may utilize the services of both confidential and non-confidential supports. Confidential reports will not share information without the person's permission but there are some limitations to confidentiality. The limits are if there is a continuing threat of serious harm to the client/patient or others that can be identified, if there is a legal obligation to disclose information (e.g., subpoena or suspected abuse or neglect of a minor, elderly person, or person with a disability), or if their client/patient asks them to provide such information. Should the student seek assistance from the nurse or one of the counselors with reporting an incident to the College, this support is available. It is important to note that crimes can still be reported on a voluntary confidential basis for inclusion in the annual disclosure of crime statistics.

Counselor	Love Building Suite 206	336-249-8186 ext. 6175
Nurse	Love Building Suite 206	336-249-8186 ext. 6111

## **Non-confidential Resources**

### **Title IX Coordinator and Title IX Deputy Coordinator**

Individuals may report a sex offense to the institution's Title IX Coordinator but the report will not be considered confidential, although the information will be considered privileged and only shared as necessary and with only those who need to know. The Title IX Coordinator and Deputy Coordinator provide direct support services to students and employees in need. Also, they work together to provide educational and primary prevention training for students and employees, conduct investigations, provide interim measures, and communicate results of investigations. This office is responsible for coordinating the institution's compliance with Title IX. The Title IX Coordinator is Candice Epps Jackson and she can be reached at 336-224-4516 (phone), at [titleix@davidsonccc.edu](mailto:titleix@davidsonccc.edu) (email); or at Brooks Student Center 218 (in-person).

The Title IX Coordinator and Deputy Title IX Coordinator can provide interim or protective measures to protect students at any point during an investigation. The goal of such provisions is to eliminate misconduct and provide security. Such interim measures may include, but are not limited to, changes in work location or class schedule, academic accommodations, social restrictions, and emotional support. All requests for interim or protective measures should be managed by the Title IX Coordinators.

### **Behavioral and Counseling Services**

This unit is comprised of two counselors and a nurse. One of the counselors serves as the Title IX Coordinator and the Student Code of Conduct Officer; however, she will not have a dual relationship with a student. Instead, she will only work with each student in one capacity and if additional supports/resources are needed, she will refer them to a colleague who also serves in the needed capacity.

The Director is a full-time staff member in the Student Affairs division of the College responsible for campus safety efforts, student conduct resolution, counseling, leading the DCCC Behavioral Intervention Team and the Annual Security Team, and working collaboratively with the CROs and campus administration on reviewing requests to attend the College from individuals who are sex offenders.

## **Reporting Procedures**

**Any immediate emergency should be reported to 911.**

For other problems or concerns the College depends on all members of the campus community to be alert to conditions and relationships for signs of potential harm. Faculty, staff, administrators, students and community members should report apparent violations of the student code of conduct or any concern regarding an individual who may be a danger to self and others or in need of intervention for other reasons.

Any of the individuals listed above under Resources are prepared to respond to your concern. However you are encouraged to use the following links on the college website:

[https://davidsonccc-advocate.symplicity.com/public\\_report/index.php/pid](https://davidsonccc-advocate.symplicity.com/public_report/index.php/pid) for student code of conduct violations or for health, safety or other behavioral concerns.

Any report immediately enters a secure database. Automated notification is sent to the Director of Behavioral and Counseling Services who reviews the report and works on next steps, sometimes in consultation with the Behavioral Intervention Team.

### **Behavioral Intervention Team Referral Protocol**

The Behavioral Intervention Team will meet once a month and/or as needed to address new issues or updates. The Team operates from a behavioral intervention model with the goal of addressing concerns as early as possible and offering needed assistance to students in distress. When a report is deemed urgent, the team or a subset of the team will meet immediately to develop a plan of action.

### **Reporting to Behavioral Intervention Team:**

Anyone can report a concern about an individual. Faculty, staff, administrators, students and community members are encouraged to use the following links on the college website:

[https://davidsonccc-advocate.symplicity.com/public\\_report/index.php/pid](https://davidsonccc-advocate.symplicity.com/public_report/index.php/pid) for code of conduct violations or for health, safety or other behavioral concerns.

Any report immediately enters a secure database. Automated notification is sent to the Director of Behavioral and Counseling Services who reviews the report and decides next steps. You are encouraged to contact the Director of Behavioral and Counseling Services directly at 336-249-8186 ext. 4516, or emailing at the following address:

[Candice\\_jackson@davidsonccc.edu](mailto:Candice_jackson@davidsonccc.edu).

## **Sex Offender Registration**

In accordance to the "Campus Sex Crimes Prevention Act" of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne *Clery Act* and the Family Educational Rights and Privacy Act of 1974 and any subsequent revisions, Davidson County Community College is providing a link to the North Carolina Department of Justice Sex Offender Registry. This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice to each institution of higher education in that State at which the person is employed, carries a vocation, or is a student. Under North Carolina law, certain persons who have been convicted of a sex offense or an offense against a minor are required to establish and maintain registration in compliance with the North Carolina Sex Offender and Public Protection Registration Programs. The Registration Programs are governed by Chapter 14, Article 27A of the North Carolina General Statutes.

**Unlawful use of the information for purposes of intimidating or harassing another is prohibited and willful violation shall be punishable as a Class 1 misdemeanor.**

The North Carolina Department of Justice is responsible for maintaining this registry. Follow the link below to access the Department of Justice website:

<https://www.ncsbi.gov/Services/Sex-Offender-Registry>

## **Reporting Procedures for Complaints of Harassment or Sexual Violence**

According to the discrimination and harassment policies [5.3.3](#) (for students) and [3.3.7](#) (for employees), the College is fully committed to providing a learning and working environment that is free from prohibited discrimination. The College does not practice or condone discrimination based on race, color, national origin, religion, sex, sexual orientation, gender, gender identity or expression, pregnancy, disability, genetic information, age, political affiliation or veterans' status in the administration or in any of its education programs and activities and employment practices.

The College's Title IX Coordinator, Candice Epps Jackson, and Director, Human Resources, Adrienne Friddle, oversee compliance with these Procedures and Title IX regulations. Questions about these Procedures should be directed to the Title IX Coordinator and/or Director, Human Resources. Anyone wishing to make a report relating to sexual harassment may do so by reporting the concern to the College's Title IX Coordinator and/or the Director, Human Resources in person, by mail, by telephone, by email, or by any other means that results in the Title IX Coordinator and/or the Director, Human Resources receiving the person's verbal or written report of alleged sexual harassment.

For issues related to sexual harassment, assault and violence, see Procedures [3.3.7.1](#) (for employees)/[5.3.3.1](#) (for students) - Sexual Harassment Procedures.

For issues related to all other types of unlawful discrimination and harassment, see Procedures [3.3.7.2](#) (for employees)/[5.3.3.2](#) (for students) - Unlawful Discrimination and Harassment Procedures.

Additional information regarding definitions of applicable terms, scope and applicability, reporting to local law enforcement, grievance processes, hearings, appeals, retaliation, providing false information, limited immunity, the Family Educational Rights and Privacy

Act (FERPA), prohibitions, accommodations, investigations, and sanctions are available in the procedures.

The College cannot resolve matters that it does not know about. Every student and employee has a duty to immediately report harassment, sexual crimes (dating violence, domestic violence, stalking, sexual assault) or violations of the consensual relationship policy so that the College can try to resolve the situation unless they are considered a confidential report. Harassment or violations of the consensual relationship policy should be reported when:

- an individual feels that he/she has been harassed, is a victim of a sexual crime or subject to a violation of the consensual relationship policy; and when
- an individual has knowledge of someone else being harassed, being a victim of a sexual crime or being subjected to a violation of the consensual relationship policy.

To report harassment, sexual crimes or violations of the consensual relationship policy: Students must contact the Director, Behavioral and Counseling Services at 336.224.4516; room 218, J. Bryan Brooks Student Center. Employees must contact Director, Human Resources at 336.249.8186, extension 4662; room 223 J. Bryan Brooks Student Center. These individuals have been trained to respond appropriately to such reports. Once a report has been received, the College will:

- Conduct a prompt and thorough investigation (for sexual crimes the process of investigation is described in full detail under the SaVE Act Policy)
- Contact law enforcement officials if necessary to ensure the safety of the complaining student or employee
- Make appropriate referrals to Family Services of Davidson County for victim assistance services
- Evaluate and/or implement changes to the survivor's academic or work environment to ensure safety
- Discuss the results with the complainant and, where appropriate, the action to be taken
- Keep the investigation and results as confidential as possible
- If the complaint is verified, take appropriate corrective action, up through and including dismissal from the College or termination of employment.

No student or employee will be punished for bringing information to the College's attention or for cooperating in an investigation; however, a person who self-reports a violation of the College policy is still subject to investigation and appropriate actions.

DCCC will protect the confidentiality of survivors, including redacting names, as permitted by law on publicly available recordkeeping.

The following person has been designated to handle inquiries regarding the non-discrimination policies for faculty and staff: Adrienne Friddle, Director of Human Resources, Brooks Student Center, office 223, 336-249-8186, ext. 4662, [Adrienne\\_friddle@davidsonccc.edu](mailto:Adrienne_friddle@davidsonccc.edu).

The following person has been designated to handle inquiries regarding the non-discrimination policies for students: Candice Epps Jackson, Director, Behavioral and Counseling Services, Brooks Student Center, office 218, 336-249-8186, ext. 4516, [Candice\\_jackson@davidsonccc.edu](mailto:Candice_jackson@davidsonccc.edu).

For further information on notice of non-discrimination, visit [The Office of Civil](#)

[Rights](#) for the address and phone number of the office that serves your area, or call 1-800-421-3481.

## **Campus Security**

The goal of campus security personnel is to provide a safe and secure campus environment for all students, employees, and guests. Security personnel assist with building security and administering campus safety plans. Security is on the Davidson and Davie campus from 7:00 am to 10:30 pm. Also, there is a security officer presence on Saturdays and Sundays. On the Davidson campus, security personnel are located in the Mendenhall Building in office 140. On the Davie campus, security personnel are located in the Community Building office 109.

## **Campus Resource Officers (CROs)**

The goal of campus security personnel is to provide a safe and secure campus environment for all students, employees, and guests. The goal of the CROs is to help to provide a safe campus learning and working environment for all members of College community. They maintain partnerships with local law enforcement and serve as liaisons for the campus community. A Davidson County sheriff's deputy serves as CRO on the Davidson Campus and another on the Davie campus. All Campus Resource Officers are sworn employees of local sheriff's departments and are authorized to carry weapons. Sworn sheriffs have the full powers of arrest pursuant to the North Carolina General Statute 115D-21.1 and have the authority to enforce state and federal laws and are authorized to make arrests on property owned or controlled by the College, as well as public roads or highways that run through or are immediately adjoining the campus. Further, CROs derive their law enforcement authority from North Carolina statutes, NC G.S. 74G, the Campus Police Act. Also, resource officers are authorized to provide information about registered sex offenders.

All deputies participate in at least 24 hours of annual in-service training, which includes firearms qualification training each year.

On the Davidson campus, the deputy/Campus Resource Officer (CRO) is available in the Brooks Student Center on the first floor in office 140. The CRO works from 7:30 am – 3:30 pm Monday through Friday. He can be reached by calling 6777 on any campus phone. After those hours the sheriff's department can be reached by calling 911.

The Davie campus CRO office is located in the Community Building on the first floor in office 109. The CRO works from 7:30 am – 3:30 pm Monday through Friday. He can be reached by calling 6811 on any campus phone or by calling 336-751-2885 ext.4857. After those hours, the sheriff's department can be reached by calling 911 for emergencies or 336-751-0896 for non-emergencies.

## **Campus Safety**

### **Campus Access**

During business hours, the College is open to students, employees, parents, contractors, guests, and invitees. Arrangements for entry after hours should be coordinated with campus security. Emergencies may necessitate changes or alterations to posted schedules. DCCC consists of non-gated campuses and certain areas are open to the public. The academic and administrative buildings are open to the public at a minimum, during normal business hours and often into the evening for night classes and events. Buildings do not have CROs or security assigned to them however they are patrolled by security.

## **Crime Prevention**

At DCCC, we are committed to community safety and we encourage all members of the DCCC community to report safety concerns. Remember, in the event of a sudden and dangerous situation, call 911 first. Students or employees who have security concerns should address those concerns with the Campus Resource Officer at the appropriate campus.

## **DCCC Safety Practices**

At DCCC, we encourage all students to commit to safe practices. These include:

- Be aware of surroundings.
- Walk around campus in groups, particularly during evening/night hours.
- Lock your vehicle and place valuables in your trunk or out of sight.
- Keep your belongings with you.
- Vary your routine from time to time. This may include parking in a different parking lot each week, taking a different route to class each week, and departing at different times before commuting to campus.
- Report obscene, harassing, or threatening calls and email and electronic messages.
- Report security-related maintenance concerns, such as lights in need of repair, doors that cannot be secured, or other physically unsafe conditions.

Timely reports increase the likelihood that critical evidence can be obtained, stolen property can be recovered and an offender can be successfully located and prosecuted. Timely reports make timely responses more likely. This is especially critical with sexual crimes.

## **Safety Preparedness**

DCCC is committed to providing a safe learning and work environment. While it is not always possible to predict and prevent emergency situations, College personnel work to be prepared to manage sudden emergencies, and the College has taken many steps, some of which are included below:

- **Emergency Operations Team:** Teams of College employees for the Davie and Davidson campuses have been formed to manage a crisis. Members of both teams participate regularly in training sessions exercises to simulate realistic emergency situations.
- **Behavioral Intervention Team:** The purpose of this team is to assess a reported concern for students or situations that may pose risk of harm to any community member. The team's goal is to engage in comprehensive risk assessment and to engage in interventions that are appropriately matched with the behavior and risk posed. Members of the team work to address concerns as early as possible and offer needed assistance to students in distress.
- **Preparedness Drills:** Various drills and exercises are conducted annually for all faculty, students and staff to better prepare the campus community in the event of an emergency on campus.

- Emergency calls to 911 are automatically routed to Davidson and Davie County first responders, and the campus phone extension and building location are automatically identified in the call.
- Employees have an emergency response guide in their offices to assist with managing an emergency. In the event of a campus emergency, the College's website will be preempted with an emergency message notification, and a voice message will be recorded on the main telephone line.
- The College has implemented a mass notification system making use of text, phone and email messages.

## **Security of Campus Facilities and Related Information**

### **Surveillance**

The CROs and campus security personnel patrol the campus on foot and in vehicles by walking/riding throughout campus and walking through each building several times each day. They also monitor campus using live video feeds. The goal is to provide a visible presence around campus through the day and normal business hours, as well as to staff special events.

### **Student Housing**

DCCC does not maintain any student housing, either owned or controlled. An on-campus student housing facility is defined by Clery as any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus. This includes a dormitory or other residential facility for students that are located on the institution's campus.

### **Annual Fire Safety Report**

As a nonresidential institution of higher education, DCCC is not required by the Campus Safety and Security Reporting Act to maintain a fire safety report.

### **Missing Student Policy**

As a nonresidential institution of higher education, DCCC is not required by the Campus Safety and Security Reporting Act to have a missing student policy.

## First Aid Kit Locations

### Davidson Campus

Quantity	Building	Location/s	Misc.
3	Gee 2 <sup>nd</sup> floor	Chemistry, Biology, MLT	
1	Gee 1 <sup>st</sup> floor	Office suite	
1	Briggs	221	
3	Sinclair	Welding, Adv. Mfg, Motorcycle shop 1 Cosmetology and 1 Fitness center	
2	Brinkley	Shop area	
1	Maintenance	Office work room	Trauma Bag
1	PSS	Nurse office	
1	Mendenhall	Shop area	
1	Childcare	Faculty Lounge	Food box
1	Brooks	Storm cellar 1st floor office area	Food box
1	Conf. Center	1st floor work room behind receptionist desk	
1	LRC	Main office	
1	Reich	HVAC Shop	
1	Finch		

### Davie

Quantity	Building	Location/s	Misc.
2	Lab Building -	Science lab and Adv. Mfg locker area Maintenance	
1	Community Building	shop	
1	Training Ground	Office	

### TEC

Quantity	Building	Location/s	Misc.
1		Directors Office	

### Uptown Lex

Quantity	Building	Location/s	Misc.
1		Directors Office	

**26 Total**



## **Clery Act Requirements in an Emergency**

The *Clery Act* requires that in the event of an emergency, emergency notifications will be issued "without delay, and take into account the safety of the community." The only exception is if doing so would "compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency." The first priority is containing the emergency. The next priority is issuing a notification and that, after confirmation, must be done before anything else unless it is necessary to contain the emergency. This determination will be made "in the professional judgment of responsible authorities" and not personnel without emergency response expertise. Only an emergency notification will be issued immediately. However, more adequate follow-up information will be forthcoming as the situation allows and the circumstances dictate.

## **Emergency Response**

In an effort to protect the campus community, DCCC has a detailed Emergency Procedures Plan and communication plan in place to prevent and mitigate the impacts from an emergency. Some examples of emergencies and or dangerous/threatening situations are active shooters on campus, earthquakes, chemical spills, hurricanes, approaching tornado, or outbreak of a serious illness (mumps). In an emergency, emergency procedures are communicated throughout all of the buildings on the Davidson and Davie campuses from a mass notification system. The mass notification system can communicate via audio messages, text messages, and on social media platforms, Twitter and Facebook.

## **Mass Notification and Timely Warning Messages**

### **Notification Systems**

- Calls to 911 are automatically routed to Davidson and Davie county first responders, and the campus phone extension and building location are automatically identified in the call.
- Panic buttons that automatically dial the alarm monitoring system are located in all classrooms and many office locations at the Davidson and Davie campuses and education centers.
- An all-building audio mass notification system and a text, email, and phone notification system serve to quickly disseminate emergency messages across campus.
- Emergency messaging is communicated to the community via the College's website.

## **Emergency Notification Procedures**

In the event of an emergency that may affect the safety of individuals, property or the continuity of college operations, the campus community will may be notified in a timely manner through the following means:

- An alert will be disseminated to the campus via an all-building audio mass notification system. A phone message will also be disseminated through this system to all campus phones.
- An email, voice message, and text alert will be disseminated to the campus community via School Messenger, a second mass notification system used by the College.
- Emergency messaging will be displayed on desktop and mobile device versions of the College website.

All forms of emergency messaging will contain the same information and directives for faculty, staff and students to follow. Messaging in all forms will be updated periodically during an emergency. Remember, in the event of a sudden and dangerous situation, call 911 first. Students, employees, or visitors who have security concerns should address those concerns with the Campus Resource Officer at the appropriate campus.

## **Emergency Messages from Home**

College staff members do not have instant access to classrooms, instructors, or students. Students are encouraged to inform family and friends of alternate ways to be contacted while on campus. If other methods of contact are not available or not successful, College staff will only attempt to deliver emergency medical messages to students and are not allowed to give information regarding a student's schedule, presence on campus, or delivery status of the message. Callers should dial 336.249.8186 for the Davidson Campus and 336.751.2885 for the Davie Campus. Campus visitors must go to the reception desk in the B.E. Mendenhall, Jr., Building on the Davidson Campus and to the reception area in the Laboratory Building on the Davie Campus for assistance.

## **Emergency Response Scenarios**

There are four primary emergency response scenarios and a series of steps to follow.

### **1. Active Threat – Run, Hide, Fight!**

#### **Directives**

Students – move away from sight; maintain silence; prepare to run, hide, and fight

Staff – lock exterior and interior doors; turn out the lights; move away from sight; keep door closed; maintain silence; prepare to run, hide and fight

#### **RUN**

- Have an escape route and plan in mind
- Leave your belongings behind
- Keep your hands visible

## **HIDE**

- Lock and barricade doors
- Turn off lights and silence cell phones
- Cover window in classroom doors
- Do not huddle together, spread out

## **FIGHT**

- Fighting is the last resort only to be used when your life is in imminent danger
- Attempt to incapacitate the active shooter/threat
- Find an object to use as a weapon such as a chair, fire extinguisher or items in your classroom or office

## **Information to Provide to 911 Operator**

- Your exact location
- Location of the shooter if you know it
- Number of shooters if more than one
- Description of the shooters
- Number and type of weapons involved
- Number of potential victims

## **When Law Enforcement Arrives**

- Remain calm and follow all officers' instructions
- Raise your hands and keep them visible at all times (keep cell phones in pockets)
- Avoid making quick movements towards the officers

## **2. Shelter in Place** – used when there are hazards or threats outside of the campus

### **Directives**

Students – move indoors; business as usual

Staff – bring everyone indoors; lock exterior doors; increase situational awareness; business as usual

Note: Remember that leaving the area may expose you to the external danger. If you are inside, stay where you are. If you are outdoors, try to quickly make your way into the nearest building. It is best to be in interior rooms with the least amount of windows.

### **Additional Information**

- Remain calm
- Remain sheltered until cleared to do so by proper authorities

## **3. Weather Threat**

### **Directives**

Students – tornado – evacuate to a weather area; tornado – drop, cover and hold

Staff – lead safety strategy

## **Additional Information**

- Weather areas throughout DCCC campuses are designated by weather shelter signage with an image of a tornado icon.
- If there is a tornado: move to weather signs inside of buildings; stay away from exterior windows, hanging objects or large open rooms; do not use elevators
- If there is an earthquake: if inside, move to a door frame, under a table, or sit on the floor against an interior wall; if outside, move to an open space, away from objects that may fall; be prepared for aftershocks

## **4. Evacuate (to the announced location)**

### **Directives**

Students – bring your phone; leave your belongings behind; follow instructions

Staff – lead evacuation to location

### **Additional Information**

An evacuation may occur during a fire, bomb threat, risk of explosion, etc.

- Remain calm
- Evacuate to the announced location
- Move quickly and quietly to announced location
- Do not use elevators

Note: All building occupants are required to evacuate when an alarm sounds or when ordered to do so. Please ensure that all lab procedures are safely paused and/or ended and all devices/appliances, such as stoves, are off. When outside, please be mindful of approaching emergency vehicles. Also, in the spirit of showing care and compassion for others, please notify emergency responders if you believe anyone is trapped in the building and be sure to try to help individuals with physical disabilities.

### **Building Representatives**

DCCC has building representatives to assist with the above scenarios. They provide safety and instruction to the faculty, staff, students and visitors. The building reps assist during emergency drills, which occur once a semester. They are responsible for knowing about directives associated with emergency response scenarios and are charged with following guidelines and procedures. Building representatives should know the location of exits and stairwells and should be knowledgeable of evacuation routes and designated evacuation areas.

### **Emergency Drill Practice**

The college practices these emergency drills once every semester by doing one of the above scenarios. The DCCC administration does a tabletop exercise periodically to practice an administrative level response in the implementation of the Emergency Response Plan and supplemental emergency procedures on the DCCC campus. The goal of such practice is to evaluate emergency preparation capabilities.

## **Informing the Campus Community about Crimes/Incidents**

### **Timely Warnings**

To help prevent and to mitigate the impact of crimes, Davidson County Community College will issue a timely warning to notify students and employees about specific crimes on campus or on property owned or controlled by the College. Such notifications will only be issued if there is a serious or continuing threat posed to the community. Classifications for the Uniformed Crime Reporting Program (UCR) are used to determine which incidents need to be included in a timely warning. Such incidents are arson, criminal homicide, and robbery, among others. Aggravated assault and sexual offenses are considered on a case-by-case basis and the final decision about dissemination is based on the details of each incident. These notifications will be informative and educational. Information pertaining to the threat and education related to preventative and protective behaviors will be provided in such warnings. If you know of a crime or other incident that concerns you, report it to the DCCC CROs or security personnel as soon as possible. If warranted, a timely warning will be issued via email and text message.

Note: Timely warnings do not contain identifiable information about the victim of the crime.

### **Daily Crime Log**

DCCC maintains a Daily Crime Log which includes crimes and incidents. This log is updated within two business days of receiving a report. However, the college employees who maintain the log reserve the right to exclude reports from the daily log if they will jeopardize an ongoing investigation or an individual's safety. The information in the Daily Crime Log summarizes incident/crime reports and details, such as the nature of the crime, the date and time of the crime, the location of the crime, and if known, the disposition of the complaint. The Daily Crime Log is maintained in the Campus Resource Officer's office (Brooks Student Center 140) and the Director of Behavioral and Counseling Services' office (Brooks Student Center 218).

### **Emergency Alert System**

In an emergency, emergency procedures are communicated throughout all of the buildings on the Davidson and Davie campuses from a mass notification system. The mass notification system can communicate via audio messages, text messages, and on social media platforms, Twitter and Facebook. The speakers for the audio messages are in hallways, classrooms, and offices throughout campus. When messages are disseminated, it is important to note that not all of the pertinent details may be known or made available. The situation will continually be assessed and additional information will be provided as needed. The College can also post about incidents on the College website at <http://www.davidsonccc.edu>. Students and employees may not receive notification if they do not have updated contact information on file with the College. It is important to ensure your contact information is correct before an emergency arises.

## **Sexual Misconduct**

### **Violence Against Women Act (VAWA)**

Davidson County Community college is an equal opportunity employer and strives to be a place for diverse students, employees, and guests are supported and celebrated. The College is committed to being an inclusive campus in which everyone who is committed to the physical and emotional safety of others feels like they belong. When administering its educational and admissions policies, scholarship and loan programs, athletic programs, employment and hiring policies, or other College-administered programs, DCCC does not discriminate on the basis of race, color, sex- or gender identity (including pregnancy, childbirth and conditions related to pregnancy and childbirth), sexual orientation, gender expression, religion, age, national origin, disability, political beliefs, veteran status, or any genetic characteristic that is protected by law.

Sexual misconduct is a form of sexual harassment and a form of discrimination. Sexual misconduct offenses, include, but are not limited to, sexual harassment, sexual assault (or attempts to commit sexual assault), non-consensual sexual intercourse (or attempt to commit non-consensual sexual intercourse), sexual exploitation, dating violence, domestic violence, and stalking.

In the conversation about sexual misconduct, it is important to address consent.

This is prohibited by Title IX of the Education Amendments of 1972. Domestic violence, dating/intimate partner/relationship violence, and stalking are also prohibited by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended by the Violence Against Women Reauthorization Act (VAWA) of 2013.

The Student Code of Conduct has the following item that explicitly prohibits sexual misconduct:

**G. Sexual Harassment and Sexual Violence.** Students shall not engage in sexual harassment and/or sexual violence.

For more specific information and definitions of prohibited activities, consult Procedure 5.3.4.1 - Sexual Harassment and Sexual Violence.

### **No-harassment Policy**

DCCC is committed to maintaining a learning and working environment that is free from discrimination, threats, violence and harassment, and in which students and employees at all levels can devote their full attention and best efforts to their studies and their jobs. Harassment of any kind has no place in the College environment. The College does not authorize and will not tolerate any form of harassment including but not necessarily limited to that based on the following factors: race, color, religion, sex, national origin, age, disability, pregnancy, political affiliation, veteran's status, sexual orientation, gender identity, or any other characteristic that is protected by law.

### **DEFINITIONS**

For purposes of this policy, the following definitions apply:

#### **1. Discrimination**

Discrimination means any act or failure to act that unreasonably and unfavorably differentiates treatment of others based solely on their membership in a socially distinct group or category, such as race, color, religion, sex, national origin, age, disability, pregnancy, political affiliation, veteran's status, sexual orientation, gender identity, or any other characteristic that is protected by law.

## **2. Harassment and Bullying**

Harassment or bullying behavior is any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication that:

- Creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities, or benefits or by adversely altering the conditions of an employee's employment.
- Places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or

"Hostile environment" means that the victim subjectively views the conduct as harassment or bullying and that the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is harassment or bullying. A hostile environment may be created through pervasive or persistent misbehavior or a single incident, if sufficiently severe.

Harassment and bullying include, but are not limited to, behavior described above that is reasonably perceived as being motivated by any actual or perceived differentiating characteristic or motivated by an individual's association with a person who has or is perceived to have a differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability.

Examples of behavior that may constitute bullying or harassment include, but are not limited to, verbal taunts, name-calling and put-downs, epithets, derogatory comments or slurs, lewd propositions, exclusion from peer groups, extortion of money or possessions, implied or stated threats, assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement, and visual insults, such as derogatory posters or cartoons. Legitimate age-appropriate pedagogical techniques are not considered harassment or bullying.

Harassment, including sexual or gender-based harassment, is not limited to specific situations or relationships. It may occur between fellow students or co-workers, between supervisors and subordinates, between employees and students, or between non-employees, including visitors, and employees or students. Harassment may occur between members of the opposite sex or the same sex.

Sexual harassment is one type of harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, academic progress, or completion of a school-related activity;
- submission to or rejection of such conduct is used as the basis for employment decisions affecting the individual, or in the case of a student, submission to or

rejection of such conduct is used in evaluating the student's performance within a course of study or other school-related activity; or

- such conduct is sufficiently severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with an employee's work or performance or a student's educational performance, limiting a student's ability to participate in or benefit from an educational program or environment, or creating an abusive, intimidating, hostile, or offensive work or educational environment.

Sexually harassing conduct includes, but is not limited to, deliberate, unwelcome touching that has sexual connotations or is of a sexual nature, suggestions or demands of sexual involvement accompanied by implied or overt promises of preferential treatment or threats, pressure for sexual activity, continued or repeated offensive sexual flirtations, advances or propositions, continued or repeated verbal remarks about an individual's body, sexually degrading words used toward an individual or to describe an individual, sexual assault, sexual violence, or the display of sexually suggestive drawings, objects, pictures or written materials. Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex, but not involving sexual activity or language, may be combined with incidents of sexually harassing conduct to determine if the incidents of sexually harassing conduct are sufficiently serious to create a sexually hostile environment.

Gender-based harassment is also a type of harassment. Gender-based harassment may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping but not involving conduct of a sexual nature.

### **Harassment based on race, sex, gender, identity, national origin, age, disability, religion, or sexual orientation**

Harassment based on these categories as they may be defined by governing law deserves special mention and is also strictly prohibited.

Examples of the types of behavior that may be considered harassment based on these characteristics may include:

- Jokes or negative comments about these characteristics
- Displays of reading materials or pictures containing negative material about these characteristics, including electronic materials
- Vandalism or "pranks" based on these characteristics
- Name-calling based on these characteristics
- Punishing a person for complaining of these types of harassment

Note: Sexual harassment (whether opposite-sex or same-sex) is strictly prohibited.

Examples of the types of behavior that may be considered sexual harassment in violation of this policy may include:

- Sexually offensive jokes or comments
- Physical assaults or other touching that is sexual in nature
- Promising favorable treatment or threatening unfavorable treatment based on the person's response to sexual demands
- Displays of sexually oriented reading materials or pictures, including electronic display of such materials
- Punishing a person for complaining of sexual harassment



## **Consequences**

1. Any violation of this policy is serious and college officials shall promptly take appropriate action. Students may be subject to discipline in accordance with the College's Code of Conduct applicable to students. Based on the nature and severity of the offense and circumstances surrounding the incident, the student will be subject to appropriate consequences and remedial actions up to, and including, dismissal or expulsion.
2. Employees of the College who violate this policy will be subject to disciplinary action, up to, and including, dismissal.
3. Volunteers and visitors to campus who violate this policy will be directed to leave school property immediately and/or reported to law enforcement, as may be appropriate.
4. Repeated or multiple violations of this policy, or in the event offenders return to campus without authorization from school officials, may result in a request from school officials to law enforcement that the offender be charged with criminal trespass.

## **Consensual Relationship**

Consensual relationships are not absolutely prohibited by the no-harassment policy; however, because of the potential for misuse or the perception of misuse of authority, certain consensual relationships are prohibited. Anyone who violates this policy will be subject to discipline up to and including immediate termination of employment. All faculty and staff members are prohibited from having an intimate amorous relationship with any student who is under the academic supervision of that faculty or staff member. Both the fact and the appearance of such a relationship must be avoided.

Academic supervision includes supervising, tutoring, providing guidance to or working with a student in any capacity, either directly or indirectly in the classroom, outside the classroom, or as a work-study student. Academic supervision also includes counseling, advising a student or student group, in a formal or informal capacity, and participating in award, grant, or scholarship decisions. An intimate amorous relationship includes a romantic and/or sexual relationship between members of the same sex or members of the opposite sex. A relationship that is not consensual is governed by the College's no harassment policy.

Under no circumstances may a faculty or staff member have an intimate amorous relationship with any student who is a minor. This prohibition applies whether or not the relationship is consensual and whether or not the student is under the academic supervision of the faculty or staff member. A minor is anyone under the age of eighteen. A faculty or staff member who is aware that he or she is violating this policy or who is aware that he or she may appear to be violating this policy is encouraged to consult immediately with the appropriate supervisor to discuss a means of resolution.

## **College Commitment to Effective Policy**

Effective No-Harassment and Consensual Relationship policies depend on everyone working together to address these very important subjects. Any employee or student who feels that the College has not met its obligations under this policy or is not satisfied with the way in which the report of harassment was handled should contact the College President.

## **The Campus Sexual Violence Elimination (SaVE) Act Policy**

This Act creates the following criteria by which DCCC will respond to acts of dating violence, domestic violence, sexual assault and stalking:

### **Transparency**

SaVE requires that incidents of domestic violence, dating violence, sexual assault, and stalking be disclosed in annual campus crime statistic reports. Additionally, students or employees reporting victimization will be assisted in the following ways:

- Be assisted by campus authorities if reporting a crime to law enforcement
- Changing academic, living, transportation, or working situations to avoid a hostile environment
- Obtaining or enforcing a no contact directive or restraining order
- Receiving contact information about existing counseling, health, mental health, victim/survivor advocacy, legal assistance, and other services available both on-campus and in the community

### **Accountability**

SaVE clarifies minimum standards for institutional disciplinary procedures covering domestic violence, dating violence, sexual assault, and stalking to ensure that:

Any student or employee who is a victim/survivor of domestic violence, dating violence, sexual assault or stalking may report these actions to the appropriate representative of DCCC or law enforcement. DCCC is committed to promptly and fully investigating any allegations of misconduct and will proceed to investigate all claims as follows:

### **Establishing Time Frames for the Review Process**

The College will conduct a timely review of all complaints of domestic violence, dating violence, and/or stalking. Absent extenuating circumstances:

- Review and resolution is expected to take place within sixty (60) calendar days from receipt of the complaint.
- The preliminary review of all complaints, including any necessary interviews to be conducted and any necessary interim measures to be put in place, will usually be completed within 10 days of receipt of the complaint.
- The subsequent, comprehensive review and investigation of the complaint, including interviews with all involved parties and gathering of evidence, is usually completed within 20 days of receipt of the complaint.
- Results of the complaint, via either a formal hearing or waiver of hearing are typically issued within 60 days of receipt of the complaint.
- An appeal of the results must be submitted within 7 days of receipt of the written result.
- Absent extenuating circumstances, decisions on appeals are typically issued within 30 days of submission of the appeal.

## **Parties' Rights to Advisors**

The respondent and complainant may be assisted during disciplinary hearings and related meetings, by an advisor of their choice. The respondent and complainant may present witnesses and may produce other evidence for consideration by the hearing officer. The respondent and complainant are responsible for presenting evidence on their own behalf. Advisors may speak privately to their advisee, respondent or complainant, during the proceeding. Either party may request a brief recess to consult with their advisor which will be granted at the discretion of the hearing officer. Advisors for the respondent and complainant may not present evidence or question witnesses.

## **Notification of Findings**

Within five (5) class days after the adjournment of the hearing, the hearing officer shall submit written findings of fact, conclusions regarding the charge(s), and imposition of a sanction, if any, to the respondent and any College official who is determined by the Director, Behavioral and Counseling Services to have a legitimate interest in the result. In the case of sexual misconduct and violations involving dating violence, domestic violence, sexual assault, or stalking, both the complainant and respondent, if both are students, shall also receive simultaneous notice of the results and sanctions imposed (and the rationale for the result and sanctions), as well as notice of the appellate procedures available.

## **Sanctions**

DCCC considers dating violence, domestic violence, sexual assault, and stalking as extremely serious violations and subject to punishment up to suspension and/or expulsion from DCCC. This is separate and distinct from any criminal charges that may be brought from such actions.

## **Evidence**

Evidence to be presented by complainant(s) and respondent(s) during any hearing on the charges must be shared with the opposing party at least two (2) business days in advance of the scheduled hearing. The College Official presiding at and/or hearing the case may exclude evidence that has not been shared or adjourn the hearing to afford all parties the opportunity to review evidence to be presented during the hearing. The DCCC Official presiding at and/or hearing the case will make the final decision relating to the admissibility of all evidence.

## **Burden of Proof**

The burden of proof in all cases is “the preponderance of the evidence” - whether it is “more likely than not” that the sex discrimination, dating violence, domestic violence, sexual assault, or stalking occurred. If the evidence presented meets this standard, then the respondent must be found responsible. This standard does not necessarily apply to any corresponding criminal or civil proceedings based on the actions in question.

## **Extensions**

All deadlines and time requirements in the Code may be extended for good cause as determined by the DCCC Official presiding over the case. Both the respondent and the complainant will be notified in writing of the delay, the reason for delay, and provided the

date of the new deadline or event. Extensions requested by one party will not be longer than 5 business/school days.

## **Education**

As part of DCCC's SaVE compliance DCCC is committed to providing programming for students and employees addressing the issues of domestic violence, dating violence, sexual assault and stalking. DCCC has implemented education programs to address these topics; such programs are outlined and defined below:

### **Primary Prevention Programs**

DCCC expressly prohibits the offenses of domestic violence, dating violence, sexual assault and stalking. Primary prevention programs involve 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.

### **Ongoing Prevention and Awareness Programs**

Ongoing prevention and awareness programs are 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 using a range of strategies with audiences throughout the institution.

### **Awareness Programs**

Awareness programs are 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 Programs**

Bystander intervention programs and training offer 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. Bystanders are critical in the prevention of sexual and relationship violence and they recognize their power to intervene and help. They include 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.

Some tips for safe and effective bystander intervention are:

- If you or someone else is in immediate danger, call 911.
- If someone looks like they are in distress or being threatened, ask them if they are okay.
- Speak up and change the narrative when others engage in conversations promoting or bragging about sexual misconduct.
- Be a safe person for someone to talk with and trust.
- Help them figure out their next steps.

## **Risk Reduction**

Risk reduction programs are those 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.

Note: Survivors are never responsible for being sexually assaulted or harassed. Only perpetrators are responsible for their behavior. With this in mind, below are several tips everyone can remember to reduce risks of sexual misconduct occurring.

Tips to assist with risk reduction are:

- Know your sexual desires and limits, and communicate them clearly with your partner.
- Always seek consent and accept your partner's decisions. Stop your sexual advances if the other person indicates no interest, if their desire to consent or not consent is unclear and if they say "no."
- Understand that people who are incapacitated by substances or those who are under the legal age of consent cannot consent.
- Drink responsibly, and responsibly also means legally.
- Trust your instincts. If someone, something, or someplace does not feel safe, it probably is not.
- Keep your cell phone with you, charged and easily accessible.
- Keep your drinks, alcoholic and non-alcoholic, with you and do not accept drinks from people you do not know and trust.

## **Collaboration**

SaVE establishes collaboration between the U.S. Departments of Justice, Education, and Health and Human Services to collect and disseminate best practices for preventing, responding to and reporting acts of domestic violence, dating violence, sexual assault, and stalking. DCCC is committed to compliance with SaVE provisions and undertakes training opportunities for faculty, staff and students to best be prepared to prevent and respond to acts of domestic violence, dating violence, sexual assault and stalking. DCCC makes a continued effort to maintain required disclosure of all acts of domestic violence, dating violence, sexual assault and stalking.

## **Programming**

During each semester the Behavioral and Counseling Services unit and other offices/organizations host several workshops and events on prevention, awareness and bystander intervention programs related to sexual violence. The goal of the programming is to increase the campus community's awareness and help to foster a caring campus culture of care and consent and survivor support. The Unit is working to lead DCCC in a movement to end sexual assault and sexual misconduct while engaging the campus community in conversations about sexual violence. Students and employees are encouraged to be active bystanders who take responsibility to intervene.

<b>Program Title</b>	<b>Location</b>	<b>Topics Addressed</b>
<b>Title IX Training</b>	Davidson and Davie Early College	Domestic/Dating Violence, Sexual Assault, Stalking, Bystander Intervention
<b>Sexual Misconduct Survey</b>	Davidson	Domestic/Dating Violence, Sexual Assault, Stalking, Bystander Intervention
<b>Domestic Violence Awareness Day</b>	Davidson and Davie	Domestic/Dating Violence, Healthy Relationships
<b>Denim Sexual Assault Awareness Month</b>	Davidson and Davie	Sexual Assault
<b>The Effects of Alcohol</b>	Davidson and Davie	Substance Use/Abuse
<b>Crisis Management Exercise</b>	Mendenhall Building	Emergency Response
<b>Chalk about Love</b>	Davidson Campus	Domestic/Dating Violence, Healthy Relationships
<b>Sexual Assault Coffee Chat</b>	Davidson Campus – Brooks Student Center	Domestic/Dating Violence, Sexual Assault, Stalking, Healthy Relationships
<b>Consent and Bystander Training</b>	Davidson Campus – Reich and Briggs	Domestic/Dating Violence, Sexual Assault, Stalking

\*To allow for readability, the formatting for the North Carolina General Statutes has been adjusted. Be mindful of such adjustments when referring to the statutes and this document.

## **North Carolina State Definition for Sex Offenses**

### **Article 7A Rape and Other Sex Offenses.**

#### **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. (1979, c. 682, s. 1; 2002-159, s. 2(a); 2003-252, s. 1; 2006-247, s. 12(a).)

#### **14-27.2. First-degree rape.**

1. A person is guilty of rape in the first degree if the person engages in vaginal intercourse:
  - a. 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 four years older than the victim; or
  - b. With another person by force and against the will of the other person, and:
  - c. Employs or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon; or
  - d. Inflicts serious personal injury upon the victim or another person; or
  - e. The person commits the offense aided and abetted by one or more other persons.
2. Any person who commits an offense defined in this section is guilty of a Class B1 felony.

Upon conviction, a person convicted under this section has no rights to custody of or rights of inheritance from any child born as a result of the commission of the rape, nor shall the person have any rights related to the child under Chapter 48 or Subchapter 1 of Chapter 7B of the General Statutes. (1979, c. 682, s. 1; 1979, 2nd Sess., c. 1316, s. 4; 1981, c. 63; c. 106, ss. 1, 2; c. 179, s. 14; 1983, c. 175, ss. 4, 10; c. 720, s. 4; 1994, Ex. Sess., c. 22, s. 2; 2004-128,s.7.)

#### **14-27.2A. Rape of a child; adult offender.**

1. A person is guilty of rape of a child if the person is at least 18 years of age and engages in vaginal intercourse with a victim who is a child under the age of 13 years.
2. A person convicted of violating this section is guilty of a Class B1 felony and shall be sentenced pursuant to Article 81B of Chapter 15A of the General Statutes, except that in no case shall the person receive an active punishment of less than 300 months, and except as provided in subsection (c) of this section. Following the termination of active punishment, the person shall be enrolled in satellite-based monitoring for life pursuant to Part 5 of Article 27A of Chapter 14 of the General Statutes.

Notwithstanding the provisions of Article 81B of Chapter 15A of the General Statutes, the court may sentence the defendant to active punishment for a term of months greater than that authorized pursuant to G.S. 15A-1340.17, up to and including life imprisonment without parole, if the court finds that the nature of the offense and the harm inflicted are of such brutality, duration, severity, degree, or scope beyond that normally committed in such crimes, or considered in basic aggravation of these crimes, so as to require a sentence to active punishment in excess of that authorized pursuant to G.S. 15A-1340.17. If the court sentences the defendant pursuant to this subsection, it shall make findings of fact supporting its decision, to include matters it considered as egregious aggravation. Egregious aggravation can include further consideration of existing aggravating factors where the conduct of the defendant falls outside the heartland of cases even the aggravating factors were designed to cover. Egregious aggravation may also be considered based on the extraordinarily young age of the victim, or the depraved torture or mutilation of the victim, or extraordinary physical pain inflicted on the victim.

Upon conviction, a person convicted under this section has no rights to custody of or rights of inheritance from any child born as a result of the commission of the rape, nor shall the person have any rights related to the child under Chapter 48 or Subchapter 1 of Chapter 7B of the General Statutes.

The offense under G.S. 14-27.2(a) (1) is a lesser included offense of the offense in this section. (2008-117, s. 1.)

#### **14-27.3. Second-degree rape.**

1. A person is guilty of rape in the second degree if the person engages in vaginal intercourse with another person:
  - a. By force and against the will of the other person; or
  - b. Who is mentally disabled, mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know the other person is mentally disabled, mentally incapacitated, or physically helpless.
2. Any person who commits the offense defined in this section is guilty of a Class C felony.



Upon conviction, a person convicted under this section has no rights to custody of or rights of inheritance from any child conceived during the commission of the rape, nor shall the person have any rights related to the child under Chapter 48 or Subchapter 1 of Chapter 7B of the General Statutes. (1979, c. 682, s. 1; 1979, 2nd Sess., c. 1316, s. 5; 1981, cc. 63, 179; 1993, c. 539, s. 1130; 1994, Ex. Sess., c. 24, s. 14(c); 2002-159, s. 2(b); 2004-128, s. 8.)

#### **14-27.4. First-degree sexual offense.**

1. A person is guilty of a sexual offense in the first degree if the person engages in a sexual act:
  - a. 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 four years older than the victim; or
  - b. With another person by force and against the will of the other person, and:
    - a. Employs or displays 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 person; or
    - c. The person commits the offense aided and abetted by one or more other persons.

Any person who commits an offense defined in this section is guilty of a Class B1 felony. (1979, c. 682, s. 1; 1979, 2nd Sess., c. 1316, s. 6; 1981, c. 106, ss. 3, 4; 1983, c. 175, ss.5, 10; c. 720, s. 4; 1994, Ex. Sess., c. 22, s. 3.)

#### **14-27.4A. Sexual offense with a child; adult offender.**

1. A person is guilty of sexual offense with a child if the person is at least 18 years of age and engages in a sexual act with a victim who is a child under the age of 13 years.

A person convicted of violating this section is guilty of a Class B1 felony and shall be sentenced pursuant to Article 81B of Chapter 15A of the General Statutes, except that in no case shall the person receive an active punishment of less than 300 months, and except as provided in subsection (c) of this section. Following the termination of active punishment, the person shall be enrolled in satellite-based monitoring for life pursuant to Part 5 of Article 27A of Chapter 14 of the General Statutes.

Notwithstanding the provisions of Article 81B of Chapter 15A of the General Statutes, the court may sentence the defendant to active punishment for a term of months greater than that authorized pursuant to G.S. 15A-1340.17, up to and including life imprisonment without parole, if the court finds that the nature of the offense and the harm inflicted are of such brutality, duration, severity, degree, or scope beyond that normally committed in such crimes, or considered in basic aggravation of these crimes, so as to require a sentence to active punishment in excess of that authorized pursuant to G.S. 15A-1340.17. If the court sentences the defendant pursuant to this subsection, it shall make findings of fact supporting its decision, to include matters it considered as egregious aggravation. Egregious aggravation can include further consideration of existing aggravating factors where the conduct of the defendant falls outside the heartland of cases even the aggravating factors were designed to cover. Egregious aggravation may also be considered based on the extraordinarily young age of the victim, or the depraved torture or mutilation of the victim, or extraordinary physical pain inflicted on the victim.

The offense under G.S. 14-27.4(a) (1) is a lesser included offense of the offense in this section. (2008-117, s. 2.)

#### **14-27.5. Second-degree sexual offense.**

1. A person is guilty of a sexual offense in the second degree if the person engages in a sexual act with another person:
  - a. By force and against the will of the other person; or
  - b. Who is mentally disabled, mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know that the other person is mentally disabled, mentally incapacitated, or physically helpless.

Any person who commits the offense defined in this section is guilty of a Class C felony. (1979, c. 682, s. 1; 1979, 2nd Sess., c. 1316, s. 7; 1981, c. 63; c. 179, s. 14; 1993, c. 539, s. 1131; 1994, Ex. Sess., c. 24, s. 14(c); 2002-159, s. 2(c).)

#### **14-27.5A. Sexual battery.**

1. A person is guilty of sexual battery if the person, for the purpose of sexual arousal, sexual gratification, or sexual abuse, engages in sexual contact with another person:
  - a. By force and against the will of the other person; or
  - b. Who is mentally disabled, mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know that the other person is mentally disabled, mentally incapacitated, or physically helpless.

Any person who commits the offense defined in this section is guilty of a Class A1 misdemeanor. (2003-252, s. 2.)

#### **14-27.7. Intercourse and sexual offenses with certain victims; consent no defense.**

1. If a defendant who has assumed the position of a parent in the home of a minor victim engages in vaginal intercourse or a sexual act with a victim who is a minor residing in the home, or if a person having custody of a victim of any age or a person who is an agent or employee of any person, or institution, whether such institution is private, charitable, or governmental, having custody of a victim of any age engages in vaginal intercourse or a sexual act with such victim, the defendant is guilty of a Class E felony. Consent is not a defense to a charge under this section.
2. If a defendant, who is a teacher, school administrator, student teacher, school safety officer, or coach, at any age, or who is other school personnel, and who is at least four years older than the victim engages in vaginal intercourse or a sexual act with a victim who is a student, at any time during or after the time the defendant and victim were present together in the same school, but before the victim ceases to be a student, the defendant is guilty of a Class G felony, except when the defendant is lawfully married to the student. The term "same school" means a school at which the student is enrolled and the defendant is employed, assigned, or volunteers. A defendant who is school personnel, other than a teacher, school administrator, student teacher, school safety officer, or coach, and is less than four years older than the victim and engages in vaginal intercourse or a sexual act with a victim who is a student, is guilty of a Class A1 misdemeanor. This subsection shall apply unless the conduct is covered under some other provision of law providing for greater punishment. Consent is not a defense to a charge under this section. For purposes of this subsection, the terms "school", "school personnel", and "student" shall have the same meaning as in G.S. 14-202.4(d). For purposes of this subsection, the term "school safety officer" shall include a school resource officer or any other person who is regularly present in a school for the purpose of promoting and maintaining safe and orderly schools. (1979, c. 682, s. 1; 1979, 2nd Sess., c. 1316, s. 9; 1981, c. 63; c. 179, s. 14; 1993, c.539, s. 1132; 1994, Ex. Sess., c. 24, s. 14(c); 1999-300, s. 2; 2003-98, s. 1.)

**14-27.7A. Statutory rape or sexual offense of person who is 13, 14, or 15 years old.**

1. A defendant is guilty of a Class B1 felony if the defendant engages in vaginal intercourse or a sexual act with another person 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. A defendant is guilty of a Class C felony if the defendant engages in vaginal intercourse or a sexual act with another person 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. (1995, c. 281, s. 1.)

Domestic Violence: The term “domestic violence” (as used in the FBI’s Uniform Crime Reporting System) means:

- a) Felony or misdemeanor crimes 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 of the jurisdiction 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 or family violence laws of the jurisdiction in which the crime of violence occurred.

2) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**North Carolina State Definition for Domestic Violence 50B-1.**

Domestic violence; definition.

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:

- a. Attempting to cause bodily injury, or intentionally causing bodily injury; or
- b. 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
- c. Committing any act defined in G.S. 14-27.2 through G.S. 14-27.7.

For purposes of this section, the term "personal relationship" means a relationship wherein the parties involved:

- Are current or former spouses;
- Are persons of opposite sex who live together or have lived together;
- 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;

- Have a child in common;
- Are current or former household members;
- 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.

As used in this Chapter, the term "protective order" includes any order entered pursuant to this Chapter upon hearing by the court or consent of the parties. (1979, c. 561, s. 1; 1985, c. 113, s. 1; 1987, c. 828; 1987 (Reg. Sess., 1988), c. 893, ss. 1, 3; 1995 (Reg. Sess., 1996), c. 591, s. 1; 1997-471, s. 1; 2001-518, s. 3; 2003-107, s. 1; 2009-58, s. 5.)

**Dating Violence See above North Carolina State Definition for Domestic Violence Section (b) (6)**

**North Carolina State Definition for Stalking 14-277.3A. Stalking.**

1. Legislative Intent. – The General Assembly finds that stalking is a serious problem in this State and nationwide. Stalking involves severe intrusions on the victim's personal privacy and autonomy. It is a crime that causes a long-lasting impact on the victim's quality of life and creates risks to the security and safety of the victim and others, even in the absence of express threats of physical harm. Stalking conduct often becomes increasingly violent over time.

The General Assembly recognizes the dangerous nature of stalking as well as the strong connections between stalking and domestic violence and between stalking and sexual assault. Therefore, the General Assembly enacts this law to encourage effective intervention by the criminal justice system before stalking escalates into behavior that has serious or lethal consequences. The General Assembly intends to enact a stalking statute that permits the criminal justice system to hold stalkers accountable for a wide range of acts, communications, and conduct. The General Assembly recognizes that stalking includes, but is not limited to, a pattern of following, observing, or monitoring the victim, or committing violent or intimidating acts against the victim, regardless of the means.

(b) Definitions. – The following definitions apply in this section:

- i. Course of conduct. – Two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, is in the presence of, or follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- ii. Harasses or harassment. – Knowing conduct, including written or printed communication or transmission, telephone, cellular, or other wireless telephonic communication, facsimile transmission, pager messages or transmissions, answering machine or voice mail messages or transmissions, and electronic mail messages or other computerized or electronic transmissions directed at a specific person that torments, terrorizes, or terrifies that person and that serves no legitimate purpose.
- iii. Reasonable person. – A reasonable person in the victim's circumstances.

- iv. Substantial emotional distress. – Significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.
- v. Offense. – 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:
  - i. Fear for the person's safety or the safety of the person's immediate family or close personal associates.
  - ii. Suffer substantial emotional distress by placing that person in fear of death, bodily injury, or continued harassment.
- vi. Classification. – A violation of this section is a Class A1 misdemeanor. A defendant convicted of a Class A1 misdemeanor under this section, who is sentenced to a community punishment, shall be placed on supervised probation in addition to any other punishment imposed by the court. A defendant who commits the offense of stalking after having been previously convicted of a stalking offense is guilty of a Class F felony. A defendant who commits the offense of stalking when there is a court order in effect prohibiting the conduct described under this section by the defendant against the victim is guilty of a Class H felony. G.S. 14-277.3A
- vii. Jurisdiction. – Pursuant to G.S. 15A-134, if any part of the offense occurred within North Carolina, including the defendant's course of conduct or the effect on the victim, then the defendant may be prosecuted in this State. (2008-167, s. 2.)

### **Assistance for Victims: Rights & Options**

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, DCCC will assist victims of sexual assault, domestic violence, dating violence, and stalking with knowing their rights and options. In North Carolina, a victim of domestic violence, dating violence, sexual assault or stalking has the following rights:

### **North Carolina Crime Victims' Rights Act.**

#### **15A-830. Definitions.**

(a) The following definitions apply in this Article:

1. Accused. - A person who has been arrested and charged with committing a crime covered by this Article.
2. Arresting law enforcement agency. - The law enforcement agency that makes the arrest of an accused.
3. Custodial agency. - The agency that has legal custody of an accused or defendant arising from a charge or conviction of a crime covered by this Article including, but not limited to, local jails or detention facilities, regional jails or detention facilities, facilities designated under G.S. 122C-252 for the custody and treatment of involuntary clients, or the Department of Correction.
4. Investigating law enforcement agency. - The law enforcement agency with primary responsibility for investigating the crime committed against the victim.
5. Law enforcement agency. - An arresting law enforcement agency, a custodial agency, or an investigating law enforcement agency.

Next of kin. - The victim's spouse, children, parents, siblings, or grandparents. The term does not include the accused unless the charges are dismissed or the person is found not guilty.

Victim. - A person against whom there is probable cause to believe one of the following crimes was committed:

- a. A Class A, B1, B2, C, D, or E felony.
- b. A Class F felony if it is a violation of one of the following: G.S. 14-16.6(b); 14-16.6(c); 14-18; 14- 32.1(e); 14-32.2(b)(3); 14-32.3(a); 14-32.4; 14-34.2; 14-34.6(c); 14-41; 14-43.2; 14-43.3; 14-190.17; 14-190.19; 14-202.1; 14-277.3; 14-288.9; or 20-138.5.
- c. A Class G felony if it is a violation of one of the following: G.S. 14-32.3(b); 14-51; 14-58; 14-87.1; or 20-141.4.
- d. A Class H felony if it is a violation of one of the following: G.S. 14-32.3(a); 14-32.3(c); 14-33.2, or 14- 277.3.
- e. A Class I felony if it is a violation of one of the following: G.S. 14-32.3(b); 14-34.6(b); or 14-190.17A.
- f. An attempt of any of the felonies listed in this subdivision if the attempted felony is punishable as a felony.
- g. Any of the following misdemeanor offenses when the offense is committed between persons who have a personal relationship as defined in G.S. 50B-1(b): G.S. 14-33(c) (1); 14-33(c) (2); 14-33(a); 14- 34; 14-134.3; or 14-277.3.

If the victim is deceased, then the next of kin, in the order set forth in the definition contained in this section, is entitled to the victim's rights under this Article. However, the right contained in G.S. 15A-834 may only be exercised by the personal representative of the victim's estate. An individual entitled to exercise the victim's rights as a member of the class of next of kin may designate anyone in the class to act on behalf of the class.

### **15A-831. Responsibilities of law enforcement agency.**

As soon as practicable but within 72 hours after identifying a victim covered by this Article, the investigating law enforcement agency shall provide the victim with the following information:

- a. The availability of medical services, if needed.
- b. The availability of crime victims' compensation funds under Chapter 15B of the General Statutes and the address and telephone number of the agency responsible for dispensing the funds.
- c. The address and telephone number of the district attorney's office that will be responsible for prosecuting the victim's case.
- d. The name and telephone number of an investigating law enforcement agency employee whom the victim may contact if the victim has not been notified of an arrest in the victim's case within six months after the crime was reported to the law enforcement agency.
- e. Information about an accused's opportunity for pretrial release.
- f. The name and telephone number of an investigating law enforcement agency employee whom the victim may contact to find out whether the accused has been released from custody.

As soon as practicable but within 72 hours after the arrest of a person believed to have committed a crime covered by this Article, the arresting law enforcement agency shall inform the investigating law enforcement agency of the arrest. As soon as practicable but within 72 hours of being notified of the arrest, the investigating law enforcement agency shall notify the victim of the arrest.

As soon as practicable but within 72 hours after receiving notification from the arresting law enforcement agency that the accused has been arrested, the investigating law enforcement agency shall forward to the district attorney's office that will be responsible for prosecuting the case the defendant's name and the victim's name, address, date of birth, social security number, race, sex, and telephone number, unless the victim refuses to disclose any or all of the information, in which case, the investigating law enforcement agency shall so inform the district attorney's office.

Upon receiving the information in subsection (a) of this section, the victim shall, on a form provided by the investigating law enforcement agency, indicate whether the victim wishes to receive any further notices from the investigating law enforcement agency on the status of the accused during the pretrial process. If the victim elects to receive further notices during the pretrial process, the victim shall be responsible for notifying the investigating law enforcement agency of any changes in the victim's name, address, and telephone number.

#### **15A-832. Responsibilities of the district attorney's office.**

1. Within 21 days after the arrest of the accused, but not less than 24 hours before the accused's first scheduled probable-cause hearing, the district attorney's office shall provide to the victim a pamphlet or other written material that explains in a clear and concise manner the following:
  - a. The victim's rights under this Article, including the right to confer with the attorney prosecuting the case about the disposition of the case and the right to provide a victim impact statement.
  - b. The responsibilities of the district attorney's office under this Article.
  - c. The victim's eligibility for compensation under the Crime Victims Compensation Act and the deadlines by which the victim must file a claim for compensation.
  - d. The steps generally taken by the district attorney's office when prosecuting a felony case.
  - e. Suggestions on what the victim should do if threatened or intimidated by the accused or someone acting on the accused's behalf.
  - f. The name and telephone number of a victim and witness assistant in the district attorney's office whom the victim may contact for further information.

Upon receiving the information in subsection (a) of this section, the victim shall, on a form provided by the district attorney's office, indicate whether the victim wishes to receive notices of some, all, or none of the trial and post-trial proceedings involving the accused. If the victim elects to receive notices, the victim shall be responsible for notifying the district attorney's office or any other department or agency that has a responsibility under this Article of any changes in the victim's address and telephone number. The victim may alter the request for notification at any time by notifying the district attorney's office and completing the form provided by the district attorney's office.

The district attorney's office shall notify a victim of the date, time, and place of all trial court proceedings of the type that the victim has elected to receive notice. All notices required to be given by the district attorney's office shall be given in a manner that is reasonably calculated to be received by the victim prior to the date of the court proceeding.

Whenever practical, the district attorney's office shall provide a secure waiting area during court proceedings that does not place the victim in close proximity to the defendant or the defendant's family.

When the victim is to be called as a witness in a court proceeding, the court shall make every effort to permit the fullest attendance possible by the victim in the proceedings. This subsection shall not be construed to interfere with the defendant's right to a fair trial.

Prior to the disposition of the case, the district attorney's office shall offer the victim the opportunity to consult with the prosecuting attorney to obtain the views of the victim about the disposition of the case, including the victim's views about dismissal, plea or negotiations, sentencing, and any pretrial diversion programs.

At the sentencing hearing, the prosecuting attorney shall submit to the court a copy of a form containing the identifying information set forth in G.S. 15A-831(c) about any victim's electing to receive further notices under this Article. The clerk of superior court shall include the form with the final judgment and commitment, or judgment-suspending sentence, transmitted to the Department of Correction or other agency receiving custody of the defendant and shall be maintained by the custodial agency as a confidential file.

#### **15A-832.1. Responsibilities of judicial officials issuing arrest warrants.**

1. In issuing a warrant for the arrest of an offender for any of the misdemeanor offenses set forth in G.S. 15A-830(a)(7)g., based on testimony or evidence from a complaining witness rather than from a law enforcement officer, a judicial official shall record the defendant's name and the victim's name, address, and telephone number electronically or on a form separate from the warrant and developed by the Administrative Office of the Courts for the purpose of recording that information, unless the victim refuses to disclose any or all of the information, in which case the judicial official shall so indicate.
2. A judicial official issuing a warrant for the arrest of an offender for any of the misdemeanor offenses set forth in G.S. 15A-830(a) (7)g. shall deliver the court's copy of the warrant and the victim-identifying information to the office of the clerk of superior court by the close of the next business day. As soon as practicable, but within 72 hours, the office of the clerk of superior court shall forward to the district attorney's office the victim-identifying information set forth in subsection (a) of this section.

#### **15A-833. Evidence of victim impact.**

1. A victim has the right to offer admissible evidence of the impact of the crime, which shall be considered by the court or jury in sentencing the defendant. The evidence may include the following:
  - a. A description of the nature and extent of any physical, psychological, or emotional injury suffered by the victim as a result of the offense committed by the defendant.
  - b. An explanation of any economic or property loss suffered by the victim as a result of the offense committed by the defendant.
  - c. A request for restitution and an indication of whether the victim has applied for or received compensation under the Crime Victims Compensation Act.

No victim shall be required to offer evidence of the impact of the crime. No inference or conclusion shall be drawn from a victim's decision not to offer evidence of the impact of the crime. At the victim's request and with the consent of the defendant, a representative of the district attorney's office or a law enforcement officer may proffer evidence of the impact of the crime to the court.

**15A-834. Restitution. A victim has the right to receive restitution as ordered by the court pursuant to Article 81C of Chapter 15A of the General Statutes.**



### **15A-835. Post-trial responsibilities.**

Within 30 days after the final trial court proceeding in the case, the district attorney's office shall notify the victim, in writing, of:

- The final disposition of the case.
- The crimes of which the defendant was convicted.
- The defendant's right to appeal, if any.
- The telephone number of offices to contact in the event of nonpayment of restitution by the defendant.

Upon a defendant's giving notice of appeal to the Court of Appeals or the Supreme Court, the district attorney's office shall forward to the Attorney General's office the defendant's name and the victim's name, address, and telephone number. Upon receipt of this information, and thereafter as the circumstances require, the Attorney General's office shall provide the victim with the following:

1. A clear and concise explanation of how the appellate process works, including information about possible actions that may be taken by the appellate court.
2. Notice of the date, time, and place of any appellate proceedings involving the defendant. Notice shall be given in a manner that is reasonably calculated to be received by the victim prior to the date of the proceedings.
3. The final disposition of an appeal.

If the defendant has been released on bail pending the outcome of the appeal, the agency that has custody of the defendant shall notify the investigating law enforcement agency as soon as practicable, and within 72 hours of receipt of the notification the investigating law enforcement agency shall notify the victim that the defendant has been released.

If the defendant's conviction is overturned, and the district attorney's office decides to retry the case or the case is remanded to superior court for a new trial, the victim shall be entitled to the same rights under this Article as if the first trial did not take place. Repealed by Session Laws 2001-302, s. 1, effective July 21, 2001.

### **15A-836. Responsibilities of agency with custody of defendant.**

When a form is included with the final judgment and commitment pursuant to G.S. 15A-832(g), or when the victim has otherwise filed a written request for notification with the custodial agency, the custodial agency shall notify the victim of:

- a. The projected date by which the defendant can be released from custody. The calculation of the release date shall be as exact as possible, including earned time and disciplinary credits if the sentence of imprisonment exceeds 90 days.
- b. An inmate's assignment to a minimum custody unit and the address of the unit. This notification shall include notice that the inmate's minimum custody status may lead to the inmate's participation in one or more community-based programs such as work release or supervised leaves in the community.
- c. The victim's right to submit any concerns to the agency with custody and the procedure for submitting such concerns.
- d. The defendant's escape from custody, within 72 hours, except that if a victim has notified the agency in writing that the defendant has issued a specific threat against the victim, the agency shall notify the victim as soon as possible and within 24 hours at the latest.
- e. The defendant's capture, within 24 hours.

- f. The date the defendant is scheduled to be released from the facility. Whenever practical, notice shall be given 60 days before release. In no event shall notice be given less than seven days before release.
- g. The defendant's death.

Notifications required in this section shall be provided within 60 days of the date the custodial agency takes custody of the defendant or within 60 days of the event requiring notification, or as otherwise specified in subsection (a) of this section.

#### **15A-837. Responsibilities of Division of Community Corrections.**

The Division of Community Corrections shall notify the victim of:

- a. The defendant's regular conditions of probation or post-release supervision, special or added conditions, supervision requirements, and any subsequent changes.
- b. The date and location of any hearing to determine whether the defendant's supervision should be revoked, continued, modified, or terminated.
- c. The final disposition of any hearing referred to in subdivision (2) of this subsection.
- d. Any restitution modification.
- e. The defendant's movement into or out of any intermediate sanction as defined in G.S. 15A-1340.11(6).
- f. The defendant's absconding supervision, within 72 hours.
- g. The capture of a defendant described in subdivision (6) of this subsection, within 72 hours.
- h. The date when the defendant is terminated or discharged.
- i. The defendant's death.

Notifications required in this section shall be provided within 30 days of the event requiring notification, or as otherwise specified in subsection (a) of this section.

#### **15A-838. Notice of commuted sentence or pardon.**

The Governor's Clemency Office shall notify a victim when it is considering commuting the defendant's sentence or pardoning the defendant. The Governor's Clemency Office shall also give notice that the victim has the right to present a written statement to be considered by the Office before the defendant's sentence is commuted or the defendant is pardoned. The Governor's Clemency Office shall notify the victim of its decision. Notice shall be given in a manner that is reasonably calculated to allow for a timely response to the commutation or pardon decision.

#### **15A-839. No money damages.**

This Article, including the provision of a service pursuant to this Article through the Statewide Automated Victim Assistance and Notification System established by the Governor's Crime Commission, does not create a claim for damages against the State, a county, or a municipality, or any of its agencies, instrumentalities, officers, or employees.

#### **15A-840. No ground for relief.**

The failure or inability of any person to provide a right or service under this Article, including a service provided through the Statewide Automated Victim Assistance and Notification System established by the Governor's Crime Commission, may not be used by a defendant in a criminal case, by an inmate, by any other accused, or by any victim, as a ground for relief in any criminal or civil proceeding, except in suits for a writ of mandamus by the victim.

## **15A-841. Incompetent victim's rights exercised.**

When a victim is mentally or physically incompetent or when the victim is a minor, the victim's rights under this Article, other than the rights provided by G.S. 15A-834, may be exercised by the victim's next of kin or legal guardian.

For more information on North Carolina's Crime Victim's Bill of Rights, their website is: <https://www.ncdps.gov/dps-services/victim-services/statewide-automated-victim-assistance-and-notification-savan/crime-victims-rights>

You can also contact the Attorney General's Office at (919) 716-6780 or they can email them at [vcs@ncdoj.gov](mailto:vcs@ncdoj.gov).

## **Domestic Violence Protection Orders**

In North Carolina, an individual can get legal protection from domestic violence through a Domestic Violence Protective Order which is also referred to as a Restraining Order or 50-B protective order. These are orders from the court that work to stop the abuser from harassing, threatening, stalking or otherwise interfering with the victim. In general, this legal protection is intended for a victim who is or was married to the abuser, have a child or grandchild in common, living with the abuser, or dating the abuser. The abuser must have caused or tried to cause the victim physical harm, or the conduct of the abuser has placed the victim in imminent fear of serious bodily injury. It is important to note that these orders do not guarantee protection, as the abuser has to abide by the order for the victim to truly be protected.

### **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. 14-27.21 through G.S. 14-27.33.

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. (c) As used in this Chapter, the term "protective order" includes any order entered pursuant to this Chapter upon hearing by the court or consent of the parties. (1979, c. 561, s. 1; 1985, c. 113, s. 1; 1987, c. 828; 1987 (Reg. Sess., 1988), c. 893, ss. 1, 3; 1995 (Reg. Sess., 1996), c. 591, s. 1; 1997- 471, s. 1; 2001-518, s. 3; 2003-107, s. 1; 2009-58, s. 5; 2015-181, s. 36.)

**§ 50B-2. Institution of civil action; motion for emergency relief; temporary orders; temporary custody.**

Any person residing in this State may seek relief under this Chapter by filing a civil action or by filing a motion in any existing action filed under Chapter 50 of the General Statutes alleging acts of domestic violence against himself or herself or a minor child who resides with or is in the custody of such person.

Any aggrieved party entitled to relief under this Chapter may file a civil action and proceed pro se, without the assistance of legal counsel.

The district court division of the General Court of Justice shall have original jurisdiction over actions instituted under this Chapter. Any action for a domestic violence protective order requires that a summons be issued and served. The summons issued pursuant to this Chapter shall require the defendant to answer within 10 days of the date of service.

Attachments to the summons shall include the complaint, notice of hearing, any temporary or ex parte order that has been issued, and other papers through the appropriate law enforcement agency where the defendant is to be served. In compliance with the federal Violence Against Women Act, no court costs or attorneys' fees shall be assessed for the filing, issuance, registration, or service of a protective order or petition for a protective order or witness subpoena, except as provided in G.S. 1A-1, Rule 11. (b) Emergency Relief. A party may move the court for emergency relief if he or she believes there is a danger of serious and immediate injury to himself or herself or a minor child.

A hearing on a motion for emergency relief, where no ex parte order is entered, shall be held after five days' notice of the hearing to the other party or after five days from the date of service of process on the other party, whichever occurs first, provided, however, that no hearing shall be required if the service of process is not completed on the other party. If the party is proceeding pro se and does not request an ex parte hearing, the clerk shall set a date for hearing and issue a notice of hearing within the time periods provided in this subsection, and shall effect service of the summons, complaint, notice, and other papers through the appropriate law enforcement agency where the defendant is to be served.

**Ex Parte Orders.**

1. Prior to the hearing, if it clearly appears to the court from specific facts shown, that there is a danger of acts of domestic violence against the aggrieved party or a minor child, the court may enter orders as it deems necessary to protect the aggrieved party or minor children from those acts.
2. A temporary order for custody ex parte and prior to service of process and notice shall not be entered unless the court finds that the child is exposed to a substantial risk of physical or emotional injury or sexual abuse.
3. If the court finds that the child is exposed to a substantial risk of physical or emotional injury or sexual abuse, upon request of the aggrieved party, the court shall consider and may order the other party to (i) stay away from a minor child, or (ii) return a minor child to, or not remove a minor child from, the physical care of a parent or

- person in loco parentis, if the court finds that the order is in the best interest of the minor child and is necessary for the safety of the minor child.
4. If the court determines that it is in the best interest of the minor child for the other party to have contact with the minor child or children, the court shall issue an order designed to protect the safety and well-being of the minor child and the aggrieved party. The order shall specify the terms of contact between the other party and the minor child and may include a specific schedule of time and location of exchange of the minor child, supervision by a third party or supervised visitation center, and any other conditions that will ensure both the well-being of the minor child and the aggrieved party.
  5. Upon the issuance of an ex parte order under this subsection, a hearing shall be held within 10 days from the date of issuance of the order or within seven days from the date of service of process on the other party, whichever occurs later. A continuance shall be limited to one extension of no more than 10 days unless all parties consent or good cause is shown. The hearing shall have priority on the court calendar.
  6. If an aggrieved party acting pro se requests ex parte relief, the clerk of superior court shall schedule an ex parte hearing with the district court division of the General Court of Justice within 72 hours of the filing for said relief, or by the end of the next day on which the district court is in session in the county in which the action was filed, whichever shall first occur. If the district court is not in session in said county, the aggrieved party may contact the clerk of superior court in any other county within the same judicial district who shall schedule an ex parte hearing with the district court division of the General Court of Justice by the end of the next day on which said court division is in session in that county.
  7. Upon the issuance of an ex parte order under this subsection, if the party is proceeding pro se, the Clerk shall set a date for hearing and issue a notice of hearing within the time periods provided in this subsection, and shall effect service of the summons, complaint, notice, order and other papers through the appropriate law enforcement agency where the defendant is to be served. Ex Parte Orders by Authorized Magistrate. - The chief district court judge may authorize a magistrate or magistrates to hear any motions for emergency relief ex parte. Prior to the hearing, if the magistrate determines that at the time the party is seeking emergency relief ex parte the district court is not in session and a district court judge is not and will not be available to hear the motion for a period of four or more hours, the motion may be heard by the magistrate.

If it clearly appears to the magistrate from specific facts shown that there is a danger of acts of domestic violence against the aggrieved party or a minor child, the magistrate may enter orders as it deems necessary to protect the aggrieved party or minor children from those acts, except that a temporary order for custody ex parte and prior to service of process and notice shall not be entered unless the magistrate finds that the child is exposed to a substantial risk of physical or emotional injury or sexual abuse.

If the magistrate finds that the child is exposed to a substantial risk of physical or emotional injury or sexual abuse, upon request of the aggrieved party, the magistrate shall consider and may order the other party to stay away from a minor child, or to return a minor child to, or not remove a minor child from, the physical care of a parent or person in loco parentis, if the magistrate finds that the order is in the best interest of the minor child and is necessary for the safety of the minor child.

If the magistrate determines that it is in the best interest of the minor child for the other party to have contact with the minor child or children, the magistrate shall issue an order designed to protect the safety and well-being of the minor child and the aggrieved party.

The order shall specify the terms of contact between the other party and the minor child and may include a specific schedule of time and location of exchange of the minor child, supervision by a third party or supervised visitation center, and any other conditions that will ensure both the well-being of the minor child and the aggrieved party.

An ex parte order entered under this subsection shall expire and the magistrate shall schedule an ex parte hearing before a district court judge by the end of the next day on which the district court is in session in the county in which the action was filed. Ex parte orders entered by the district court judge pursuant to this subsection shall be entered and scheduled in accordance with subsection (c) of this section.

The authority granted to authorize magistrates to award temporary child custody pursuant to subsection (c1) of this section and pursuant to G.S. 50B-3(a)(4) is granted subject to custody rules to be established by the supervising chief district judge of each judicial district.

**Pro Se Forms.** The clerk of superior court of each county shall provide to pro se complainants all forms that are necessary or appropriate to enable them to proceed pro se pursuant to this section. The clerk shall, whenever feasible, provide a private area for complainants to fill out forms and make inquiries. The clerk shall provide a supply of pro se forms to authorized magistrates who shall make the forms available to complainants seeking relief under subsection (c1) of this section.

All documents filed, issued, registered, or served in an action under this Chapter relating to an ex parte, emergency, or permanent domestic violence protective order may be filed electronically.

Hearings held to consider ex parte relief pursuant to subsection (c) of this section may be held via video conference. Hearings held to consider emergency or permanent relief pursuant to subsections (a) or (b) of this section shall not be held via video conference. (1979, c. 561, s. 1; 1985, c. 113, ss. 2, 3; 1987 (Reg. Sess., 1988), c. 893, s. 2; 1989, c. 461, s. 1; 1994, Ex. Sess., c. 4, s. 1; 1997-471, s. 2; 2001-518, s. 4; 2002-126, s. 29A.6(a); 2004-186, ss. 17.2, 19.1; 2009-342, s. 2; 2012-20, s. 1; 2013- 390, s. 1; 2015-62, s. 3(b).)

### **§ 50B-3. Relief.**

If the court, including magistrates as authorized under G.S. 50B-2(c1), finds that an act of domestic violence has occurred, the court shall grant a protective order restraining the defendant from further acts of domestic violence. A protective order may include any of the following types of relief:

1. Direct a party to refrain from such acts.
2. Grant to a party possession of the residence or household of the parties and exclude the other party from the residence or household.
3. Require a party to provide a spouse and his or her children suitable alternate housing.
4. Award temporary custody of minor children and establish temporary visitation rights pursuant to G.S. 50B-2 if the order is granted ex parte, and pursuant to subsection (a1) of this section if the order is granted after notice or service of process.
5. Order the eviction of a party from the residence or household and assistance to the victim in returning to it.
6. Order either party to make payments for the support of a minor child as required by law.

7. Order either party to make payments for the support of a spouse as required by law.
8. Provide for possession of personal property of the parties, including the care, custody, and control of any animal owned, possessed, kept, or held as a pet by either party or minor child residing in the household.
9. Order a party to refrain from doing any or all of the following: a. Threatening, abusing, or following the other party. b. Harassing the other party, including by telephone, visiting the home or workplace, or other means. b1. Cruelly treating or abusing an animal owned, possessed, kept, or held as a pet by either party or minor child residing in the household. c. Otherwise interfering with the other party.
10. Award attorney's fees to either party.
11. Prohibit a party from purchasing a firearm for a time fixed in the order.
12. Order any party the court finds is responsible for acts of domestic violence to attend and complete an abuser treatment program if the program is approved by the Domestic Violence Commission.
13. Include any additional prohibitions or requirements the court deems necessary to protect any party or any minor child.

Upon the request of either party at a hearing after notice or service of process, the court shall consider and may award temporary custody of minor children and establish temporary visitation rights as follows:

1. In awarding custody or visitation rights, the court shall base its decision on the best interest of the minor child with particular consideration given to the safety of the minor child.
2. For purposes of determining custody and visitation issues, the court shall consider:
  - a. Whether the minor child was exposed to a substantial risk of physical or emotional injury or sexual abuse.
  - b. Whether the minor child was present during acts of domestic violence.
  - c. Whether a weapon was used or threatened to be used during any act of domestic violence.
  - d. Whether a party caused or attempted to cause serious bodily injury to the aggrieved party or the minor child.
  - e. Whether a party placed the aggrieved party or the minor child in reasonable fear of imminent serious bodily injury.
  - f. Whether a party caused an aggrieved party to engage involuntarily in sexual relations by force, threat, or duress.
  - g. Whether there is a pattern of abuse against an aggrieved party or the minor child.
  - h. Whether a party has abused or endangered the minor child during visitation.
  - i. Whether a party has used visitation as an opportunity to abuse or harass the aggrieved party.
  - j. Whether a party has improperly concealed or detained the minor child.
  - k. Whether a party has otherwise acted in a manner that is not in the best interest of the minor child.

If the court awards custody, the court shall also consider whether visitation is in the best interest of the minor child. If ordering visitation, the court shall provide for the safety and wellbeing of the minor child and the safety of the aggrieved party. The court may consider any of the following:

- a. Ordering an exchange of the minor child to occur in a protected setting or in the presence of an appropriate third party.

- b. Ordering visitation supervised by an appropriate third party, or at a supervised visitation center or other approved agency.
- c. Ordering the noncustodial parent to attend and complete, to the satisfaction of the court, an abuser treatment program as a condition of visitation.
- d. Ordering either or both parents to abstain from possession or consumption of alcohol or controlled substances during the visitation or for 24 hours preceding an exchange of the minor child.
- e. Ordering the noncustodial parent to pay the costs of supervised visitation.
- f. Prohibiting overnight visitation.
- g. Requiring a bond from the noncustodial parent for the return and safety of the minor child.
- h. Ordering an investigation or appointment of a guardian ad litem or attorney for the minor child.
- i. Imposing any other condition that is deemed necessary to provide for the safety and well-being of the minor child and the safety of the aggrieved party.

If the court grants visitation, the order shall specify dates and times for the visitation to take place or other specific parameters or conditions that are appropriate. A person, supervised visitation center, or other agency may be approved to supervise visitation after appearing in court or filing an affidavit accepting that responsibility and acknowledging accountability to the court.

A temporary custody order entered pursuant to this Chapter shall be without prejudice and shall be for a fixed period of time not to exceed one year. Nothing in this section shall be construed to affect the right of the parties to a de novo hearing under Chapter 50 of the General Statutes. Any subsequent custody order entered under Chapter 50 of the General Statutes supersedes a temporary order issued pursuant to this Chapter.

Protective orders entered pursuant to this Chapter shall be for a fixed period of time not to exceed one year. The court may renew a protective order for a fixed period of time not to exceed two years, including an order that previously has been renewed, upon a motion by the aggrieved party filed before the expiration of the current order; provided, however, that a temporary award of custody entered as part of a protective order may not be renewed to extend a temporary award of custody beyond the maximum one-year period. The court may renew a protective order for good cause.

The commission of an act as defined in G.S. 50B-1(a) by the defendant after entry of the current order is not required for an order to be renewed. Protective orders entered, including consent orders, shall not be mutual in nature except where both parties file a claim and the court makes detailed findings of fact indicating that both parties acted as aggressors, that neither party acted primarily in self-defense, and that the right of each party to due process is preserved. (b1) A consent protective order may be entered pursuant to this Chapter without findings of fact and conclusions of law if the parties agree in writing that no findings of fact and conclusions of law will be included in the consent protective order. The consent protective order shall be valid and enforceable and shall have the same force and effect as a protective order entered with findings of fact and purchase firearms, and permits to carry concealed firearms, and include, whenever possible, identifying information regarding the description, number, and location of firearms, ammunition, and permits in the order.

Surrender. - Upon service of the order, the defendant shall immediately surrender to the sheriff possession of all firearms, machine guns, ammunition, permits to purchase firearms, and permits to carry concealed firearms that are in the care, custody, possession, ownership, or control of the defendant. In the event that weapons cannot be surrendered at the time the order is served, the defendant shall surrender the firearms, ammunitions,



and permits to the sheriff within 24 hours of service at a time and place specified by the sheriff. The sheriff shall store the firearms or contract with a licensed firearms dealer to provide storage.

If the court orders the defendant to surrender firearms, ammunition, and permits, the court shall inform the plaintiff and the defendant of the terms of the protective order and include these terms on the face of the order, including that the defendant is prohibited from possessing, purchasing, or receiving or attempting to possess, purchase, or receive a firearm for so long as the protective order or any successive protective order is in effect. The terms of the order shall include instructions as to how the defendant may request retrieval of any firearms, ammunition, and permits surrendered to the sheriff when the protective order is no longer in effect. The terms shall also include notice of the penalty for violation of G.S. 14-269.8.

The sheriff may charge the defendant a reasonable fee for the storage of any firearms and ammunition taken pursuant to a protective order. The fees are payable to the sheriff. The sheriff shall transmit the proceeds of these fees to the county finance officer. The fees shall be used by the sheriff to pay the costs of administering this section and for other law enforcement purposes. The county shall expend the restricted funds for these purposes only. The sheriff shall not release firearms, ammunition, or permits without a court order granting the release. The defendant must remit all fees owed prior to the authorized return of any firearms, ammunition, or permits. The sheriff shall not incur any civil or criminal liability for alleged damage or deterioration due to storage or transportation of any firearms or ammunition held pursuant to this section.

Retrieval. If the court does not enter a protective order when the ex parte or emergency order expires, the defendant may retrieve any weapons surrendered to the sheriff unless the court finds that the defendant is precluded from owning or possessing a firearm pursuant to State or federal law or final disposition of any pending criminal charges committed against the person that is the subject of the current protective order.

Motion for Return. The defendant may request the return of any firearms, ammunition, or permits surrendered by filing a motion with the court at the expiration of the current order or final disposition of any pending criminal charges committed against the person that is the subject of the current protective order and not later than 90 days after the expiration of the current order or final disposition of any pending criminal charges committed against the person that is the subject of the current protective order. Upon receipt of the motion, the court shall schedule a hearing and provide written notice to the plaintiff who shall have the right to appear and be heard and to the sheriff who has control of the firearms, ammunition, or permits.

The court shall determine whether the defendant is subject to any State or federal law or court order that precludes the defendant from owning or possessing a firearm. The inquiry shall include:

- a. Whether the protective order has been renewed.
- b. Whether the defendant is subject to any other protective orders.
- c. Whether the defendant is disqualified from owning or possessing a firearm pursuant to 18 U.S.C. § 922 or any State law.
- d. Whether the defendant has any pending criminal charges, in either State or federal court, committed against the person that is the subject of the current protective order. The court shall deny the return of firearms, ammunition, or permits if the court finds that the defendant is precluded from owning or possessing a firearm pursuant to State or federal law or if the defendant has any pending criminal charges, in either State or federal court, committed against the person that is the subject of the current protective order until the final disposition of those charges.

**Motion for Return by Third-Party Owner.** A third-party owner of firearms, ammunition, or permits who is otherwise eligible to possess such items may file a motion requesting the return to said third party of any such items in the possession of the sheriff seized as a result of the entry of a domestic violence protective order. The motion must be filed not later than 30 days after the seizure of the items by the sheriff. Upon receipt of the third party's motion, the court shall schedule a hearing and provide written notice to all parties and the sheriff. The court shall order return of the items to the third party unless the court determines that the third party is disqualified from owning or possessing said items pursuant to State or federal law. If the court denies the return of said items to the third party, the items shall be disposed of by the sheriff as provided in subsection of this section.

**Disposal of Firearms.** If the defendant does not file a motion requesting the return of any firearms, ammunition, or permits surrendered within the time period prescribed by this section, if the court determines that the defendant is precluded from regaining possession of any firearms, ammunition, or permits surrendered, or if the defendant or third-party owner fails to remit all fees owed for the storage of the firearms or ammunition within 30 days of the entry of the order granting the return of the firearms, ammunition, or permits, the sheriff who has control of the firearms, ammunition, or permits shall give notice to the defendant, and the sheriff shall apply to the court for an order of disposition of the firearms, ammunition, or permits. The judge, after a hearing, may order the disposition of the firearms, ammunition, or permits in one or more of the ways authorized by law, including subdivision (4), (4b), (5), or (6) of G.S. 14-269.1. If a sale by the sheriff does occur, any proceeds from the sale after deducting any costs associated with the sale, and in accordance with all applicable State and federal law, shall be provided to the defendant, if requested by the defendant by motion made before the hearing or at the hearing and if ordered by the judge.

It is unlawful for any person subject to a protective order prohibiting the possession or purchase of firearms to:

- a. Fail to surrender all firearms, ammunition, permits to purchase firearms, and permits to carry concealed firearms to the sheriff as ordered by the court;
- b. Fail to disclose all information pertaining to the possession of firearms, ammunition, and permits to purchase and permits to carry concealed firearms as requested by the court; or
- c. Provide false information to the court pertaining to any of these items.

**Violations.** In accordance with G.S. 14-269.8, it is unlawful for any person to possess, purchase, or receive or attempt to possess, purchase, or receive a firearm, as defined in G.S. 14-409.39(2), machine gun, ammunition, or permits to purchase or carry concealed firearms if ordered by the court for so long as that protective order or any successive protective order entered against that person pursuant to this Chapter is in effect. Any defendant violating the provisions of this section shall be guilty of a Class H felony.

**Official Use Exemption.** This section shall not prohibit law enforcement officers and members of any branch of the Armed Forces of the United States, not otherwise prohibited under federal law, from possessing or using firearms for official use only.

Nothing in this section is intended to limit the discretion of the court in granting additional relief as provided in other sections of this Chapter. (2003-410, s. 1; 2004-203, s. 34(a); 2005-287, s. 4; 2005-423, ss. 2, 3; 2011-183, s. 40; 2011-268, ss. 23, 24.)

#### **§ 50B-4. Enforcement of orders.**

A party may file a motion for contempt for violation of any order entered pursuant to this Chapter. This party may file and proceed with that motion pro se, using forms provided by the clerk of superior court or a magistrate authorized under G.S. 50B-2(c1). Upon the filing pro se of a motion for contempt under this subsection, the clerk, or the authorized magistrate, if the facts show clearly that there is danger of acts of domestic violence against the aggrieved party or a minor child and the motion is made at a time when the clerk is not available, shall schedule and issue notice of a show cause hearing with the district court division of the General Court of Justice at the earliest possible date pursuant to G.S. 5A-23. The Clerk, or the magistrate in the case of notice issued by the magistrate pursuant to this subsection, shall effect service of the motion, notice, and other papers through the appropriate law enforcement agency where the defendant is to be served. Repealed by Session Laws 1999-23, s. 2, effective February 1, 2000.

A valid protective order entered pursuant to this Chapter shall be enforced by all North Carolina law enforcement agencies without further order of the court.

A valid protective order entered by the courts of another state or the courts of an Indian tribe shall be accorded full faith and credit by the courts of North Carolina whether or not the order has been registered and shall be enforced by the courts and the law enforcement agencies of North Carolina as if it were an order issued by a North Carolina court. In determining the validity of an out-of-state order for purposes of enforcement, a law enforcement officer may rely upon a copy of the protective order issued by another state or the courts of an Indian tribe that is provided to the officer and on the statement of a person protected by the order that the order remains in effect. Even though registration is not required, a copy of a protective order may be registered in North Carolina by filing with the clerk of superior court in any county a copy of the order and an affidavit by a person protected by the order that to the best of that person's knowledge the order is presently in effect as written. Notice of the registration shall not be given to the defendant. Upon registration of the order, the clerk shall promptly forward a copy to the sheriff of that county. Unless the issuing state has already entered the order, the sheriff shall provide for prompt entry of the order into the National Crime Information Center registry pursuant to G.S. 50B-3(d).

Upon application or motion by a party to the court, the court shall determine whether an out-of-state order remains in full force and effect.

The term "valid protective order," as used in this section, shall include an emergency or ex parte order entered under this Chapter.

Notwithstanding the provisions of G.S. 1-294, a valid protective order entered pursuant to this Chapter which has been appealed to the appellate division is enforceable in the trial court during the pendency of the appeal. Upon motion by the aggrieved party, the court of the appellate division in which the appeal is pending may stay an order of the trial court until the appeal is decided, if justice so requires. (1979, c. 561, s. 1; 1985, c. 113, s. 4; 1987, c. 739, s. 6; 1989, c. 461, s. 2; 1994, Ex. Sess., c. 4, s. 3; 1995 (Reg. Sess., 1996), c. 591, s. 3; 1999-23, s. 2; 2002-126, s. 29A.6(c); 2003-107, s. 3; 2009-342, s. 4; 2017-92, s. 1.)

##### **§ 50B-4.1. Violation of valid protective order.**

- a. Except as otherwise provided by law, a person who knowingly violates a valid protective order entered pursuant to this Chapter or who knowingly violates a valid

- protective order entered by the courts of another state or the courts of an Indian tribe shall be guilty of a Class A1 misdemeanor.
- b. A law enforcement officer shall arrest and take a person into custody, with or without a warrant or other process, if the officer has probable cause to believe that the person knowingly has violated a valid protective order excluding the person from the residence or household occupied by a victim of domestic violence or directing the person to refrain from doing any or all of the acts specified in G.S. 50B-3(a)(9).
  - c. When a law enforcement officer makes an arrest under this section without a warrant, and the party arrested contests that the out-of-state order or the order issued by an Indian court remains in full force and effect, the party arrested shall be promptly provided with a copy of the information applicable to the party which appears on the National Crime Information Center registry by the sheriff of the county in which the arrest occurs.
  - d. Unless covered under some other provision of law providing greater punishment, a person who commits a felony at a time when the person knows the behavior is prohibited by a valid protective order as provided in subsection (a) of this section shall be guilty of a felony one class higher than the principal felony described in the charging document. This subsection shall not apply to convictions of a Class A or B1 felony or to convictions of the offenses set forth in subsection (f) or subsection (g) of this section.
  - e. An indictment or information that charges a person with committing felonious conduct as described in subsection (d) of this section shall also allege that the person knowingly violated a valid protective order as described in subsection (a) of this section in the course of the conduct constituting the underlying felony. In order for a person to be punished as described in subsection (d) of this section, a finding shall be made that the person knowingly violated the protective order in the course of conduct constituting the underlying felony.
  - f. Unless covered under some other provision of law providing greater punishment, any person who knowingly violates a valid protective order as provided in subsection (a) of this section, after having been previously convicted of two offenses under this Chapter, shall be guilty of a Class H felony.
  - g. Unless covered under some other provision of law providing greater punishment, any person who, while in possession of a deadly weapon on or about his or her person or within close proximity to his or her person, knowingly violates a valid protective order as provided in subsection (a) of this section by failing to stay away from a place, or a person, as so directed under the terms of the order, shall be guilty of a Class H felony. (g1) Unless covered under some other provision of law providing greater punishment, any person who is subject to a valid protective order, as provided in subsection (a) of this section, who enters property operated as a safe house or haven for victims of domestic violence, where a person protected under the order is residing, shall be guilty of a Class H felony. A person violates this subsection regardless of whether the person protected under the order is present on the property.
  - h. For the purposes of this section, the term "valid protective order" shall include an emergency or ex parte order entered under this Chapter. (1997-471, s. 3; 1997-456, s. 27; 1999-23, s. 4; 2001- 518, s. 5; 2007-190, s. 1; 2008-93, s. 1; 2009-342, s. 5; 2009-389, s. 2; 2010-5, s. 1; 2015-91, s. 3.)

#### **§ 50B-4.2. False statement regarding protective order a misdemeanor.**

A person who knowingly makes a false statement to a law enforcement agency or officer that a protective order entered pursuant to this Chapter or by the courts of another state or Indian tribe remains in effect shall be guilty of a Class 2 misdemeanor. (1999-23, s. 5.)

#### **§ 50B-5. Emergency assistance.**

A person who alleges that he or she or a minor child has been the victim of domestic violence may request the assistance of a local law enforcement agency. The local law enforcement agency shall respond to the request for assistance as soon as practicable. The local law enforcement officer responding to the request for assistance may take whatever steps are reasonably necessary to protect the complainant from harm and may advise the complainant of sources of shelter, medical care, counseling and other services. Upon request by the complainant and where feasible, the law enforcement officer may transport the complainant to appropriate facilities such as hospitals, magistrates' offices, or public or private facilities for shelter and accompany the complainant to his or her residence, within the jurisdiction in which the request for assistance was made, so that the complainant may remove food, clothing, medication and such other personal property as is reasonably necessary to enable the complainant and any minor children who are presently in the care of the complainant to remain elsewhere pending further proceedings.

In providing the assistance authorized by subsection (a), no officer may be held criminally or civilly liable on account of reasonable measures taken under authority of subsection (a). (1979, c. 561, s. 1; 1985, c. 113, s. 5; 1999-23, s. 6.)

#### **§ 50B-5.5. Employment discrimination unlawful.**

No employer shall discharge, demote, deny a promotion, or discipline an employee because the employee took reasonable time off from work to obtain or attempt to obtain relief under this Chapter. An employee who is absent from the workplace shall follow the employer's usual time-off policy or procedure, including advance notice to the employer, when required by the employer's usual procedures, unless an emergency prevents the employee from doing so. An employer may require documentation of any emergency that prevented the employee from complying in advance with the employer's usual time-off policy or procedure, or any other information available to the employee which supports the employee's reason for being absent from the workplace.

The Commissioner of Labor shall enforce the provisions of this section according to Article 21 of Chapter 95 of the General Statutes, including the rules and regulations issued pursuant to the Article. (2004-186, s. 18.1.)

#### **§ 50B-6. Construction of Chapter.**

This Chapter shall not be construed as granting a status to any person for any purpose other than those expressly stated herein. This Chapter shall not be construed as relieving any person or institution of the duty to report to the department of social services, as required by G.S. 7B-301, if the person or institution has cause to suspect that a juvenile is abused or neglected. (1979, c. 561, s. 1; 1985, c. 113, s. 6; 1998-202, s. 13(r).)

#### **§ 50B-7. Remedies not exclusive.**

The remedies provided by this Chapter are not exclusive but are additional to remedies provided under Chapter 50 and elsewhere in the General Statutes. (1979, c. 561, s. 1.)

#### **§ 50B-8. Effect upon prosecution for violation of § 14-184 or other offense against public morals.**

The granting of a protective order, prosecution for violation of this Chapter, or the granting of any other relief or the institution of any other enforcement proceedings under this Chapter shall not be construed to afford a defense to any person or persons charged

with fornication and adultery under G.S. 14-184 or charged with any other offense against the public morals; and prosecution, conviction, or prosecution and conviction for violation of any provision of this Chapter shall not be a bar to prosecution for violation of G.S. 14-184 or of any other statute defining an offense or offenses against the public morals. (1979, c. 561, s. 1; 2003-107, s. 4.)

#### **§ 50B-9. Domestic Violence Center Fund.**

The Domestic Violence Center Fund is established within the State Treasury. The fund shall be administered by the Department of Administration, North Carolina Council for Women, and shall be used to make grants to centers for victims of domestic violence and to The North Carolina Coalition Against Domestic Violence, Inc. This fund shall be administered in accordance with the provisions of the Executive Budget Act. The Department of Administration shall make quarterly grants to each eligible domestic violence center and to The North Carolina Coalition Against Domestic Violence, Inc. Effective July 1, 2017, and each fiscal year thereafter, the Department of Administration shall send the contracts to grantees within 10 business days of the date the Current Operations Appropriations Act, as defined in G.S. 143C-1-1, is certified for that fiscal year.

Each grant recipient shall receive the same amount. To be eligible to receive funds under this section, a domestic violence center must meet the following requirements:

- It shall have been in operation on the preceding July 1 and shall continue to be in operation.
- It shall offer all of the following services: a hotline, transportation services, community education programs, daytime services, and call forwarding during the night and it shall fulfill other criteria established by the Department of Administration.
- It shall be a nonprofit corporation or a local governmental entity.

The North Carolina Council for Women shall report on the quarterly distributions of the grants from the Domestic Violence Center Fund to the House and Senate chairs of the General Government Appropriations Committee within five business days of distribution. The report shall include the date, amount, and recipients of the fund disbursements. The report shall also include any eligible programs which are ineligible to receive funding during the relative reporting cycle as well as the reason of the ineligibility for that relative reporting cycle. (1991, c. 693, s. 3; 1991 (Reg. Sess., 1992), c. 988, s. 1; 2017-57, s. 31.2(a).)

DCCC complies with North Carolina law in recognizing Domestic Violence Protection Orders. Any person who obtains an order of protection from North Carolina or any reciprocal state should provide a copy to the Campus Resource Officer on their campus and the Office of the Title IX Coordinator. A complainant may then meet with the CRO and the Title IX Coordinator to develop a plan to reduce risk of harm while on campus or coming and going from campus.

## **Drug and Alcohol Information and Programming**

Davidson County Community College is committed to a drug and alcohol-free environment in which to attend classes and study. From a safety perspective, the users of drugs or alcohol may impair the well-being of students, interfere with the College's educational environment and result in damage to College property. The unlawful manufacture, distribution, dispensation, possession, use of a controlled substance, paraphernalia, or alcohol are prohibited on College premises and at any College-sponsored activities. Lawful consumption and possession of alcohol is also prohibited with the exception of catered use at special College or Foundation events as per the [DCCC Conference Center Policy](#).

If any student is found in violation of the College policy or convicted of violating any criminal drug or alcoholic beverage control statute while on College premises or at any College-sponsored activity, they be subject to disciplinary action up to and including expulsion. Additionally any student found in violation of this policy may be subject to punishment to the full extent of the law under applicable local, state and federal law.

It is further noted that the use of illegal substances poses a serious health risk including but not limited to severe reactions and death. Records of student drug and alcohol violations are maintained in the Office of the Director of Behavioral and Counseling Services; records of employee drug and alcohol violations are maintained in the Human Resource Services Office.

All students are prohibited from unlawfully possessing, using, being under the influence of, manufacturing, dispensing, selling, or distributing alcohol, illegal or unauthorized controlled substances or impairing substances at any College location.

1. Controlled Substance means any substance listed in 21 CFR Part 1308 and other federal regulations, as well as those listed in Article V, Chapter 90 of the North Carolina General Statutes. Generally, the term means any drug which has a high potential for abuse and includes, but is not limited to heroin, marijuana, cocaine, PCP, GHB, methamphetamines, and crack. This term also includes any drugs that are illegal under federal, state or local laws and legal drugs that have been obtained illegally or without a prescription by a licensed healthcare provider or are not intended for human consumption.
2. Alcohol means any beverage containing at least one-half of one percent (0.5%) alcohol by volume, including malt beverages, unfortified wine, fortified wine, spirituous liquor and mixed beverages.
3. Impairing Substances means any substance taken that may cause impairment, including but not limited to bath salts, inhalants, or synthetic herbs.
4. College Location means in any College building or on any College premises; in any College-owned vehicle or in any other College-approved vehicle used to transport students to and from College or College activities; and off College property at any College-sponsored or College-approved activity, event or function, such as a field trip or athletic event, where students are under the College's jurisdiction.

Student use of drugs as prescribed by a licensed physician is not a violation of Policy; however, individuals shall be held strictly accountable for their behavior while under the influence of prescribed drugs.

If an employee reasonably believes a student is under the influence of a controlled substance in violation of this policy, the employee should report the matter to a College

administrator. In addition to any disciplinary sanctions set forth in Section E, the College may refer the matter to law enforcement. Law enforcement officers must adhere to their normal standards when interviewing students or conducting a search.

The College does not differentiate between drug users, drug pushers or sellers. Any student in violation of Section A herein will be subject to disciplinary action up to and including termination or expulsion and referral for prosecution.

A student who violates the terms of this Policy will be subject to disciplinary action in accordance with Policy [5.3.2](#) – Student Code of Conduct. At his/her discretion, the Student Conduct Officer may require any student who violates the terms of this Policy to satisfactorily participate in a drug abuse rehabilitation program or an alcoholic rehabilitation program sponsored by an approved private or governmental institution as a precondition of continued or re-enrollment at the College.

For purposes of Clergy Act Reporting (Policy 5.2.2), each student is required to inform the College, in writing, within five (5) days after he/she is convicted for violation of any federal, state, or local criminal drug statute or alcoholic beverage control statute where such violation occurred while on or at a College location. Failure to do so could result in disciplinary action.

In addition to this Policy, students employed by the College, including students employed under the College's Work Study Program, shall adhere to the requirements in Policy [3.4.4](#) – Alcohol and Drugs on Campus.

The College operates a drug abuse awareness prevention program for all students and employees. Counseling, information, and referral services are provided by professionally trained counselors and counselors are available to talk with anyone concerning drug/alcohol use and abuse. Referrals to external agencies may be appropriate in some situations.

Students needing assistance for any reason related to the use of drugs, including alcohol, should contact Keisha Jones, Dean of Student Engagement and Completion, who will act as a referral source to an appropriate human services agency.

Twice per academic year, the College conducts drug and alcohol abuse programming open to all members of the campus community. Typical programming includes speakers (from law enforcement, health or counseling agencies) or demonstrations of the effects of drug and alcohol use.

### **Tips for Preventing Substance Abuse**

Use the following tips to help guide thoughts and behaviors about drugs:

1. Talk honestly. Don't wait to have "the drug talk" with someone. Make discussions about tobacco, alcohol, and other drugs part of your daily conversation. Know the facts about how drugs can harm. Clear up any wrong information, such as "everybody drinks" or "marijuana won't hurt you." Be clear about personal rules for and legal implications of the use of tobacco, alcohol, and other drugs.
2. Really listen. Encourage questions and concerns about tobacco, alcohol, and other drugs. Do not do all the talking or give long lectures.
3. Help develop self-confidence. Look for all the good things in yourself or someone you care about and then tell them (or yourself) how proud you are. If you need to correct, criticize the action, not the person. Praise efforts as well as successes.



4. Help develop strong values. Talk about your personal values.
5. Be a good example. Your own habits and thoughts about tobacco, alcohol, and other drugs make an impression. Your actions speak louder than words.
6. Help deal with peer pressure and acceptance. Discuss the importance of being an individual and the meaning of real friendships. You do not have to do something wrong just to feel accepted. Remind yourself that a real friend will not pressure you to use tobacco, alcohol, and other drugs.
7. Encourage healthy, creative activities. Look for ways to get involved in athletics, hobbies, school clubs, and other activities that reduce boredom and excess free time. Develop positive friendships and interests. Look for activities that you can do together.
8. Know what to do if someone you love has a drug problem. Realize that no one is immune to drugs. Learn the signs of drug use. Take seriously any concerns you hear from friends, family, or other students about possible drug use. Trust your instincts. If you truly feel that something is wrong, it probably is. If there's a problem, seek professional help.
9. Prioritize your mental, physical and emotional wellbeing. Being healthy buffers against negative drinking and alcohol use.

### **Health and Legal Risks of Drug and Alcohol Use**

The Drug-Free Schools and Communities Act, Public Law 101-226, requires that colleges implement a program to prevent unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. It also requires colleges to provide information on health risks of alcohol and other drugs as well as laws and legal sanctions regarding possession and sale of alcohol or illegal sale or possession of drugs or alcohol. Finally, it requires that students and employees be informed of ways to get help.

### **Health Risks of Alcohol**

Effects of alcohol use can include impaired judgment and compromised skills such as perception and reaction in driving an automobile. Moderate to large amounts of alcohol can cause respiratory failure and death. Regular consumption over time has been implicated in a number of diseases. Psychological and physical dependence are risks as well.

### **Alcohol Laws and Potential Penalties**

In North Carolina it is illegal for someone under age 21 to purchase or possess alcohol and it is illegal for anyone to provide alcohol to a person who is under age 21. It is a violation of the law to use a fake ID to purchase alcohol or to gain admittance to a bar.

It is also illegal to possess an open container of alcohol in public areas. It is illegal to drive and drink at the same time. It is also illegal to drive while having a blood alcohol content (BAC) above .08 (above .00 for anyone under age 21).

These offences typically result in a misdemeanor charge, fines, court costs, and possible court ordered assessment or educational classes. Driving under the influence of alcohol

often results in a one year revocation of one's driver license for a first offense. Some circumstances such as multiple violations or physical injury can result in prison time.

## **Drug Health Risks and Potential Legal Sanctions**

Health risks of drug use and potential legal consequences are explained at:

[Drug abuse health risks](#)

[Drugs and Abuse: A Drug Enforcement Administration \(DEA\) Resource Guide](#)

## **Getting Help with a Drug or Alcohol Problem**

Resources:

[Substance Abuse and Mental Health Services Administration - SAMSHA](#)

1.800.662.HELP (4357)

[Alcoholics Anonymous - AA](#)

[Davidson County](#) - 336.249.6636

[Davie County](#) - 704.636.1361

[Davidson County Health Department](#) - Substance Abuse Coordinator – 336.242.2356

[Behavioral Health of Davie County](#) - 336.753.6440

[Al-Anon](#)

[Narcotics Anonymous - NA](#)

## **Disciplinary Sanctions**

Illegal or abusive use of drugs or alcohol can adversely affect the educational environment and prevent a person from achieving personal, social, and educational goals. The College has had a Drug and Alcohol Abuse Prevention Program for faculty, staff, and students that addresses substance abuse through education and, when appropriate, through referral or disciplinary action. The Drug Free Workplace Act of 1988, the Drug Free Schools and Communities Amendments of 1989, and the Crime Awareness and Campus Security Act of 1990 have established certain federal reporting and information distribution requirements designed to combat drug and alcohol abuse.

## **Sanctions Under the Law**

North Carolina has structured sentencing, with judges permitted to impose a sentence within a prescribed range, depending on the class of the offense, the number of prior convictions for the individual defendant, and whether there were aggravating or mitigating factors in the circumstances of the offense. The sentences below represent the maximum possible sentence under North Carolina law for possession and sale of the listed drugs:

- Sale of Amphetamine, Cocaine, GHB, Heroin, LSD, MDMA, Methamphetamine, Oxycodone, Opium, Psilocybin:
  - 47 months imprisonment and fine
- Sale of anabolic steroids, barbiturates, marijuana:
  - 47 months imprisonment and fine
- Possession of GHB, Heroin, LSD, MDMA, Psilocybin:
  - 39 months imprisonment and fine
- Possession of more than 100 dosage units of anabolic steroids, barbiturates, Opium, Oxycodone:
  - 24 months imprisonment and fine

- Possession of any amount of amphetamine, methamphetamine, or cocaine
  - 24 months imprisonment and fine
- Possession of marijuana:
  - Less than ½ ounce – 20 days imprisonment and fine
  - More than ½ ounce – 120 days imprisonment and fine
  - More than 1 ½ ounces – 24 months imprisonment and fine

### **School Sanctions**

The System shall, within the scope of applicable federal and state due process requirements, take such administrative or disciplinary action as is appropriate for violations of the Drug and Alcohol Abuse Prevention Policy, DCCC Policy and applicable law. In the event that such violation is also a violation of federal, state, or local law, DCCC may decide to proceed or delay its own disciplinary processes.

### **Students**

Refer to the Student Code of Conduct

### **Employees**

Refer to the Drug and Alcohol Policy in the Faculty and Staff Handbook, Section 3, Personnel Policies

### **Visitors**

Any visitor engaging in any act prohibited by this Policy shall be called on to immediately cease such behavior and shall be subject to other sanctions including referral to law enforcement officials for arrest and prosecution.

### **Getting Help with a Drug or Alcohol Problem**

Students who want help with an alcohol or drug problem can contact Keisha Jones, Dean of Student Engagement and Completion for a referral, the Campus Nurse, and/or the Family Services Counselor. Employees can seek counseling through a referral by Human Resources.

The campus nurse is provided in coordination with the Davidson County Health Department. A mental health counselor is provided in coordination with Family Services of Davidson County.

#### **Campus Nurse**

Love 2<sup>nd</sup> Floor, Suite 206  
 336-249-8186 ext. 6111  
[campusnurse@davidsonccc.edu](mailto:campusnurse@davidsonccc.edu)

#### **Counselor**

Ashley Meyer, LPC  
 Love 2<sup>nd</sup> Floor Suite 206  
 336-249-249-8186 ext. 6175  
[familyservices@davidsonccc.edu](mailto:familyservices@davidsonccc.edu)

#### **Counselor**

Candice Epps, MS, EdS, NCC, LPCA  
 336-249-8186 ext. 6175  
[Candice\\_jackson@davidsonccc.edu](mailto:Candice_jackson@davidsonccc.edu)

## **Disciplinary Procedures – Students**

Per the Student Code of Conduct Policy [5.3.2](#), the College makes every effort to maintain a safe and orderly educational environment for students and staff. Therefore, when, in the judgment of College officials, a student's conduct disrupts or threatens to disrupt the College community, appropriate disciplinary action will be taken to restore and protect the sanctity of the community.

Students are expected to conduct themselves in accordance with generally accepted standards of scholarship and morality. The purpose of these standards is not to restrict student rights but to protect the rights of individuals in their academic pursuits.

The following regulation sets forth offenses for which disciplinary proceedings may be initiated. Violation of one or more of the following code provisions may result in one of the sanctions described in Procedure [5.3.2.1](#) - Discipline and Appeals Procedures for Academic-Related Violations and/or Procedure [5.3.2.2](#) - Discipline and Appeals Procedures for Non-Academic Related Violations.

### **Academic-Related Violations**

- A. **Plagiarism** - The intentional theft or unacknowledged use of another's work or ideas. Plagiarism includes, but is not limited to: a) paraphrasing or summarizing another's words or works without proper acknowledgment; b) using direct quotes of material without proper acknowledgment; or c) purchasing or using a paper or presentation written or produced by another person. If a student is uncertain about what constitutes plagiarism, he/she should discuss with the class instructor.
- B. **Cheating** - Using notes or other material on an exam or class work without permission from the class instructor; receiving information from another student during an exam; obtaining a copy of an exam or questions from an exam prior to taking the exam; submitting someone else's work as one's own; or having someone take one's exam and submitting it as his/her own.
- C. **Aiding Acts of Academic Dishonesty** - Providing information to another student and knowing, or reasonably should have known, that the student intends to use the information for cheating or other deceptive purposes.
- D. **Violations of Normal Classroom Behavior** - Not complying with reasonable rules issued by an instructor, causing disruption in the classroom or being disrespectful to classmates or the instructor. The conduct must be objectively severe or pervasive enough that a reasonable person would agree that the conduct is disruptive or disrespectful not based on content or viewpoint discrimination.

### **Non-Academic Related Violations**

- A. **Theft and Property Damage** - Students shall not steal or damage College property or another individual's property. Students who are caught stealing or damaging said property will be required to make restitution and may be eligible for civil or criminal prosecution as well as College discipline.

- B. **Trespass to Property** - Students are trespassing if in an unauthorized area of the College campus; present on the College campus after closing hours (without permission); or remaining on the College campus after having been directed to leave by a College official.
- C. **Drugs and Alcohol** - Unlawfully possessing, using, being under the influence of, manufacturing, dispensing, selling or distributing alcohol, illegal or unauthorized controlled substances or impairing substances at any College location. For more specific information, see Policy 5.3.5 - Students - Alcohol and Drugs on Campus. In addition, students may not use tobacco of any form or e-cigarettes on campus or at any College-affiliated activities or events.
- D. **Lewd and Indecent Behavior** - Students shall not engage in lewd or indecent behavior, including public physical or verbal action or distribution of obscene material based on reasonable community standards. The conduct must be objectively severe or pervasive enough that a reasonable person would agree that the conduct constitutes lewd and/or indecent behavior.
- E. **Mental/Physical Abuse** - Students shall not mentally or physically abuse any person on the College premises or at a College-supervised function, including verbal or physical actions which threaten or endanger the health or safety of any such persons.
- F. **Assault** - Students shall not assault or threaten to assault another person for any reason whatsoever. Assault includes a demonstration of force, unlawful physical touching or striking.
- G. **Sexual Harassment and Sexual Violence.** Students shall not engage in sexual harassment and/or sexual violence. For more specific information and definitions of prohibited activities, consult Procedure 5.3.4.1 - Sexual Harassment and Sexual Violence.
- H. **Unlawful Discrimination.** Students shall not engage in unlawful discrimination. For more specific information and definitions of prohibited activities, consult Procedure 5.4.3.2 - Unlawful Discrimination.
- I. **Communicating Threats** - Students shall not verbally, in writing, through a third party or by any other means threaten to physically injure another person or that person's child, sibling, spouse or dependent, or willfully threaten to damage the property of another.
- J. **Bullying** - Students shall not intimidate or threaten with harm any other individual. Bullying is defined as any pattern of gestures or written, electronic or verbal communications, or any physical act or any threatening communication that takes place on the College premises or at any College sponsored function that: (a) places a person in actual and reasonable fear of harm to his or her property; or (b) creates, or is certain to create, a hostile environment by substantially interfering with or

impairing a student's educational performance, opportunities or benefits or a College's employee's ability to perform the essential functions of his/her job.

- K. **Disorderly Conduct and Disruption** - Students shall not obstruct or disrupt any teaching, research, administration or disciplinary proceedings, or other College activities, including public service functions, and other duly authorized activities on or off College premises. Students shall not occupy or seize, in any manner, College property, a College facility or any portion thereof for a use inconsistent with prescribed, customary, or authorized use. Students shall not participate in or conduct an assembly, demonstration or gathering in a manner which threatens or causes injury to person or property; which interferes with free access to, ingress or egress of College facilities; which is harmful, obstructive or disruptive to the educational process or institutional functions of the College; hold rallies, demonstrations, or any other forms of public gathering without prior approval of the College based on reasonable time, place and manner restrictions; remain at the scene of such an assembly after being asked to leave by a representative of the College staff.
- L. **Possession of Weapons** - Students may not have a weapon of any kind, including but not limited to, a knife, stun gun or any firearm in their possession on campus or at any College-affiliated activities or events except handguns as allowed by N.C.G.S. § 14-269.4. Handguns are permitted under these circumstances: a) the person has a concealed handgun permit that is lawfully issued; b) the handgun is in a closed compartment or container within the person's locked vehicle; c) a person may unlock the vehicle to enter or exit the vehicle provided the handgun remains in the closed compartment at all times; and d) the vehicle is locked at all times.
- M. **Tampering with Fire Alarms** - Setting off a fire alarm or using or tampering with any fire safety equipment, except with reasonable belief in the need for such alarm or equipment.
- N. **Gambling** - Students may not gamble on campus or at any College-affiliated activities or events.
- O. **Traffic Violations** - Violation of College regulations regarding the operation and parking of motor vehicles.
- P. **Providing False Information** - Students shall not present to the College or its employees false information as part of an investigation, inquiry, hearing or in other matters related to College activities; neither may a student knowingly withhold information which may have an effect on their enrollment or their status with the College.
- Q. **Disobedience / Insubordination** - Failure to comply with instructions of College officials acting in performance of their duties and failure to adhere to the terms of any discipline action.
- R. **Financial Impropriety** - Financial impropriety such as failure to pay College-levied fines, failure to repay College-funded loans, misuse or failure to properly

account for club or student organization funds, or the passing of worthless checks, drafts or orders to College officials.

- S. **Public Laws** - Violations of any federal, state or local laws occurring while on campus may lead to legal actions as well as College discipline. Violations of federal, state or local laws occurring off campus may result in disciplinary action if the student's continued presence on campus constitutes a threat to the safety and order of the campus.
- T. **Failure to Report Criminal Activity** - Failure to inform the College, in writing, within five (5) days after he or she is convicted for violation of any federal, state, or local criminal drug statute or alcoholic beverage control statute where such violation occurred while on a College location. For more information, see Policy 5.3.5 - Student Alcohol and Drugs on Campus.
- U. **Unauthorized Access to College Records** - Students may not access, view, copy or change official College records without expressed authority to do so.
- V. **Animals on Campus** - Students may not have an animal of any kind on campus. This includes animals left within a vehicle. Service animals are permitted and any student with a service animal should report the use of a service animal to the College's Disability Services Coordinator. For more information regarding service animals, see Policy 5.4.5 - Service Animals and Other Animals on Campus
- W. **Improper Use of the College Network/Technology** - Students are prohibited from engaging in any activities prohibited under Policy 7.2 - Internet and Network Acceptable Use.
- X. **Violation of Policies and Procedures** - Students are expected to be familiar with the College's policies and procedures. Students may be disciplined for failure to follow the College's policies and procedures.
- Y. **Hazing** - An act which endangers the mental or physical health of a student or which destroys or removes public or private property for the purpose of initiation, admission into, affiliation with or as a condition for continued membership in a group or organization.
- Z. **Smoking and/or using other forms of tobacco products**, including electronic cigarettes or other vaping device anywhere on College premises or in College vehicles.

Additional information about immediate removals from campus, disciplinary procedures, and student voluntary withdrawals can be found in the Discipline and Appeal for Non-academic Violations Procedure [5.3.2.2](#)

## Appeal to the Disciplinary Review Committee

A student who disagrees with the Conduct Officer's decision may request an appeal before the Disciplinary Review Committee ("Committee"). This request must be submitted in writing to the Conduct Officer within three (3) working days after receipt of the Conduct Officer's decision. The Conduct Officer shall refer the matter to the Committee together with a report of the nature of the alleged misconduct, the name of the complainant, the name of the student(s) against whom the charge has been filed, and the relevant facts revealed by the Conduct Officer's investigation. The Conduct Officer's decision is not tolled pending an appeal.

### 1. Committee Composition

Membership of the Disciplinary Review Committee shall be composed of the following:

- a. Three faculty/staff members appointed by the President.
- b. Three student members appointed by the Student Government Association and approved by the President.
- c. One administrator appointed by the President to serve as Committee Chairperson who will vote only in case of a tie.

At least two faculty/staff members and two students plus the Chairperson must be present in order for the Committee to conduct business.

Committee members will serve one (1) year from the beginning of fall semester through summer semester with replacements appointed by the President or SGA if necessary.

### 2. Committee Hearing Procedures

- a. Pre-Hearing Procedural Responsibilities of the Conduct Officer- The Committee must meet within ten (10) working days of receipt of the student's request for a hearing. At least five (5) working days prior to the date set for the hearing, the Conduct Officer shall send notification to the student(s) with the following information:

- i. A restatement of the charge or charges.
- ii. The time and place of the hearing.
- iii. A statement of the students' basic procedural rights.
- iv. A list of witnesses that the Conduct Officer or designee plans to present.
- v. The names of the Committee members.

At least two (2) days prior to the hearing, the student(s) will provide the Conduct Officer with a witness list.

- b. The following due process rights shall apply to the Committee hearing:

- i. The right to produce witnesses on one's behalf.



- ii. The right to request, in writing, the President to disqualify any member of the Committee for prejudice or bias. (The request must contain reasons). A request for disqualification, if made, must be submitted at least three (3) working days prior to the hearing. If such disqualification occurs, the appropriate nominating body shall appoint a replacement to be approved by the President.
- iii. The right to present evidence.
- iv. The right to know the identity of the person(s) bringing the charge(s).
- v. The right to hear witnesses on behalf of the person(s) bringing the charge(s).
- vi. The right to testify or to refuse to testify without such refusal being detrimental to the student.

c. The following hearing procedures shall apply:

- i. Hearings before the Committee shall be confidential and shall be closed to all persons except the following:
  - ii. The student(s)
  - iii. Committee Members
  - iv. Conduct Officer, or designee
- ii. Witnesses shall only be present in the hearing room when giving their testimony.
- iii. The Conduct Officer, or designee, shall present evidence and witnesses to support his/her decision. Committee members may ask questions to the witnesses.
- iv. The student(s) will then have an opportunity to present evidence and witnesses. Committee members may ask questions to the witnesses.
- v. Each side will have an opportunity to make a short, closing argument. The hearing will be audio recorded. Recordings will become the College's property and access to the recordings will be determined by the Committee Chairperson. All recordings will be filed in the office of the Conduct Officer. The Chairperson shall establish the record at the close of evidence.
- vi. Upon completion of a hearing, the Committee shall meet in closed session to affirm, reverse or modify the Conduct Officer's decision.
- vii. Committee decisions shall be made by majority vote.
- viii. Within two (2) working days after the hearing, the Chair shall notify the student(s) and Conduct Officer, in writing, with the Committee's decision.
- ix. The decision of the Committee is final.

### **Alcohol and Drug Awareness and Prevention Programming and Policies**

The Office of Student Life and Leadership and the Behavioral and Counseling Services unit hosts alcohol and drug awareness and prevention programs to educate and empower students to make the decisions that support their safety and wellbeing. Examples of such events are Arrive Alive and Mocktails and Conversations.

## **Employee-specific Policy**

The illegal use of controlled substances, substances that cause impairment, and abuse of alcohol are harmful to the health, well-being and safety of the College's employees and students. Employees and students who illegally use controlled substances, substances that cause impairment, or who abuse alcohol are less productive, less reliable and prone to greater absenteeism resulting in unnecessary costs, delays, academic failure and safety risks. The College is committed to maintaining a safe workplace and an educational environment free from the influence of illegal controlled substances, substances that cause impairment, and alcohol.

### **I. Prohibited Behavior**

All College employees and students are prohibited from unlawfully possessing, using, being under the influence of, manufacturing, dispensing, selling or distributing alcohol, illegal or unauthorized controlled substances or drug paraphernalia. Using or being under the influence of substances that cause impairment is prohibited for all employees and students.

This Policy does not apply to the use of alcohol in instructional situations (e.g., cooking classes, laboratory experiments) or in conjunction with events which meet the requirements of all state laws (e.g. approved social events). This Policy does not apply to the proper use of lawfully prescribed controlled substances by a licensed health-care provider to the student or employee who is prescribed the controlled substance and using it in the manner in which the healthcare provider prescribed it.

### **II. Definitions**

For purposes of this Policy, the following definitions shall apply:

- A. *Alcohol* means any beverage containing at least one-half of one percent (0.5%) alcohol by volume, including malt beverages, unfortified wine, fortified wine, spirituous liquor and mixed beverages.
- B. *Controlled Substance* means any substance listed in 21 CFR Part 1308 and other federal regulations, as well as those listed in Article V, Chapter 90 of the North Carolina General Statutes. Generally, the term means any drug which has a high potential for abuse and includes, but is not limited to heroin, marijuana, cocaine, PCP, GHB, methamphetamines, and crack. This term also includes any drugs that are illegal under federal, state or local laws and legal drugs that have been obtained illegally or without a prescription by a licensed healthcare provider or are not intended for human consumption.
- C. *Substance* means any substance taken that may cause impairment, including but not limited to bath salts, inhalants, or synthetic herbs.
- D. *Conviction* means the entry in a court of law or military tribunal of: (1) a plea of guilty, nolo contendere, no contest or the equivalent; (2) a verdict of guilty; or (3) a prayer for judgment continued or a deferred prosecution.
- E. *Reasonable Suspicion* is the legal standard required before the College can require an employee to take a drug or alcohol test. Some of the factors that constitute reasonable suspicion are: a) direct observation of drug use or possession; b) direct observation of the physical symptoms of being under the influence of drugs; c) impairment of motor functions; d) pattern of abnormal or erratic conduct or behavior; or e) reports from reliable sources or credible sources (anonymous tips may only be considered if they can be independently corroborated).

### **III. Duty to Report**

Pursuant to Procedures 3.3.3.1 – Arrests and Convictions, all employees who are arrested, indicted, cited or convicted for a criminal offense are required to inform, in writing, his/her supervisor. This includes being arrested or receiving a citation for a violation of any federal or state-controlled substance or alcohol statute. If an employee's arrest, conviction or citation has an effect on the employee's ability to perform his/her job duties or brings negative attention to the College, the employee may be subject to disciplinary action in accordance with this Policy.

Convictions of employees working under federal grants that are convicted of violating a federal or state controlled substance or alcohol statute on the College's property, or as part of any activity initiated by the College, shall be reported to the appropriate federal agency. A College official must notify the U.S. government agency, which made the grant, within ten (10) days after receiving notice from the employee or otherwise receives actual notice of a conviction of a controlled substance or alcohol statute occurring in the workplace.

Students employed under the College Work Study Program are considered to be employees of the College if the work is performed for the College in which the student is enrolled. For work performed for a federal, state, local public agency, a private nonprofit or a private for-profit agency, students are considered to be employees of the College unless the agreement between the College and the organization specifies that the organization is considered to be the employer.

#### **IV. Consequences for Violations**

Violation of this Policy will subject students and employees to disciplinary action including, but not limited to: suspension, expulsion, non-renewal or termination of employment or the requirement that the student or employee satisfactorily participate in a drug or alcohol abuse assistance or rehabilitation program at the student or employee's expense and approved by the College and agree to certain conditions. Further, any conviction of a drug or alcohol offense will result in an employee's ability to drive a College vehicle for three (3) years from the date of the conviction. If the employee is required to travel on behalf of the College during the three (3) year vehicle -suspension, the employee will be required to use a personal vehicle and be reimbursed at the mileage rate of \$0.15 per mile.

Article V of Chapter 90 of the North Carolina General Statutes makes it a crime to possess, manufacture, sell or deliver or possess with intent to sell or deliver a controlled substance. N.C.G.S. § 90-95. As citizens, all members of the College community are expected to know and comply with these laws. Legal matters may be referred to local law enforcement. Employees and students who are in violation of alcohol and drug laws may suffer legal consequences ranging from fines up to incarceration. Furthermore, any substance taken that may cause impairment, including but not limited to bath salts, inhalants, or synthetic herbs, is also considered a violation of the drug and alcohol Policy.

#### **V. Controlled Substances and Alcohol Testing**

Upon a conditional offer of employment, new employees may be required to be tested for substances, including controlled substances or alcohol.

Employees may be required to be tested for substances, including controlled substances or alcohol, based on individualized, reasonable suspicion. The required observations for reasonable suspicion testing shall be made by an administrator, supervisor or other trained official and the person who makes the determination that reasonable suspicion exists shall not be the same person who conducts the test. This section does not apply to law enforcement

officers serving the College through the local sheriff's department. Law enforcement officers must adhere to their normal standards when conducting a search.

All substances, including controlled substances and alcohol testing, shall be administered by a non-College, third party laboratory chosen by the President. The testing shall be performed at the laboratory. A representative from Human Resources and the employee's immediate supervisor will accompany the employee to the testing site utilizing a College vehicle (if available). The chosen laboratory shall use standard testing protocols that will maintain the confidentiality of the employee and student. All tests shall be reviewed by a medical review officer not affiliated with the College. Employees will have the opportunity to provide any information to the medical center which the employee considers relevant to the test, including identification of currently or recently used prescription or non-prescription drugs. The College shall pay for the initial test. If the employee wishes to dispute the results with a subsequent re-test, the employee shall be responsible for the cost of the re-test.

Pending the results of the testing, (if not instant), the employer can suspend the employee on leave with pay. The College must give the employee written notice of positive results and notice of the right to a re-test (at the employee's expense) pursuant to G.S. 95-232(f). If the results are positive, the supervisor may recommend disciplinary action pursuant to Policy 4.3.4.

## **VI. Post-accident testing**

In the event of a work-related injury, if the supervisor has reason to suspect that impairment is involved in the accident s/he should report the incident to a representative from the Human Resources Department and the employee may be tested as set forth above.

## Miscellaneous Information

### Weapons Policy

According to the Weapons on Campus Policy [4.3.3](#) for employees, students, staff, faculty and visitors are legally prohibited from carrying a weapon onto campus unless a legal exception applies. For purposes of this policy, a "weapon" includes firearms, explosives, BB guns, stun guns, air rifles or pistols and certain types of knives or other instruments, including daggers, switchblade knives, razors and razor blades (unless used solely for shaving), dirks, daggers, slingshot, leaded cane, metallic knuckles, bombs, grenades, mine, tear gas, powerful explosives, or fireworks (see N.C.G.S. § 14-269.2).

The prohibition does not apply if the weapon is on campus pursuant to one of the reasons listed in N.C.G.S. § 14-269.2(g), including:

- A. A weapon used for ceremonial purposes or used in a College-approved program;
- B. A weapon carried by authorized College security personnel;
- C. A weapon carried by law-enforcement officers;
- D. A weapon carried by law enforcement officers instructing for instructional purposes.

It is the individual's responsibility to know and understand the law prior to bringing any weapon onto campus. Failure to follow the law, regardless of the person's intent, will result in appropriate disciplinary action and a referral to local law enforcement. It is permissible for an individual to bring a handgun onto campus under the following limited circumstances:

A. The firearm is a handgun; AND

B. The individual has a valid concealed handgun permit (or is exempt from the law requiring a permit);

AND C. The handgun remains in either: a closed compartment or container within the locked vehicle of the permit holder; or a locked container securely affixed to the locked vehicle of the permit holder; AND

D. The vehicle is unlocked only when the permit holder is entering or exiting the vehicle;

AND E. The handgun remains in the closed compartment or container at all times except for a reasonable amount of time for the person to transfer the handgun from the closed compartment or container to his person or from his person to the closed compartment or container.

Firearms (and other weapons prohibited on campus) may not be stored or transported in College-owned or rented vehicles.

Any violation of the above standards is a violation of state law and the Davidson County Community College Student Code of Conduct and Employee Policies.

According to the Student Code of Conduct [Item L](#), students may not have a weapon of any kind, including but not limited to, a knife, stun gun or any firearm in their possession on campus or at any College-affiliated activities or events except handguns as allowed by

N.C.G.S. § 14-269.4. Handguns are permitted under these circumstances: a) the person has a concealed handgun permit that is lawfully issued; b) the handgun is in a closed compartment or container within the person's locked vehicle; c) a person may unlock the vehicle to enter or exit the vehicle provided the handgun remains in the closed compartment at all times; and d) the vehicle is locked at all times.

### **Traffic Accidents**

All traffic accidents occurring on DCCC Campuses are to be reported to campus Security who will then contact the North Carolina Highway Patrol to be investigated as required by N.C. law.

### **No Responsibility for Damage**

DCCC is not responsible for loss or damage to vehicles or any articles therein resulting from theft, accident, or fire.

### **Personal Accident**

In case of an accident, students should report the accident to an instructor or college personnel and request that DCCC Campus Security and the Student Affairs Specialist, Leann Pate, be contact. Leann can be reached directly at 336-249-8186 ext. 6328. All accidents should be reported as soon as possible.

### **Inclement Weather Procedures**

According to the Inclement Weather/Emergency Closings [Policy 3.2.11](#), during situations such as natural disasters, emergencies and/or inclement weather, the President has the discretion to alter the College's operating schedule as needed. The President shall take steps necessary to deal with the situation and notify College employees.

Also included in the policy is information about the use of leave and the loss of instructional time.

### **Assumptions**

1. President's staff and designated other staff will evaluate weather reports, road conditions and campus preparedness to make decisions regarding the closing of the College, cancellation of classes or delayed opening.
2. College faculty and staff will use their personal judgment in determining if weather conditions permit their safe travel to work.
3. The College reserves the right to designate specific faculty or staff as essential personnel whose functions are vital to key operations of the College such as physical plant services and administrative services with deadlines that must be met regardless of weather conditions. Employees will be informed of their status as essential by their supervisor or College officials as circumstances deem appropriate. Essential personnel may be assisted in getting to the campus via use of a College vehicle only.

### **Media Messages**

According to the Inclement Weather/Emergency Closings Procedure 3.2.11.1, every effort will be made to make announcements regarding adverse weather/emergency closings or delays as early as possible. Decisions impacting day classes will be made by 6:00 a.m. or

earlier if possible. Decisions about evening classes will be made by 4:00 p.m, if not earlier. In the absence of such an announcement, the College will be operating on its usual schedule.

Early College students should follow the county/city schools' schedule. However, if the College is open, Early College students should make every effort to attend their College classes.

Announcements regarding closures, or delayed schedules, will be posted on the College's website and on local TV stations, college social media sites, and the college's mass alert system. If the College is closed, employees designated as essential personnel shall report to work.

- a. "Non-exempt personnel designated as essential personnel are entitled to compensatory time as outlined in Policy 3.1.4 in the Faculty Staff Handbook. Essential personnel unable to report to work are required to take annual leave or compensatory time.

For a delayed opening, the College will announce the time in which the College shall open. All employees should report by the announced opening time and should contact their supervisor if they are unable to attend work or will be later than the opening time. Employees unable to attend will be required to use leave or compensatory time.

Classes that are scheduled at the time the College opens will meet for the remainder of the scheduled class or lab time. For example, the College will open at 10 a.m. For a class beginning at 9:30 and ending at 11:00, the class would begin at 10:00 a.m. and meet until 11:00a.m.

It should be noted that each television station applies unique constraints to what can be broadcast regarding inclement weather closings and delays. Often the message broadcast is different from the message the College delivered. It is recommended that employees check two different sources to confirm a consistent message, including media, College website, and phone system. In order to reduce the level of confusion, one of the following will be specified: open, closed, or delayed opening.

### **Definitions of Reportable Crimes and Other Relevant Definitions**

**Murder and Non-Negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.

**Negligent Manslaughter:** The killing of another person through gross negligence.

**Forcible Sodomy:** Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly against the person's will, where the victim is incapable of giving consent because of his or her youth or because of his or her temporary or permanent mental or physical incapacity.

**Dating Violence:** includes, but is not limited to, sexual or physical abuse or the threat of such abuse by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship will be determined based on the consideration of the length and type of the relationship and the frequency of interaction between the persons involved in the relationship. Dating violence includes the use or threat of physical force or restraint carried out with the intent of causing pain or injury to another within the relationship.

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

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

**Course of Conduct** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

**Reasonable person** means a reasonable person under similar circumstances and with similar identities to the victim.

**Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

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

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabited with, the victim as a spouse or intimate partner;
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction
- By a person similarly situated to a spouse of the victim under domestic of family violence laws of the jurisdiction in which the crime of violence occurred, or
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic of family violence laws of the jurisdiction in which the crime of violence occurred.

**Consent** means clear, unambiguous and voluntary agreement between the participants to engage in specific sexual activity. Furthermore, someone who is incapacitated cannot consent; past consent does not imply future consent, silence or absence of resistance does not imply consent; consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another; consent can be withdrawn at any time; and coercion, force, or threat of either invalidates consent.

**Sexual Assault:** an offense that meets the definition of rape, fondling, incest, or statutory rape.

**Sexual Assault with an Object:** The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcible and/or against that person's will; or not forcibly or against the person's will, where the victim is incapable of giving consent because of his or her youth or because of his or her temporary or permanent mental or physical incapacity.

**Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

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



**Forcible Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcible or against the person's will, where the victim is incapable of giving consent because of his or her temporary or permanent mental or physical incapacity.

**Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

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

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

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

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

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

**Liquor Law Violations:** The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned activities. (Drunkenness and driving under the influence are not included in this definition).

**Drug Abuse Violations:** The violation of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana, synthetic narcotic (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Weapon Law Violations:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: the manufacture, sale, or possession of deadly weapons; the carrying of deadly weapons, concealed or openly; the furnishing of deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned acts.

## **Hate Crimes**

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

**Race:** A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.

genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind (e.g., Asians, Blacks, Whites).

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

**Gender Identity:** A preformed negative opinion or attitude towards a group of persons because those people identify as a specific gender, including a gender they may not have been born with.

**Religion:** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being. (e.g., Catholic, Jew, Protestant, Atheist).

**Sexual Orientation:** A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g., Gay, Lesbian, Heterosexuals).

**Ethnicity:** A preformed negative opinion or attitude toward a group of persons of the same race who share common or similar traits, languages, customs and traditions (e.g., Arabs, Hispanics).

**National Origin:** A preformed negative opinion or attitude toward a group of persons of the same national origin.

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

## **Resources**

### **All Campuses:**

### **Ext./Number**

Emergency	911
Campus Emergency	6777 or 911
Confidential Crime Line	6811
Electronic reporting (non-emergency)	

Behavioral Incident Report:

[https://davidsonccc-advocate.symplicity.com/public\\_report/index.php/pid378013?](https://davidsonccc-advocate.symplicity.com/public_report/index.php/pid378013?)

### **Davidson Campus:**

### **Number/Ext.**

Campus Resource Officers	336-249-8186 ext. 6729
Campus Security	336-240-4215 ext. 6274
Campus Switchboard	Dail-0
Disability Service Counselor	336-249-8186 ext. 6342
Vice President, Student Affairs	336-249-8186 ext. 6711
Director, Human Resources	336-249-8186 ext. 4662
Director of Behavioral and Counseling Services, Conduct Officer, Title IX Coordinator, Counselor	336-249-8186 ext. 4516

### **Davie Campus:**

### **Number/Ext.**

Campus Resource Officer	336-751-2885 ext.4857
Campus Security	336-479-0204 ext. 4861
Director, Student Services	336- 249-8186 ext. 4853
Associate Dean, Academics	336-249-8186 ext. 6303
Dean, Davie Campus	336-249-8186 ext. 4840

## **Community and National Resources**

Davidson County Sheriff's Department: (336) 242-2105  
Davie County Sheriff's Department: (336) 751-6238  
Davie Domestic Violence Services & Rape Crisis Center: (336) 751-4357  
Family Services Crisis Line (24 hours): (336) 243-1934  
Family Services of Davidson County: (336) 249-0237  
Legal Aid of North Carolina: 1-866-219-LANC (5262)  
Lexington Police Department: (336) 243-3302  
Mocksville Police Department: (336) 751-6231  
North Star LGBT Community Center of Winston-Salem: (336) 893-9053  
Social Services of Davie County: (336) 751-8800  
Thomasville Medical Center Emergency Department: (336) 476-2450  
Thomasville Police Department: (336) 475-4260  
LGBTQIA National Hotline: 1-888-843-4564  
National Domestic Violence Hotline (24 hours): 1-800-799-SAFE (7233)  
National Sexual Assault Hotline (24 hours): 1-800-656-HOPE (4673)

**Campus Crime Statistics**

**Davidson**

**Davie**

	2017	2018	2019		2017	2018	2019
Murder/Non-negligent Manslaughter	0	0	0		0	0	0
Negligent Manslaughter	0	0	0		0	0	0
Rape	0	0	0		0	0	0
Fondling	0	0	0		0	1	0
Incest	0	0	0		0	0	0
Statutory Rape	0	0	0		0	0	0
Robbery	0	0	0		0	0	0
Aggravated Assault	0	0	0		0	0	0
Burglary	0	0	0		1	0	0
Motor Vehicle Theft	0	0	0		0	0	0
Arson	0	0	0		0	0	0
Hate Crimes	0	1	1		0	0	0
<b>Arrest</b>							
Weapons – carrying/possessing	0	0	0		0	1	0
Drug Violations	0	0	0		1	0	0
Liquor Law Violations	0	0	0		0	1	0
<b>Discipline</b>							
Weapons – carrying/possessing	0	0	0		0	0	0
Drug violations	0	0	0		0	0	0
Liquor Law Violations	0	0	0		0	0	0

**2017 VAWA Category Crimes**

Sexual Assault	0	0	0		0	0	0
Stalking	1	0	1		0	0	0
Domestic Violence	0	0	0		0	0	0
Dating Violence	0	0	0		0	0	0